

Sandyston Township

Minutes

October 14, 2014

This meeting was opened and called to order at 7:00 pm 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: Betsy Pinzone, Roy McClain, Wilbur & Marie Rath, Ryan Earley, Steve Williamson, Kerry Deckert, Hixon & Sharon Spangenberg, Glenn & Gayle Hull, Richard Samartin

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

Minutes: The Committee reviewed the regular meeting minutes of **September 9, 2014**. Deputy Mayor Leppert made a motion to approve the **September 9, 2014** minutes, correcting the date of the minutes to read "September 9, 2014", as they currently read "August 12, 2014", seconded by Mayor MacDonald and unanimously carried.

Tax Collector Report: The Tax Collector's report for the month of **September 2014** was presented with total receipts Month-To-Date of \$51,220.75 and a Year-To-Date total of \$4,218,027.38. Mayor MacDonald made a motion to approve the Tax Collector's Report, seconded by Deputy Mayor Leppert and unanimously carried.

Treasurer's Report: The Treasurer's Report for the month of **September 2014** was presented with a beginning balance of \$1,208,911.61, total receipts of \$124,009.42, and total disbursements of \$403,382.29 leaving an ending balance of \$929,538.74. Mayor MacDonald read the following balances: General Capital Account \$175,044.11, Animal Control Escrow \$43,414.47, Public Assist Escrow \$3,527.91, Unemployment Escrow \$23,442.99, COAH Trust \$30,700.23, Security Asst. Fund \$18,547.90 and the Small Cities Master \$4,766.29. 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 **September 2014** was submitted for approval. Mayor MacDonald made a motion to approve the bills list for the month of **September 2014** in the amount of \$858,740.08 and any money due to Harold E. Pellow & Associates which the township was holding, seconded by Deputy Mayor Leppert and unanimously carried.

Departmental Reports: The Committee reviewed the departmental reports. Committeeman Harper commended the Road Foreman on the drainage ditch installed at the DPW Garage.

Old Business:

Performance Bond/Block 1105 Lot 14: The Clerk noted the Land Use Administrator a second letter to Mr. Shi regarding the posting of a bond for this location and stated this matter would most likely be discussed at the next Planning Board meeting.

Status: In Rem Foreclosure: The Clerk stated the first round of In Rem Foreclosures has been completed. The Clerk stated the remaining two In Rem Foreclosures are in the process of being filed with the Court. The Clerk stated the township attorney is trying to find an address for Michael Catalano.

Off-Road Ordinance Discussion: The Committee reviewed the Draft Ordinance for a pending ordinance which is on the agenda entitled "Vehicles, Motor Driven". Deputy Mayor Leppert made a motion to open the meeting to the floor for comments or discussion on this draft ordinance, seconded by Committeeman Harper and unanimously carried.

Wilbur Rath, 87 Ridge Road, came forward and questioned "In such manner as to create loud necessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons". Mr. Rath stated the removal of "loud unnecessary or unusual noise" could be stricken and the sentence would be the same. Committeeman Harper the burden of proof is on the complainant to show the noise is "loud unnecessary and unusual" through documentation and not having to prove the decibel level. Mr. Rath also suggested eliminating "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". Committeeman Harper stated this section is stating if you don't have a muffler on the motorcycle and you record this problem the Judge might agree with you that it is not a factory muffler. There being no further comment, Deputy Mayor Leppert made a motion to close the meeting to the public, seconded by Mayor MacDonald and unanimously carried.

Outdoor Entertainment Ordinance Discussion: The Committee reviewed the changes to the Outdoor Entertainment Ordinance. The Committee suggested asking Mr. Miller of Gyp's Tavern to review the changes prior to introduction of the ordinance.

911 Dispatching Agreement: Mayor MacDonald noted the 911 Dispatching Agreement has been executed with the County resulting in a \$9,000 savings for 911 Dispatching.

CR 560 Streetscape Improvements – Phase II & Phase III

- **Phase II** - No specific comments to Phase II
- **Phase III** - Mayor MacDonald stated appraisals were completed and the Committee will be discussing negotiation in Executive Session. Committeeman Harper noted two of the property owners in Phase III have offered to sell their easement rights in fee rather than an easement.

New Business:

No Passing Zone, Route US 206 (near Shaytown Road): The Clerk stated Mr. Philip Manno of Volker Lane wrote a letter to the State of New Jersey, Department of Transportation regarding review of a situation on Route 206 near Volker Lane requesting the removal of the Passing Zone. The Clerk stated there is a Resolution supporting this matter for the Committee's consideration on the agenda.

Best Practices: The Committee reviewed the Best Practices document. Committeeman Harper made a motion to accept the Best Practices as submitted, seconded by Mayor MacDonald and unanimously carried. The deadline for submission of the Best Practices information is Friday, October 17, 2014.

Application for Blue Light Permit: A. Thompson: The Committee reviewed the Blue Light Renewal Application for fire department member, Angela Thompson. Deputy Mayor Leppert made a motion to approve the renewal application, seconded by Committeeman Harper and unanimously carried.

Green Acres Submission: Block 703 Lot 1.04, Block 702, Lots 2.11 & 2.12: The Committee reviewed two applications for the sale of property to the State of New Jersey – Green Acres Program. There are two Resolutions for the Committee's consideration on the agenda. Committeeman Harper made a motion to

approve the applications for sale of the properties on Devita Road to the State of New Jersey, seconded by Deputy Mayor Leppert and unanimously carried.

Newsletter: Committeeman Harper suggested the Mayor and Clerk work on the newsletter and email the Committeemen a copy for review prior to mailing.

Use of Facility Request: The Committee reviewed a request by the YMCA for the “Music and More Program” to be held on available Friday’s in October, November and December. Mayor MacDonald made a motion to approve this use, seconded by Committeeman Harper and unanimously carried.

Use of Facility Request: The Committee reviewed a request by Sandyston Recreation “Trunk or Treat” Halloween Event on Friday, October 31, 2014. Committeeman Harper made a motion to approve this use, seconded by Mayor MacDonald and unanimously carried.

Use of Facility Request: The Committee reviewed a request by Kittatinny Midget Football League for a “Trophy Presentation/End of Season Party” on November 1, 2014 from 3 pm to 5 pm. Mayor MacDonald made a motion to approve this use pending receipt of the Certificate of Insurance, seconded by Committeeman Harper and unanimously carried.

Use of Facility Request: The Committee reviewed a request by Sandyston Recreation for the “Gobble Hobble 5K” Fund-Raiser on Thursday, November 27, 2014. Committeeman Harper made a motion to approve this use, seconded by Mayor MacDonald and unanimously carried.

Resignation Letter: E. Pinzone: Committeeman Harper read the resignation letter of Elizabeth Pinzone into the record. Committeeman Harper commended Mrs. Pinzone for her diligence and self-starting attitude in learning the Planning Board Secretary position in a time where there are not a lot of applications before the Planning Board. Mayor MacDonald stated it has been a pleasure working with Mrs. Pinzone who did an excellent job with the many responsibilities she had working for the Township. Deputy Mayor Leppert thanked Mrs. Pinzone for her hard work over the years and wished her well with her retirement. Committeeman Harper made a motion to accept the resignation, with regret, seconded by Mayor MacDonald and unanimously carried.

Resolutions:

TOWNSHIP OF SANDYSTON

R-59-2014

RESOLUTION TO MAKE APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM FOR SALE OF REAL PROPERTY BLOCK 703 LOT 1.04 OWNED BY THE TOWNSHIP OF SANDYSTON

WHEREAS, the Green Acres Program works with landowners to preserve environmentally sensitive open space, water resources, and other natural and historic resources; and

WHEREAS, protected lands become part of the statewide system of parks, forests, wildlife management areas, and preserves; and

WHEREAS, the Township of Sandyston desires to make application to the New Jersey Department of Environmental Protection Green Acres Program for the sale of the following properties owned by the Township of Sandyston:

Block 703 Lot 1.04 Devita Road Assessed Value: \$90,700 Acres: 1.989

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Sandyston that the Municipal Clerk is hereby authorized to make application to the New Jersey Department of Environmental Protection Green Acres Program for the donation of the above properties.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Sandyston that the Mayor is hereby authorized to sign said application to the New Jersey Department of Environmental Protection Green Acres Program for the sale of the above properties.

The Committee reviewed **R-59-2014**. Committeeman Harper made a motion to approve **R-59-2104**, seconded by Mayor MacDonald and unanimously carried.

TOWNSHIP OF SANDYSTON

R-60-2014

RESOLUTION TO MAKE APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM FOR SALE OF REAL PROPERTY BLOCK 702 LOT 2.11 AND BLOCK 702 LOT 2.12 OWNED BY THE TOWNSHIP OF SANDYSTON

WHEREAS, the Green Acres Program works with landowners to preserve environmentally sensitive open space, water resources, and other natural and historic resources; and

WHEREAS, protected lands become part of the statewide system of parks, forests, wildlife management areas, and preserves; and

WHEREAS, the Township of Sandyston desires to make application to the New Jersey Department of Environmental Protection Green Acres Program for the sale of the following properties owned by the Township of Sandyston:

| | | | | |
|-----------|----------|-------------|--------------------------|--------------|
| Block 702 | Lot 2.11 | Devita Road | Assessed Value: \$45,100 | Acres: 2.232 |
| Block 702 | Lot 2.12 | Devita Road | Assessed Value: \$46,400 | Acres: 3.742 |

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Sandyston that the Municipal Clerk is hereby authorized to make application to the New Jersey Department of Environmental Protection Green Acres Program for the donation of the above properties.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Sandyston that the Mayor is hereby authorized to sign said application to the New Jersey Department of Environmental Protection Green Acres Program for the sale of the above properties.

The Committee reviewed **R-60-2014**. Deputy Mayor Leppert made a motion to approve **R-60-2104**, seconded by Mayor MacDonald and unanimously carried.

SANDYSTON TOWNSHIP

R-61-2014

RESOLUTION OF SUPPORT THE USE OF "NO PASSING ZONE" ON ROUTE 206 IN SANDYSTON TOWNSHIP AS RECOMMENDED BY NEW JERSEY DEPARTMENT OF TRANSPORTATION

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 206 in Sandyston Township; and

WHEREAS, based on this investigation, it has been recommended to revise the centerline pavement markings on Route 206 to create a “No Passing Zone” along Route US 206 in the vicinity of M.P. 126.68 (C.R. 656/Shaytown Road) to M.P. 127.00; and

WHEREAS, this project will create safer driving conditions in this area of Route 206;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Sandyston, County of Sussex, in the State of New Jersey, that it supports the use of a “No Passing Zone” along Route US 206 in the vicinity of M.P. 126.68 (C.R. 656/Shaytown Road) to M.P. 127.00 in Sandyston Township as recommended by NJDOT.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

The Committee reviewed **R-61-2014**. Deputy Mayor Leppert made a motion to approve **R-61-2104**, seconded by Committeeman Leppert and unanimously carried.

Township of Sandyston

R-62-2014

RESOLUTION FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HOTALEN ROAD – SECTION III PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Sandyston Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Hotalen Road – Section III-00026 to the New Jersey Department of Transportation on behalf of Sandyston Township.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Sandyston Township and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

The Committee reviewed **R-62-2014**. Deputy Mayor Leppert made a motion to approve **R-62-2104**, seconded by Committeeman Harper and unanimously carried.

SANDYSTON TOWNSHIP

R-63-2014

RESOLUTION TO APPROVE PURCHASE OF FIRE TRUCK FROM TOWNSHIP OF SPARTA AND CONVEYANCE TO SANDYSTON TOWNSHIP VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Township of Sandyston has approached the Township of Sparta to purchase a fire truck which has been deemed by the Township of Sparta to be surplus property for use by the Sandyston Township Volunteer Fire Department; and

WHEREAS, the Township of Sparta Volunteer Fire Department has recommended the sale of this fire truck to the Township of Sandyston in the amount of \$1,000 in an “as is” condition; and

WHEREAS, the Mayor and Council of the Township of Sparta approved the sale by resolution adopted on September 23, 2014; and

WHEREAS, the Local Lands and Buildings Law authorizes the Township of Sandyston to purchase such personal property and, pursuant to N.J.S.A. 40A:12-21.1, permits it to sell same at a private sale for nominal consideration to any duly incorporated nonprofit organization or association such as the Township of Sparta Volunteer Fire Department.

NOW, THEREFORE BE IT RESOLVED, the Township Committee of the Township of Sandyston, in the County of Sussex, in the State of New Jersey hereby approves the purchase of the fire truck in the amount of \$1,000 in "as is" condition.

BE IT FURTHER RESOLVED the Township Committee of the Township of Sandyston, in the County of Sussex, in the State of New Jersey hereby conveys the fire truck to the Sandyston Township Volunteer Fire Department and authorizes the Mayor and Municipal Clerk to execute all necessary documents as it relates to this transaction.

The Committee reviewed **R-63-2014**. The Clerk explained the fire truck is being purchased by the fire department, but the sale must be between the Sparta Township and Sandyston Township. Sandyston Township then conveys this fire truck to the Sandyston Township Volunteer Fire Department through this Resolution. Deputy Mayor Leppert made a motion to approve **R-63-2104**, seconded by Mayor MacDonald and unanimously carried.

Ordinances:

SANDYSTON TOWNSHIP

ORDINANCE 2014-08

AN ORDINANCE TO AMEND CHAPTER 71 OF THE CODE OF THE TOWNSHIP OF SANDYSTON, NEW JERSEY BEING THE FIRE PREVENTION ORDINANCE

BE IT ORDAINED by the Township Committee of the Township of Sandyston, Sussex County, New Jersey that Chapter 71 of the Code of the Township of Sandyston being hereby amended to add the following:

Section 71-9 Non-Life Hazard Uses

- A. 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 and such inspection shall be valid for three years. Changes in the ownership or use of a property during the three year period will require a new inspection.**

The Committee reviewed **Ordinance 2014-08**. Deputy Mayor Leppert made a motion to open **Ordinance 2014-08** to the public, seconded by Mayor MacDonald and unanimously carried.

Glenn Hull, Layton, came forward and asked for an explanation of this Ordinance. Deputy Mayor Leppert explained that inspections for Non-Hazard Life Uses will now be inspected every three years. Mr. Hull asked what a Non-Hazard Life Use is. Committeeman Harper answered this means non-occupational commercial and explained that this would be fire inspections for businesses. Committeeman Harper explained the reason for this change is to take the inspections from one year to three years because the fee increased by the State of New Jersey. Committeeman Harper stated we are able to take the inspection change it to an inspection performed every three years to mitigate the fee on business owners. Deputy Mayor Leppert made a motion to close the Ordinance to the public, seconded by Mayor MacDonald and unanimously carried. Deputy Mayor Leppert made a motion to approve **Ordinance 2014-08**, seconded by Committeeman Harper and unanimously carried. **Roll Call Vote followed: Ayes: Harper, Leppert, MacDonald; Nays 0; Absent 0; Abstain 0**

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**. Deputy Mayor Leppert made a motion to approve the introduction of **Ordinance 2014-09**, seconded by Committeeman Harper and unanimously carried. Deputy Mayor Leppert stated there will be a public hearing on this Ordinance on Tuesday, November 18, 2014 at 9:00 am. Committeeman Harper explained there are certain portions of our Ordinance that are not in compliance with other portions or inconsistent with state law. Committeeman Harper stated this was due to a review of our Ordinances done by Wes Powers.

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 2014-10**. Deputy Mayor Leppert made a motion to approve the introduction of **Ordinance 2014-10**, seconded by Mayor MacDonald and unanimously carried. Deputy Mayor Leppert stated there will be a public hearing on this Ordinance on Tuesday, November 18, 2014 at 9:00 am.

Correspondence: The Committee reviewed the Correspondence. Committeeman Harper noted the email received from George Morville regarding the value of the municipal building and made a motion to increase the building value to \$2,250,000, seconded by Deputy Mayor Leppert and unanimously carried.

Mayor MacDonald read a letter into the record in response to a letter received by Mr. Glenn Hull which he read at the meeting of September 9, 2014:

"This letter serves to acknowledge receipt of a written copy of the letter you read to the Township Committee at its regular meeting on September 9, 2014.

We enclose a copy of a letter of Michael Garofalo, Esq., former Municipal Attorney, to your son in response to an inquiry relating to the same issues.

Please be further advised the then Mayor of Sandyston executed a Quit Claim Deed, which conveys any interest the Township may have had in the road, if any, to the United States of America. The Township did not represent it had any ownership interest in the Road. The Deed, which the then Mayor executed under oath, stated in two places that there was no consideration. The Deed speaks for itself.

The Township of Sandyston will have no further comment on this matter."

The Clerk noted the attorney for the Sandyston-Walpack School has sent over a revised easement for review by the Township Committee. Committeeman Harper made a motion to approve the revisions to the easement for Sandyston-Walpack School, for Phase III, seconded by Mayor MacDonald and unanimously carried.

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

Glenn Hull, Layton, came forward and stated he wasn't sure he understood the letter and asked how much the town received. Mr. Hull stated the deed was recorded as a sale of property at the Hall of Records. Mayor MacDonald answered, as stated in the letter, there was no consideration. Mr. Hull stated the deed has a recording stamp that there was buyer's fee and a real estate tax paid to the State of New Jersey. Mayor MacDonald stated Mr. Hull would need to take that up with the County Clerk, as the Township letter states there was no consideration given to Sandyston Township. Mr. Hull asked if the town is stating they owned the land. Mayor MacDonald stated the town has answered his question and the deed reads there was no consideration to the Township of Sandyston.

Committeeman Harper stated the Township is not going to debate what a deed says or what a deed meant and stated the town has been advised to not make any comment. Committeeman Harper stated that Mr. Hull is on a four year quest to get some technicality where he can bring some kind of lawsuit, which he has made clear in minutes in the past, against this township for some kind of action. Committeeman Harper stated this has been OPRA requested many times and there is no document there, and this has been requested by both of his sons and now Mr. Hull and it has been responded to three times. Committeeman Harper stated this question has been answered and the town is not going to get into debating what a deed meant and suggested Mr. Hull seek legal advice to interpret a deed. Committeeman Harper stated the town has been advised not to go any further with this matter which has cost the township thousands to deal with. Committeeman Harper stated this is just charade to continue what has gone on between Mr. Hull and the Federal Government and trying to bring the Township of Sandyston into this matter. Committeeman Harper stated

this is not an issue with the Township of Sandyston. Committeeman Harper stated this matter has been through the Federal Court, there has been a judgment rendered by a Federal Judge and the Township is not going to spend any more taxpayer money on this matter. Committeeman Harper offered Mr. Hull to discuss any other issues he may wish discuss.

Mr. Hull stated the deed was not eligible to be recorded in the State of New Jersey at the Sussex County Hall of Records. Committeeman Harper stated the Township is not going to discuss anything about legalities and interpretations of what went on with the deed. Committeeman Harper stated Mr. Hull does not have an issue with the Sandyston Township Committee. Committeeman Harper stated Mr. Hull has an issue with how the deed was recorded. Committeeman Harper stated this matter is costing the taxpayers of Sandyston thousands of dollars and it is not fair to any taxpayer in this Township for Mr. Hull to continue when the answer is the same.

Mr. Hull stated the Township assisted in the recording of the deed on June 16, 2008. Committeeman Harper stated Mr. Hull can deal with this matter, but all Mr. Hull is doing is proposing something to the Township Committee which the Township must seek legal advice on and the Township must seek legal advice because Mr. Hull has made it clear that he wants to sue Sandyston Township, which is on the record. Committeeman Harper stated the Township Attorney has advised the Township Committee to make no comment.

Mr. Hull stated Sandyston Township did not own the property in the deed that was recorded as a sale of property. Mr. Hull stated the deed was presented on June 16, 2008 as a sale of property from Sandyston Township to the National Park Service. Mr. Hull stated Sandyston Township assisted in this sale on June 16, 2008 by signing a Seller's Residency Certification/Exemption allowing the deed to be recorded. Mr. Hull stated the deed was not recordable by the New Jersey Recording Act anyway other than as a sale of property by the way it was done. Mr. Hull stated it was a back door recording and this deed was not recordable as a donation. Mr. Hull stated it says no consideration on the deed and it says no consideration on the Seller's Residency/Exemption. Mr. Hull stated Sandyston Township created the Seller's Residency/Exemption on that day and the deed was not presented with an Affidavit of Consideration. Mr. Hull stated when a deed and a Seller's Residency/Exemption state no consideration an Affidavit of Consideration is to be presented and amortized with the recording of the deed. Mr. Hull stated Cynthia Branley did not present an Affidavit of Consideration and stated this was a back door recording and had to be as a sale. Mr. Hull stated a buyer's fee was paid and a real estate transfer tax was paid to the State of New Jersey by Cynthia Branley and Mr. Hull offered a receipt for review. Mr. Hull stated the Superior Court found the Township Attorney was acting for the Township by signing the Seller's Residency Certificate/Exemption and which makes Sandyston Township responsible. Mr. Hull stated the Township assisted in a sale of property to record that deed on the same day it was filed which created fraudulent evidence for a court of law. Mr. Hull stated Sandyston Township does not own the property in the deed and it was recorded as a sale of property from Sandyston to the United States and the Judge made a decision in 2012 that Sandyston conveyed property to the United States. Mr. Hull stated he is asking Sandyston Township to show the prior ownership of the property in the deed. Committeeman Harper asked for what purpose would the taxpayers of Sandyston want to do that. Mr. Hull stated it would save them from a lawsuit. Committeeman Harper stated Mr. Hull is trying to build a lawsuit against the taxpayers of Sandyston. Mr. Hull stated he is trying to save the Township from a lawsuit as this was falsifying statements to state Sandyston sold property to the government. Mayor MacDonald asked Mr. Hull if he knew the definition of a Quit-Claim Deed. Mr. Hull responded it was to establish or clear up conveyances or whatever. Committeeman Harper stated the taxpayers of Sandyston should not be footing the bill for what happened down there. Committeeman Harper stated the taxpayers of Sandyston did not put up the gates. Committeeman Harper stated the taxpayers of Sandyston are not the ones that got in a lawsuit with the Federal Government. Committeeman Harper stated the taxpayers of Sandyston do not deserve to be in a lawsuit here and if Mr. Hull wants to sue the taxpayers of Sandyston he has that legal right which he has espoused on the record.

Mr. Hull stated that the Township has hidden this matter for five years and the questions he has asked the Township has not answered. Mr. Hull asked when Sandyston Township owned the property that was reportedly sold on June 16, 2008. Committeeman Harper stated there would be no further comment on the matter. Mrs. Gayle Hull came forward and stated she understands why Committeeman Harper would not comment on the matter because it is a crime. Committeeman Harper stated that would be enough of the accusation of a crime because the Hull's could get them in a liable/slander suit. Committeeman Harper stated Mr. Hull wanted the Township to have the Township Attorney arrested and made an ethics complaint about what he did and followed it all the way to the NJ Supreme Court and the NJ Supreme Court made the decision that there wasn't anything he did wrong, but the Hull's wanted to get our attorney arrested. Committeeman Harper stated Mr. Hull wants Sandyston Township to join their fight. Mr. Hull stated that Committeeman Harper made a misstatement and stated the ethics complaint was about whether the Township Attorney signed the paperwork for the Township or if he did it on his own and they decided the Township Attorney signed the paperwork and he was allowed to as Township Attorney. Committeeman Harper stated the point is Mr. Quinn stated on the record and answered Mr. Hull's questions and stated he signed the document on his own with no authorization from anyone.

Gayle Hull, PO Box 85, Layton, asked how a 1989 Quit-Claim Deed written by Sandyston Township, rejected Quit-Claim Deed, gets filed as a sale of property in 2008. Mrs. Hull stated the Committee can't answer any questions and will not talk about it and stated this was, like her husband stated, an illegal backdoor deal. Committeeman Harper explained the deed was given in 1988 and the Federal Government had the deed since 1988, whether the Federal Government said they didn't want it or not, the Federal Government had the deed. Committeeman Harper stated in the Federal Lawsuit decision it talks about Matt Hull knowing that this all went down with the deed and everything was out there. Mrs. Hull stated Matt Hull went to Committeeman Harper before he bought the property and stated he was going to close the road and Committeeman Harper stated he would check with the Township Attorney and Committeeman Harper checked with the attorney and the attorney said the road is yours you can gate it you can do whatever you want. Committeeman Harper stated he said as far as Sandyston Township is concerned there was no problem with it. Mrs. Hull stated Committeeman Harper is now denying it because he created a little crime and the Hall of Records assisted in getting the Quit-Claim Deed filed in 2008 after their sons bought the property in 2007. A brief discussion took place regarding whether or not the Seller's Residency Certificate/Exemption is a tax form.

Committeeman Harper stated in the decision, the Judge goes to great lengths to talk about all the problems involving the deed, the Ordinance, involving what Sandyston's attorney did to try to convey this property and all the problems with the land use portion and in the end it said all times, Sandyston's intent was to give the road to the Federal Government. Mr. Hull stated the deed was not recorded as a donation from Sandyston Township, the deed was recorded as a sale of property from Sandyston Township to the United States, a real estate transfer tax was paid by the buyer and a buyer's fee was paid by the buyer to the State of New Jersey. Mr. Hull stated this is fraudulence to create evidence.

Committeeman Harper stated Mr. Quinn confirmed the Township Committee did not have anything to do with the Seller's Residence Certificate/Exemption and he did it on behalf of the Township because he thought he had the authority as Township Attorney to do so.

Mr. Hull asked if Sandyston Township owned the property prior to writing the deed or not.

Mayor MacDonald asked who came up with the idea to put a gate across the Old Mine Road. Mr. Hull stated it was their insurance company because it was a liability due to people traveling on their private property. Mr. Hull stated the insurance company felt it was a liability for them. Mayor MacDonald stated in reality it is the insurance company that created the problem. Mr. Hull stated no, it was the Township by telling them to gate the road. Committeeman Harper stated he said as far as Sandyston Township was

concerned there was no problem with them gating the road and they didn't get in a problem with the Township.

Mr. Hull asked Mayor MacDonald if Sandyston Township owned the road. Mayor MacDonald asked Mr. Hull what the document stated. Mr. Hull stated he does not care what the document states. Mayor MacDonald stated Mr. Hull will have to deal with the document with the Clerk and Hall of Records. Mr. Hull stated he was asking if Sandyston Township was conveyed property that Sandyston Township conveyed to the United States. Mayor MacDonald stated what you convey is your rights, that is a Quit-Claim Deed. Mr. Hull stated he is not talking rights and stated the deed was recorded as a sale of property from Sandyston Township. Committeeman Harper asked who it was recorded by. Mr. Hull answered it was recorded by Erma Gormley. Committeeman Harper stated she was the Clerk and Mr. Hull has a problem with the Clerk. Mr. Hull stated it was not acceptable as a donation because an Affidavit of Consideration was not presented with it. Committeeman Harper stated there are remedies to this if Mr. Hull has issues and the remedy is not here and trying to sue Sandyston Township which is what Mr. Hull is trying to do.

Mr. Hull stated he wants the Township of Sandyston to state whether they owned the property or not. Committeeman Harper asked for what purpose. Mr. Hull stated the Judge made a decision that Sandyston Township conveyed in fee property from Sandyston Township to the United States. Mr. Hull stated he wanted to know when Sandyston Township owned this property because fraudulent evidence was created for the Judge. Mrs. Hull stated the Hulls are in the mess because of Sandyston Township. Committeeman Harper disagreed and stated the Hulls are in the mess because they put up the gates and then when there was a deal they reneged and then the matter went to Federal Court and they lost.

Deputy Mayor Leppert stated his responsibility, and that of the other members of the Township Committee, is to the taxpayers of the Township of Sandyston. Mr. Leppert stated because of that and because of pending litigation, he would not comment on the matter, and stated if Mr. and Mrs. Hull felt they were wronged then there are remedies for them to pursue, but as far as he was concerned and for the protection of the taxpayers he will not have comment and stated he takes exception to being called a criminal in this matter. Deputy Mayor Leppert stated if Mr. and Mrs. Hull feel they were wronged they should take the appropriate remedies to correct it for them and their family if they think they are right. Deputy Mayor Leppert stated on the advice of counsel the Township Committee feels they are right and, again, the Township Committee's protection is for the betterment of all the taxpayers.

Mr. Hull stated the deed was recorded as a sale of property. Mayor MacDonald interrupted and stated Mr. Hull's time was up. Deputy Mayor Leppert stated the Township and the Committee has put so much time and effort and expense to the taxpayer on this matter. Mrs. Hull stated there are no answers that is why. Mr. Hull stated Sandyston Township has hidden the fact that they did not own the property that was recorded as a sale from Sandyston Township to the United States. The Committee thanked Mr. and Mrs. Hull for their time.

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.

Deputy Mayor Leppert made a motion to enter Executive Session at 7:55 pm for matters relating to litigation, negotiation and the attorney/client privilege, seconded by Mayor MacDonald and unanimously carried. The Township Committee thanked the public for attending the meeting.

**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

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.

Deputy Mayor Leppert made a motion to exit executive session at 8:10 pm and return to the public session, seconded by Committeeman Harper and unanimously carried.

Mayor MacDonald made a motion to offer Ryan Earley \$2,800 and Kim Cosgrove \$2,000 for the property which Mr. Earley and Ms. Cosgrove wish to deed to the Township for the Phase III Sidewalk project, seconded by Deputy Mayor Leppert.

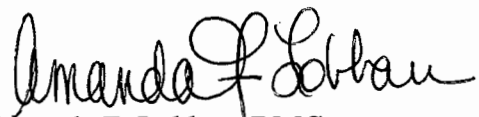
Mayor MacDonald made a motion to appraise the area located in the gore area near the property of 106 Route 560 for the Phase III Sidewalk project necessary for the sidewalk project for possible eminent domain of the gore area and to request a title search on the property of John & Patricia Ross, seconded by Deputy Mayor Leppert and unanimously carried.

Coming up:

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| Township Meeting: | Tuesday, November 18, 2014 at 9:00 am |
| Planning Board: | Monday, November 3, 2014 at 7:00 pm |
| Seniors Meeting: | Tuesday, November 4, 2014 at 12:00 pm |
| Recreation: | Tuesday, October 28, 2014 at 6:30 pm |
| Walpack Wilderness Challenge: | Sunday, October 26, 2014 9 am start |
| Sandyston Recreation Trunk or Treat: | Friday, October 31, 2014 5:30 pm – 7:30 pm |
| Gobble Hobble 5K: | Thursday, November 27, 2014 starts at 9 am |

Adjournment: Deputy Mayor Leppert made a motion to adjourn the meeting at 8:15 pm, seconded by Mayor MacDonald and unanimously carried.

Respectfully submitted,



Amanda F. Lobban, RMC
Municipal Clerk