

Sandyston Township

Minutes

October 8, 2013

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 William J. Leppert, Deputy Mayor George B. Harper, Jr., and Mayor Fred V. MacDonald

Michael S. Garofalo, Esq., Township Attorney, was present.

Also in attendance: Stan Dutkus, Elizabeth Pinzone, Steve Williamson, Tom & Nan Horsfield, Glenn Hull, Kim Cosgrove, Ryan Earley, Patte Haggerty Frato, Robert Pastor, Hixon & Sharon Spangenberg, Matt Hull

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

Pole Barn Bid: Mayor MacDonald stated only one bid was received for the Pole Barn, which was from Pioneer Pole Buildings, Inc. Pioneer submitted a bid in the amount of \$25,456 and an alternate bid for just the pole barn kit in the amount of \$15,898. Mayor MacDonald stated this bid would be reviewed by our attorney.

Minutes: The Committee reviewed the regular meeting minutes of September 10, 2013. Mayor MacDonald made a motion to approve the minutes, seconded by Deputy Mayor Harper and unanimously carried.

Tax Collector Report: The Tax Collector's report for the month of **September 2013** was presented with total receipts Month-To-Date of \$42,666.95 and Year-to-Date of \$4,151,153.80. Mayor MacDonald made a motion to approve the Tax Collector's Report, seconded by Deputy Mayor Harper and unanimously carried.

Treasurer's Report: The Treasurer's Report for the month of **September 2013** was presented with a beginning balance of \$1,398,554.78, total receipts of \$109,670.42, and total disbursements of \$718,528.67 leaving an ending balance of \$789,696.53. Mayor MacDonald stated the General Capital Account is \$210,894.46, Animal Control Escrow \$40,500.04, Public Assist Escrow \$3,525.57, Unemployment Escrow \$22,646.38, COAH Trust \$23,471.08, Security Asst. Fund \$18,535.52 and the Small Cities Master \$4,763.11. Mayor MacDonald made a motion to approve the Treasurer's Report, seconded by Committeeman Leppert and unanimously carried.

Payment of Vouchers: The bills list for the month **September 2013** was submitted for approval. Deputy Mayor Harper made a motion to amend the submitted bills list to include \$250 for each signed easement (\$750), seconded by Mayor MacDonald and unanimously carried. A roll call vote followed: Roll Call Vote followed: Ayes: Leppert, Harper, MacDonald; Nays: 0; Abstain: 0; Absent: 0. This brings the total of the bills list to \$668,646.09.

Departmental Reports: The Committee reviewed the Departmental Reports. Deputy Mayor Harper stated the road department is on schedule, hitting all the marks for a department that decreased from three employees to two and is pleased with their performance.

Old Business:

Performance Bond: There has been no performance bond posted on Block 1105 Lot 14 (Sandyston Mall); however, they are working to complete the items requested by the Land Use Board. Mayor MacDonald noted no change in progress.

Centurylink: The Clerk stated no word has been received from Centurylink to date.

Streetscape Route 560 – Phase II:

- Status
- Jurisdictional Agreement between County & Township

Mayor MacDonald stated the Township has received three signed easements for the Streetscape Route 560 – Phase II project, leaving one still unsigned. Committeeman Leppert stated the bid opening is Thursday, October 24, 2013 for the sidewalks. Deputy Mayor Harper made a motion to amend the bills list to include \$250 per signed easement for a total of \$750 (to include the fourth easement when signed and turned into the Township), seconded by Mayor MacDonald and unanimously carried. Mayor MacDonald asked for a roll call vote: Ayes: Leppert, Harper, MacDonald; Nays: 0; Abstain: 0; Absent: 0.

Deputy Mayor Harper made a motion to approve the Jurisdictional Agreement, seconded by Mayor MacDonald and unanimously carried.

Mayor MacDonald stated that he had a meeting with the property owner regarding the final unsigned easement which lasted about five minutes. Mayor MacDonald stated he was told unless there was a letter from the Township regarding an Old Mine Road issue he would not sign the easement. Mayor MacDonald stated there would be no letter and that was the conclusion of the meeting. Mayor MacDonald made a motion to start condemnation procedures for the easement on the property that has not signed the easement, seconded by Deputy Mayor Harper and unanimously carried. Mayor MacDonald asked for a roll call vote: Ayes: Leppert, Harper, MacDonald; Nays: 0; Abstain: 0; Absent: 0. Committeeman Leppert explained this is only for the easement rights.

Michael S. Garofalo, Esq., Township Attorney, explained the rights of the Township and the procedure for condemnation of the easement. Mr. Garofalo explained the Township Committee has authorized him to prepare a Declaration of Taking (a letter) that goes to the property owner and says the easement now belongs to Sandyston Township. Mr. Garofalo stated the matter will then go to court to determine (a) the value of that property determined or agreed upon or (b) have the property owner challenge the condemnation action.

Deputy Mayor Harper identified the property owner as Matt Hull and explained Mr. Hull was in the audience during the September meeting and voiced no opposition to the sidewalk project. Deputy Mayor Harper stated it is his understanding that during the meeting with the Mayor he voiced no opposition to the sidewalk in his refusal to sign the easement. Deputy Mayor Harper stated his refusal to sign the easement comes from a different issue and for the (1) safety of residents and evacuation plan for the school (2) possibility of losing the grant and (3) the prospect of 9,900 approved lots in Dingman's he can see no other alternative but to proceed in this manner.

Committeeman Leppert stated the property owner did not have any problems with the sidewalk project or what was in the easement. Committeeman Leppert stated the property owner's contention is a totally unrelated matter to which he feels he was wronged and to use that for one against the other is not right and agreed the safety of the residents is paramount.

Committeeman Leppert made a motion to open the meeting to the public regarding the CR 560 Streetscape Project – Phase II, seconded by Mayor MacDonald and unanimously carried.

Glenn Hull, Layton, came forward and stated he directed several questions to the Township Committee at the last meeting regarding easements and property ownership in fee under an easement which is the main concern of his son. Mr. Hull stated there is a problem with Sandyston Township having sold the land in fee under a previous vacated easement. Mr. Garofalo stated he would only be discussing the Streetscape project. Mr. Hull stated he is bringing his son's point of view that he has asked the Township for five years to resolve the matter and his son is afraid he will lose another piece of property and the ownership in fee and stated the other one was threatening to close access to his property.

Mr. Hull stated his son prepared a letter with questions for the Township Committee. Mr. Hull read from the letter and asked the following questions: #1 *"Will I remain the owner in fee of the property under the granted easement?"* Mr. Garofalo answered yes. Mr. Hull asked question #2 *"At a future date could Sandyston Township legally convey the land in fee under the granted easement to another government agency while I remain the grantor of the easement and said owner of my property?"* Mr. Garofalo answered no. Mr. Hull asked question #3 *"From the sidewalk easement I may grant, and Mr. Hull stated he hasn't said he wouldn't, are future assigns protected by law from the township conveying the land in fee under the granted easement to another government agency?"* Mr. Garofalo answered yes. Mr. Garofalo explained an easement is not an ownership in fee rather an easement is just a right to use, in the case Mr. Matt Hull's property, for the purpose of having the sidewalk. Mr. Hull asked if he could have that in writing from the Township. Mr. Garofalo addressed the Committee and stated if it would resolve this issue and prevent condemnation he had no problem preparing a letter which describes legally what an easement is and what rights the parties have when an easement is involved. Mayor MacDonald stated the questions that Mr. Hull asked regarding easements were answered at the last meeting by Matt Hull's attorney who was sitting in the audience. Mayor MacDonald stated the members of the Committee are not attorneys and they referred those questions to Matt Hull's attorney who answered the questions. Mr. Hull stated that was not Sandyston Township answering the questions. Deputy Mayor Harper stated the Township will discuss the matter with Mr. Matt Hull when he arrives at the meeting.

Ryan Early, Route 560, Layton, came forward and asked at what point the property owners in Phase III see the drawings for the project. Deputy Mayor Harper stated Sandyston Township was awarded the grant for Phase III a few months ago, but felt the Committee wanted to see the contract awarded for Phase II of the sidewalks before looking to Phase III. Deputy Mayor Harper also explained that there will be drawing prepared and provided to the landowner for review.

Kim Cosgrove, Route 560, Layton, joined Ryan Earley and asked if the project could be moved to the other side of the road. Mayor MacDonald stated there have not been any discussions on that option and felt the problem would be people walking from one side of the road to the other which would require the installation of crosswalks. Committeeman Leppert stated that conflicts with the school's evacuation plan and if that was the case the children would need to cross the road twice. Mr. Early stated they could rewrite the evacuation plan to follow the crosswalks and use devices like stop lights. Deputy Mayor Harper stated it would mean rewriting the entire project and explained the State of New Jersey Department of Transportation (*hereinafter NJDOT*) Study and what is possible for Sandyston Township to accomplish.

Ms. Cosgrove asked if the Township is going to need easements from Ms. Cosgrove and Mr. Earley. Deputy Mayor Harper explained it is a possibility but the Township has not prepared the drawings for the project. Deputy Mayor Harper stated that Phase I was done without easements and the State of New Jersey paid for it without easements. Deputy Mayor Harper stated that Phase II was under the same guidelines that no easements were necessary, except we were sure we needed an easement from Mr. Kylish because there was going to quite a bit of grading involved. Deputy Mayor Harper stated the Township started in February

requesting agreements, but we were then notified that we only needed agreements with Ms. Seifried and Mr. Kylish. Deputy Mayor Harper stated we were later notified later the State required easements from all the property owners or the State of New Jersey was not paying for anything and explained this is what has brought the project to where it is today.

Mr. Earley stated he would like to ask the Committee to explore options to utilize the other side of the street as they are not for the project on some general principals. Ms. Cosgrove stated it is not her vision of Layton. Mr. Earley stated he agrees there is a problem with the traffic there needs to be a way to explore several solutions and he is not personally of the belief that the sidewalks will have any great calming effect. Mr. Earley stated the commuters are either 10% on their way to their destination or 90% of the way home and they do not care and will not slow down. Deputy Mayor Harper stated he did not have the answer that if we went back to square one and applied for a grant to do the sidewalk on the other side of the street and install crosswalks; however, he does know that this grant is approved and there is a certainty that the Township can get this done. Deputy Mayor Harper explained the grants have been approved and felt there was some jeopardy the Township would have to take into consideration. Mayor MacDonald stated they would take their suggestion to the engineer. Mr. Earley inquired as to the problem with speed bumps. Mayor MacDonald stated it is a County road and the Township does not have any authority regarding this road and in previous discussions with the County they have said absolutely no speed bumps due to the liability. Mayor MacDonald added that the lowest the County would lower the speed limit is 30 mph because it is based on how many residences are in a specific distance.

Ms. Cosgrove asked who pays for the streetlights when they are damaged. Mayor MacDonald stated when streetlights are damaged in an accident they are replaced by the person or insurance company of the motorist that struck the streetlight.

Mr. Earley stated with regard to liability, the County and the Township are not willing to put in speed bumps because of the liability, but the Township is very happy to put in sidewalks in front of his house where if someone falls on ice he is responsible. Deputy Mayor Harper stated that is not the case if Mr. Earley signs an easement. Deputy Mayor Harper explained if you sign an easement with the Township you are held harmless and indemnified, but if the Township condemns the easement the property owner is responsible. Ms. Cosgrove asked if the Township clears the snow from the sidewalk. Deputy Mayor Harper stated the Township has agreed to clear the snow and maintain the sidewalk. Ms. Cosgrove questioned if it came down to the sidewalks are on her side of County Road 560 and the Township needed the easement would the Township use condemnation. Deputy Mayor Harper stated the Committee, at this time, cannot answer what will happen in Phase III, but stated the Township just voted to initiate condemnation proceedings on the property owner that has refused to sign the easement that they negotiated all the safeguards. Ms. Cosgrove stated she is concerned about her septic. Deputy Mayor Harper stated, as an example, Mr. Kylish's property is a very expensive part of this project because of the physical limitations and physicality of his property. The Township would need to review the engineering plans before proceeding with Phase III to see what is involved. Ms. Cosgrove stated she had no issue with students of Sandyston-Walpack School walking on her property to get to the DPW garage. Mayor MacDonald explained that depending on the type of emergency and time of year of the emergency the sidewalks would be maintained to accommodate the students in various types of weather.

Deputy Mayor Harper explained this project has been a lengthy process that has included discussing alternatives and reviewing the NJDOT study. Deputy Mayor Harper stated it is difficult to make decisions that affect individual property owners in a way that is adverse to their feelings, but the Township Committee must try to govern in a way that is the most effective for all. Deputy Mayor Harper explained the NJDOT first started the study as a bypass of Layton, but when the Federal Government and the County of Sussex refused the idea of the "Layton Bypass" the NJDOT restructured the study for traffic safety and made improvement recommendations and researched the funding sources are for their recommendations.

Ms. Cosgrove asked about the process of this projects going forward. Deputy Mayor Harper explained Phase III will not be addressed until the bid opening, determination of the bid and possible signing of contracts in November. Deputy Mayor Harper explained the bid opening and the awarding of the contract for Phase II this will determine the status of Phase III. Mayor MacDonald explained if Phase II is successful, the engineer's drawings could possibly be prepared and the process of reviewing and commenting on the drawing could begin in January. Mr. Earley asked if there is a possibility to shift the centerline of the roadway. Deputy Mayor Harper stated that is not a possibility and explained the County is supportive of the Township's project but will not spend any County money. Mr. Early asked for an explanation of the easement verses condemnation. Deputy Mayor Harper provided an explanation of the easement verses condemnation. Mr. Earley stated he does not want to be a roadblock to the traffic problem, but is still very much against this going forward. Deputy Mayor Harper stated he respectfully understands and thanked them for their time.

Thomas Horsfield, Route 645, Layton, came forward and stated he is totally opposed to spending taxpayer money to build sidewalks in rural areas. Mr. Horsfield asked if it is possible to make Layton-Hainesville Road and County Road 560 a three-way stop. Deputy Mayor Harper discussed the NJDOT study and the grading system that was used on the traffic and stated the County and the NJDOT will not allow a backup of traffic along this road due to the amount of traffic. Deputy Mayor Harper stated it may be a solution for the speed but he didn't think the residents would be for total gridlock as a solution to the speeding problem. The Committee thanked Mr. Horsfield for his input.

Matt Hull, Layton came forward and stated he met with Mayor MacDonald the past week hoping to resolve the easement and had a few questions but before he was able to finish the Mayor left and Mr. Hull was not able to discuss anything. Mr. Hull stated now the Township is going to use condemnation when Mr. Hull was trying to discuss the issues. Deputy Mayor Harper asked what the issues are with the easement. Mr. Hull stated there is another easement on a different piece of property and he is concerned entering into another. Deputy Mayor Harper stated the two issues cannot be linked together and if that is the case the conversation is done. Mayor MacDonald explained that Mr. Hull requested a letter from the Township regarding Old Mine Road. Deputy Mayor Harper reiterated this public session is to discuss the easement for the sidewalk and there would be another public session to discuss other matters.

Mr. Garofalo explained to Mr. Hull that the Township has authorized him to prepare a Declaration of Taking for condemnation of the easement. Mr. Garofalo discussed the letter that was presented to the Committee by his father, Mr. Glenn Hull. Mr. Garofalo stated the answers to the questions are: #1 *"Will I remain the owner in fee of the property under the granted easement?"* Mr. Garofalo answered yes. #2 *"At a future date could Sandyston Township legally convey the land in fee under the granted easement to another government agency while I remain the grantor of the easement and said owner of my property?"* Mr. Garofalo answered no. #3 *"From the sidewalk easement I may grant, are future assigns protected by law from the township conveying the land in fee under the granted easement to another government agency?"* Mr. Garofalo answered yes. Mr. Garofalo stated he has offered to put the answers to those questions in writing in return for Mr. Hull's signature on the easement. Committeeman Leppert stated by signing the easement Mr. Hull is protected by the rights of the easement.

Mr. Hull stated he does not trust what the Township does, the Township sold the last easement and charged him thousands of dollars and a year's time for a private road variance on a road the Township sold prior and stated the Township will not work with anybody. Mr. Hull stated he has been asking for four or five years and he is asking for the Township to do the right thing. Deputy Mayor Harper stated he appreciates Mr. Hull's point of view, but the Township cannot mix the two issues together. Mr. Hull stated that the Township is then going to condemn the easement when he is for the sidewalks.

Mr. Hull stated he did not have any further questions at this time.

Glenn Hull, Layton, came forward with Matt Hull, Layton came forward and asked about the previous indemnification that was discussed in February and stated he hasn't heard anything until this month. Mayor MacDonald stated Mr. Hull has the easement that was made up and revised three times and has everything that has been requested by Mr. Hull, reviewed by his attorney, and is on the table at this time. Mayor MacDonald stated Mr. Hull can sign the easement and get the benefits of the easement or the Township will start proceedings for the condemnation of the easement.

Hixon Spangenberg, Layton, came forward to discuss the meeting of October 8, 2013 and the comments made by Kathy Green. Deputy Mayor Harper reminded Mr. Spangenberg comments at this time are limited to comments regarding CR560 Streetscape Phase II project.

Deputy Mayor Harper made a motion to close this portion of the public session, seconded by Committeeman Leppert and unanimously carried.

New Business:

Re-Evaluation/Sandyston Township, Robert Pastor

Mr. Robert Pastor, Sandyston Township Tax Assessor, came forward and stated that he and Mayor MacDonald will be attending a meeting on Wednesday, October 16, 2013 at 9:30 am with the Commissioners to discuss a Township reassessment/reevaluation.

Best Practices: Deputy Mayor Harper made a motion to table the discussion of Best Practices to the end of the meeting, seconded by Mayor MacDonald and unanimously carried.

Dog Ordinance: Michael S. Garofalo, Esq, commented on the recent discussion on the Dog Ordinance where the Judge reduced the fines against a residents dog that bit the animal control officer. The Committee suggested having Mr. Garofalo review the dog ordinance for any additional language.

Application for Fire Department Member: F. MacDonald (Fire Police) Deputy Mayor Harper made a motion to approve Fred MacDonald as a member of the Sandyston Township Volunteer Fire Department, seconded by Committeeman Leppert. Mayor MacDonald abstained from voting. A roll call vote followed: Ayes: Leppert, Harper; Nays: 0; Abstain: 0; Absent: MacDonald.

Application for Fire Department Member: S. Graham (Junior Fire Fighter) Deputy Mayor Harper made a motion to approve Scott Graham as a Junior Member of the Sandyston Township Volunteer Fire Department, seconded by Committeeman Leppert an unanimously carried.

Application for Blue Light Permit: F. MacDonald Deputy Mayor Harper made a motion to approve the Blue Light Permit Application for Fred MacDonald seconded by Committeeman Leppert. Mayor MacDonald abstained from voting. A roll call vote followed: Ayes: Leppert, Harper; Nays: 0; Abstain: 0; Absent: MacDonald.

Statewide Insurance Fund Security and Privacy Questionnaire: The Committee reviewed the questionnaire received from Statewide Insurance Fund regarding security and privacy. The Clerk asked for the Committee to review the information before it was submitted to the insurance company. Deputy Mayor Harper stated the information looked complete.

Use of Building Request: Top O'Jersey Beef 4H Club, Saturday, November 23, 2013 5:00 – 7:00 pm: Committeeman Leppert made a motion to approve the use of the meeting hall for this purpose, seconded by Mayor MacDonald and unanimously carried.

Newsletter: The Committee reviewed the newsletter.

Resolutions:

**SANDYSTON TOWNSHIP
R-61-2013**

**RESOLUTION AUTHORIZING THE TOWNSHIP OF SANDYSTON TO ENTER INTO
AN AGREEMENT WITH THE COUNTY OF SUSSEX TO ADVANCE A
STREETSCAPE IMPROVEMENT PROJECT ALONG A PORTION OF COUNTY
ROUTE 560, A.K.A. TUTTLES CORNER DINGMANS ROAD, IN THE VILLAGE OF
LAYTON, SAID PROJECT PROPOSED BY SANDYSTON TOWNSHIP**

WHEREAS, the Township of Sandyston is advancing a Streetscape Program which extends along the portion of County Route 560 located approximately between the intersection of County Route 640, a.k.a. Bevans Road, and Sandyston Township Elementary School, more or less 1/3 of a mile in length; and

WHEREAS, pedestrians are the primary focus of Streetscape Projects and as such these projects include a variety of community amenities such as sidewalks, street sidewalk lighting, street furniture, curbing, and appropriate safety amenities all designed to provide interest, comfort, security, and safety for the pedestrian; and

WHEREAS, to be successful, Streetscape Projects must balance the needs of pedestrians with the functional requirements of the County Transportation Network; and

WHEREAS, the County supports local initiatives to identify, encourage, enhance, and establish Streetscapes whereby the local community can define their individual identity as well as enhance the communities quality of life; and

WHEREAS, while the County supports these local community efforts, the County also recognizes Streetscape issues are largely outside the current purview of core County function and that Local Governments are best positioned to identify, promote, manage, and operate local Streetscape pedestrian facilities; and

WHEREAS, in supporting Local initiatives the County is desirous of extending to Local Governments permissions to utilize available portions of rights-of-ways County jurisdiction in advancing local Streetscape designs, said permissions will be extended provided Streetscape designs are advanced in consideration safety in balance with the needs of all right-of-way users; and

WHEREAS in extending such permissions Sussex County and the Township of Sandyston have identified the need to establish guidelines and operating parameters defining how Streetscape Projects are incorporated into County right-of-way and along County Routes so as to ensure all right-of-way needs and system users are afforded the optimal balance of function in a safe and efficient manner; and

WHEREAS, both parties have expressed a willingness to cooperate with these common goals; and

WHEREAS, the County of Sussex has prepared a form of Agreement for design, construction, operation, and maintenance of said Streetscape Programs, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Sandyston that the Mayor and Municipal Clerk be and are hereby authorized to execute an Agreement with the County of Sussex for the design, construction, operation, and maintenance of said Streetscape Program amenities, a copy of said Agreement is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that certified copies of this Resolution and Agreement, with original signatures, be forwarded to the County Engineer; the County Administrator; and the Sussex County Board of Chosen Freeholders.

COUNTY OF SUSSEX and TOWNSHIP OF SANDYSTON STREETScape PROGRAM DESIGN, CONSTRUCTION, OPERATIONS AND MAINTENANCE AGREEMENT

This Agreement, made this ___ day of _____, 2013, between the County of Sussex, with its administrative offices located at One Spring Street, Newton, New Jersey 07860, hereinafter referred to as the **COUNTY**; the Township of Sandyston, with its administrative offices located at 133 County Route 645, Sandyston, NJ 07826, hereinafter referred to as the **TOWNSHIP**, witnesses that:

WHEREAS, the **TOWNSHIP** has been advancing a Streetscape Project in the Village of Layton with portions of the project located along a section of County Route 560 within the County right-of-way; and

WHEREAS, the **TOWNSHIP** has been and will continue to advance the Streetscape Project in phases; and to date Phase I has been completed; Phase II is scheduled to advance during the Spring of 2014, and additional out-year phases as yet defined will be advanced at a future time; and

WHEREAS, project plans for Phase I construction were prepared and certified by Harold E. Pellow & Associates, Township Engineer, said plans entitled "Proposed Streetscape Improvements to County Route 560 Village of Layton – Township of Sandyston – Sussex County – New Jersey" dated March 2007 and signed March 3, 2007; and

WHEREAS, project plans for Phase II are being prepared and will be certified by Harold E. Pellow & Associates, Township Engineer, said plans entitled "Proposed Streetscape Improvements – Phase II to County Route 560 Village of Layton – Township of Sandyston – Sussex County – New Jersey" dated September 2013; and

WHEREAS, future project phases will be advanced by the **TOWNSHIP** after development of similar project plans and Engineer's certification; and

WHEREAS, the **TOWNSHIP** will manage the project including preparation of bid documents and management of construction; and

WHEREAS, the aforementioned Streetscape Project includes Township recommended improvements desired by the **TOWNSHIP** for the purpose of enhancing within the Village of Layton a variety of community targeted amenities such as sidewalks, street sidewalk lighting, street furniture, curbing, and appropriate safety amenities all designed to provide interest, comfort, security, and safety for pedestrians within the Village; and

WHEREAS, portions of the desired enhancements are located within the right-of-way for County Route 560; and

WHEREAS, the **COUNTY** supports the **TOWNSHIP** initiatives to identify, encourage, enhance, and establish local Streetscapes providing the Village of Layton a unique local identity and enhancing the overall quality of life in the community; and

WHEREAS, while the **COUNTY** supports the **TOWNSHIP** efforts in this regard, the **COUNTY** and **TOWNSHIP** also recognize Streetscape pedestrian project issues are largely outside the current purview of core County function and Local Governments can are best suited to identify, manage, and operate local Streetscape pedestrian facilities; and

WHEREAS, in supporting the **TOWNSHIP** initiatives the **COUNTY** is desirous of extending to the **TOWNSHIP** permission for utilization of available rights-of-ways under County jurisdiction, these

permissions are extended provided the **TOWNSHIP** initiated Streetscape designs are advanced in consideration of safety in balance with the needs of all right-of-way users; and

WHEREAS, it is the purpose of this Agreement to define participation by the **TOWNSHIP** and **COUNTY** for the design, installation, maintenance and operation of the proposed Township Streetscape Program; and

WHEREAS, the County Engineer has determined that it is in the County's best interest to enter into this Agreement.

NOW, THEREFORE, in consideration of the covenants contained herein, and pursuant to all applicable Federal, State and Local laws and ordinances, the **COUNTY** and the **TOWNSHIP** agree as follows:

1. The **TOWNSHIP** and the Township's professional(s) will determine the character, type, location, and operation of the Streetscape Project amenities located within the County right-of-way.
2. The **TOWNSHIP** shall collaborate with the **COUNTY** for the purpose of gaining **COUNTY** acceptance of proposed Streetscape improvements thus assuring all right-of-way needs and system users are afforded an optimal balance of function in a safe and efficient manner.
3. The **TOWNSHIP** will provide or ensure the provision of design and construction (providing all, workmanship, traffic control, and other incidentals required to ensure project results in a fully functional transportation system in accordance with the plans as accepted by the **COUNTY**), will be made in accordance with the following provision:
 - a. The work will be advanced to successful completion at no cost to the **COUNTY**.
 - b. The **TOWNSHIP** shall obtain all necessary Road Opening and Access Permits issued through the Sussex County Division of Engineering as required for development of proposed Streetscape Project as accepted by the **COUNTY**.
 - c. The **TOWNSHIP** shall design and construct the Streetscape Project in accordance with applicable design standards and/or details such as, but not limited to, Manual on Uniform Traffic Control Devices (MUTCD), New Jersey Department of Transportation Roadway Design Manual, and American Association of State Highway and Transportation Officials Policy on Geometric Design of Highways and Streets.
 - d. Construction within the County right-of-way shall be pursuant to the **COUNTY** accepted construction plans; said plans having been prepared in accordance with the Manual on Uniform Traffic Control Devices and Sussex County Standard Details.
 - e. The **TOWNSHIP** shall ensure all construction is executed in accordance with MUTCD standards for Temporary Traffic Control so that adequate safety protection will be afforded to roadway users, work zone occupants, and pedestrians.
 - f. The **TOWNSHIP** shall obtain permits as maybe required for the Streetscape Project from appropriate regulatory agencies.
 - g. Existing County Route stormwater drainage patterns and stormwater collection systems shall be maintained unless otherwise approved by the **COUNTY**. Alteration to stormwater drainage patterns and/or stormwater collection shall:
 - i. Be completed so as to provide a viable long-term stormwater management solution which, at minimum maintains, and when needed enhances, current levels of safety to all right-of-way users.
 - ii. Be properly designed and constructed by the **TOWNSHIP** as approved by the **COUNTY**.
 - iii. Be supported with appropriate Stormwater Discharge Easements granted to the County.
 - h. The **TOWNSHIP** and **COUNTY** shall provide for preparation and approval of any resolutions or ordinances as may be needed to support specific components.

4. The **TOWNSHIP** and **COUNTY** hereby establishes the following Operations and Maintenance responsibilities for the Streetscape Project:
 - a. The **COUNTY** shall, at its own expense, provide for the future operations and maintenance of the following components when they are located within the traveled way of a County Route or the travel way in the Functional area of an intersecting Public Street for which the **COUNTY** has jurisdictional control. For the purpose of this agreement the traveled way is defined as that portion of the roadway located between the curb faces or in the absence of curb the edge of shoulder pavement.
 - i. Crosswalk Markings.
 - ii. Roadside Safety Devices, specifically signs, as warranted by MUTCD providing notice of Crosswalks to the traveling public.
 - iii. Continued operation and maintenance of the roadway and existing amenities including curb and stormwater conveyance systems as may exist and be managed by the County prior to the Streetscape project.
 - iv. Unless otherwise defined within this agreement as being excluded, components related to modifications to the existing Stormwater Collection System located within the county right-of-way and approved by the **COUNTY** under the proposed Streetscape Project.
 - v. Expansion of the existing stormwater collection system or construction of a new stormwater collection system must be supported with appropriate discharge easements and approved by the County.
 - b. The **TOWNSHIP** shall, at its own expense, provide for the future operations and maintenance of all Streetscape components not defined under agreement section 4.a above. This shall include, but not be limited to:
 - i. New curbing.
 - ii. Sidewalks and buffers.
 - iii. Street lighting and all components of same, even if located within the travel way such as underground conduits.
 - iv. All conduits which may be authorized for connection to an existing bridge structure.
 - v. New retaining walls installed with the Streetscape project.
 - vi. New ADA facilities.
5. Nothing in this Agreement shall divest the **COUNTY** of its rights to construct within the right-of-way the necessary amenities for the operations and maintenance of the roadway or its rights to reconstruct or improve the roadway.
6. The **TOWNSHIP** agrees to, at their own expense, reimburse the **COUNTY** for any costs as may be incurred by the **COUNTY** as required to remediate substandard conditions as may arise from said Streetscape project, either foreseen or unforeseen, when said substandard condition(s) serve to impact safe and proper operation and maintenance of the roadway, roadway amenities, and stormwater collection system.
7. The **TOWNSHIP** shall defend, indemnify, protect and hold harmless the **COUNTY** and its agents, servants and employees from any and all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of the performance of any services, actions or operations in connection with this Agreement or any breach or default of this Agreement by the **TOWNSHIP**, except for actions or omissions of the County.
8. The **TOWNSHIP** shall enact the necessary consenting Resolution authorizing its entry into this Agreement.
9. This Agreement shall not become binding on any party until it is fully executed by the parties.

The Committee reviewed **R-61-2013** and the accompanying agreement. Deputy Mayor Harper made a motion to approve **R-61-2013** and the accompanying agreement, seconded by Mayor MacDonald and unanimously carried.

SANDYSTON TOWNSHIP RESOLUTION

R-68-2013

A RESOLUTION FOR THE TOWNSHIP OF SANDYSTON TO RESCIND AGREEMENT WITH INVOICE CLOUD

WHEREAS, the Township Committee of the Township of Sandyston hoped to make the option of paying for property taxes with credit card available to the taxpayers of the Township of Sandyston by November 1, 2013; and

WHEREAS, the Township Committee of the Township of Sandyston executed an agreement to utilize the services of Invoice Cloud, Inc., to facilitate this option to the taxpayers of the Township of Sandyston; and

WHEREAS, the Township of Sandyston will accept Visa, MasterCard, Discover and American Express (*debit and/or credit cards*), and Electronic Check; and

WHEREAS, the Township of Sandyston was notified on September 12, 2013 that Invoice Cloud was unable to deliver their services as promised; and

WHEREAS, on September 13, 2013 we were notified by Matt Braley of Invoice Cloud they are unable to fulfill their agreement and Sandyston Township no longer has any contractual obligation to Invoice Cloud.

NOW, THEREFORE, BE IT RESOLVED the Township Committee of the Township of Sandyston hereby rescinds their agreement with Invoice Cloud.

The Committee reviewed **R-68-2013**. Deputy Mayor Harper made a motion to approve **R-68-2013**, seconded by Mayor MacDonald and unanimously carried.

SANDYSTON TOWNSHIP RESOLUTION

R-69-2013

A RESOLUTION FOR THE TOWNSHIP OF SANDYSTON TO ACCEPT AND EXECUTE AGREEMENT WITH MUNICIPALPAY

WHEREAS, the Township Committee of the Township of Sandyston wishes to make the option of paying for property taxes with credit card available to the taxpayers of the Township of Sandyston; and

WHEREAS, the Township Committee of the Township of Sandyston wishes to utilize the services of Invoice Cloud, Inc., to facilitate this option to the taxpayers of the Township of Sandyston; and

WHEREAS, the Township of Sandyston will accept Visa, MasterCard, Discover and American Express (*debit and/or credit cards*), and Electronic Check; and

WHEREAS, for all tax payments when credit cards are used, the taxpayer will pay Municipalpay, a service fee of 2.45% of the payment amount for each payment transaction with a minimum fee of \$3.00, and an Electronic Check service fee of \$1.50; and

WHEREAS, the fee for this service is user-based (*fees paid by the taxpayer*); and

WHEREAS, this agreement shall be for the duration of three years, thus, October 8, 2013 to October 8, 2016 and will renew for successive one year terms unless terminated as set forth below.

NOW, THEREFORE, BE IT RESOLVED the Township Committee of the Township of Sandyston hereby accepts of the terms and conditions of the Municipalpay Merchant Application and related documents and the Chief Financial Officer is hereby authorized to sign and execute the Municipalpay Merchant Application and related documents on behalf of the Township of Sandyston.

The Committee reviewed **R-69-2013**. Deputy Mayor Harper made a motion to approve **R-69-2013**, seconded by Mayor MacDonald and unanimously carried.

WHEREAS, Jessica Caruso, Tax Collector, requests a refund be issued to Corelogic Tax Services, LLC in the amount of \$1,569.10.

THEREFORE BE IT RESOLVED BY THE Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey that approval be granted to refund overpayment in the amount of \$1,569.10 for Block 1103 – Lot 19.

The Committee reviewed **R-72-2013**. Deputy Mayor Harper made a motion to approve **R-72-2013**, seconded by Mayor MacDonald and unanimously carried.

**SANDYSTON TOWNSHIP
R-73-2013
RESOLUTION AUTHORIZING CANCELLATION OF
MUNICIPAL CERTIFICATE OF SALE**

WHEREAS, Certificate of Sale #2013-009 was issued to Sandyston Township, 133 Route 645, Sandyston, New Jersey, for delinquent taxes on Block 1804 Lot 2.01, assessed to Joseph P. Brennan, at the tax sale held on May 16, 2013; and,

WHEREAS, Joseph Brennan's daughter, JoAnn McDonald has redeemed Certificate #2013-009 by paying the full amount of the delinquency, and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Township of Sandyston are hereby authorized to endorse Certificate of Sale #2013-009 for cancellation.

The Committee reviewed **R-73-2013**. Deputy Mayor Harper made a motion to approve **R-73-2013**, seconded by Mayor MacDonald and unanimously carried.

Ordinances:

**SANDYSTON TOWNSHIP
ORDINANCE 2013-09
AN ORDINANCE TO AMEND CHAPTER 112 THE GENERAL CODE OF THE TOWNSHIP OF
SANDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY ENTITLED "PEDDLING AND
SOLICITING"**

BE IT ORDAINED by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that Chapter 112, entitled "Peddling and Soliciting", be amended to provide as follows:

Chapter 112: Adopted by the Township Committee of the Township of Sandyston 12-7-1966.

ARTICLE A. PEDDLERS AND SOLICITORS

Definitions.

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

MERCHANDISE

Includes all goods, wares, food, fruit, vegetables, farm products, magazines, periodicals, and all kinds of articles of personal property for domestic use and orders or contracts for a service home improvement or alterations shall be considered merchandise within the terms of this article.

PEDDLER

Any person who goes from place to place by traveling on the streets and roads or from house to house carrying, conveying or transporting goods, wares or merchandise for the purpose of selling and delivering them to customers. The term "peddler" shall include "huckster".

SOLICITOR

Any person who goes from place to place by traveling on the streets and roads or from house to house taking or attempting to take orders for the sale of goods, wares and merchandise or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the object to be sold and whether or not he is collecting advance payments on such sales. The term "solicitor" shall include "canvasser" provided that this definition shall not include wholesale salesmen calling on retail merchants.

112-1 Purpose.

The purpose of this article is to prevent dishonest business practices by providing for the registration and regulation of the conduct of peddlers and solicitors.

112-2 License required.

Except as otherwise provided in this article, it shall be unlawful for any solicitor or peddler to sell or dispose of, or to offer to sell or dispose of, any goods, wares or merchandise, or to solicit orders for the performance of any service within the corporate limits of the Township without first obtaining a license in compliance with the provisions of this article and chapter. A separate license shall be obtained by a licensed solicitor or peddler for every agent or employee working for him.

112-3 Exemptions and exceptions.

The requirements of this article shall not apply to the following:

- A. Any public utility or its employees which is subject to regulation by the State Board of Public Utility Commissioners, provided that the employees shall display the identification badge or card issued by their employer.
- B. Any service organization, charitable organization, lodge, veterans organization, firemen's organization, religious organization of any kind, sort or manner, boy scouts, girl scouts, YMCA, YWCA, and all other youth organizations or any of their auxiliaries.
- C. Any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business, to the premises of persons who had previously ordered the same or were entitled to receive the same by reasons of a prior agreement.
- D. Any person honorably discharged from the military services of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 and 45:24-10.
- E. Any person who is an exempt fireman of a volunteer fire department as defined by N.J.S.A. 45:24-9 and 45:24-10, possessing a license in conformity with the law.
- F. Any person selling fruits and farm products grown by himself, with or without the help of others.

112-4 Application for license.

Every applicant for a license under this article shall file with the Township Clerk a sworn written application in duplicate on a form to be furnished by the Township Clerk. The form shall give the following information:

- A. Name and description of the applicant (including age, height, weight).
- B. Copy of Valid Driver's License.

- C. Permanent home address and full address of applicant where residing during peddling and soliciting, if different, and contact phone numbers.
- D. A brief statement of the nature of the business and a description of the merchandise or service to be sold.
- E. If employed, the name and address and phone number of the employer together with credentials establishing the exact relationship along with a letter from the firm or corporation for which applicant works, authorizing applicant to act as its representative.
- F. The length of time for which the license is desired.
- G. If a vehicle is to be used, a description of the vehicle and the license plate number.
- H. The place where the goods or property to be sold or offered for sale are manufactured or produced, where the goods or property are located at the time such application is filed, and the proposed method of delivery.
- I. Two (2) photographs of the applicant taken within 60 days immediately prior to the date of the application, which photograph clearly shows the head and shoulders of the applicant.
- J. Two business references located in the County of Sussex, State of New Jersey, or in lieu thereof, such other evidence of the character and business responsibility of the applicant as will enable an investigator to properly evaluate his character and responsibility.
- K. Details of any arrests or convictions for misdemeanors, crimes or violation of any municipal ordinance, including the nature of the offense for which arrested or convicted, the day of conviction and place where the conviction and the penalty assessed therefor.
- L. The applicant is responsible for providing a criminal background check report to the Clerk, based on results of fingerprinting, which shall be performed at the expense of the applicant and must be received by the Clerk with the written application.

112-5 Fees.

The license fees under this chapter shall be as follows:

At the time the application is filed, a fee of \$100.00 shall be paid to the Township Clerk to cover the cost of processing the application and investigating the facts stated therein.

112-6 Investigation and issuance of license.

When the application is properly filled out and signed by the applicant, the original and duplicate shall be filed with the Township Clerk who shall make or cause to be made an investigation of the applicant's business responsibility and moral character deemed necessary for protection of the public good.

- A. If as a result of the investigation the applicant's character or business responsibility is found to be unsatisfactory, the Township Clerk shall endorse on the application the disapproval and reasons therefor and notify the applicant that the application is disapproved and that no license shall be issued.
 - a. Any determination by the Township Clerk that an application is unsatisfactory shall be based on one or more of the following findings with respect to the applicant:
 - i. Conviction of a crime involving moral turpitude.
 - ii. Prior violation of a peddling or soliciting ordinance.
 - iii. Previous fraudulent acts or conduct.
 - iv. Record of breaches of solicited contracts.
 - v. Concrete evidence of bad character.
 - b. In the absence of any such finding, the Township Clerk shall find the application satisfactory.
- B. If as a result of the investigation the character and business responsibility of the applicant are found to be satisfactory, the Township Clerk shall endorse on the application the approval and issue the license to the applicant. The license issued to the licensee shall contain the signature of the Township Clerk and show the name, address and photograph of the licensee, the kind of goods or services to be sold, the date of issuance, the

length of time the license shall be operative, the license number and other identifying description of any vehicle used in the peddling or soliciting activity licensed, along with a "Do Not Solicit List".

- C. The license shall, during the time the licensee is engaged in peddling or soliciting, be worn constantly by the licensee on the front of his outer garment in such a way as to be visible to a person facing him.

112-7 Duties of licensee/Display of license.

Any holder of a peddlers or solicitors license issued by the Township under the authority of this article or by the Clerk of the county under the authority of N.J.S.A. 45:24-9 shall be required to carry the license with him while engaged in the business or activity licensed within the Township. He shall produce the license at the request of any official or resident of the Township with whom he wishes to conduct his business or activity. Every licensee, as well as every person referred to in 112-3, shall restrict selling or soliciting activity within the Township to the hours between 9:00 am and 4:00 pm, Monday through Friday, and on each day of such activity shall notify the Township Clerk immediately before commencing selling or soliciting activity and immediately after completion. Notification shall include a statement as to the general area of the Township in which the licensee, as well as every person referred to in 112-3, intends to conduct or has conducted the activity.

112-8 Term and transferability of license.

Every such license shall remain in force for 60 days and be valid only for the time therein expressed and shall apply to the person or persons to whom granted; it shall not be transferable.

112-9 Prohibitions.

No peddler or solicitor shall call attention to his business or to his merchandise by crying out, blowing a horn, ringing a bell, other than the doorbell of a building, or by any other loud or unusual noise or by playing loud music.

No peddler or solicitor shall conduct or attempt to conduct his business at any residence or on any property on which is posted a sign expressly stating "No Solicitations".

It shall be unlawful for any person or persons to stop any motor truck or other types of vehicles on any street in the Township for the purpose of selling or offering for sale from said motor truck or other types of vehicle any goods, wares, or merchandise of any description.

No peddler or solicitor shall be permitted to peddle or solicit before 9:00 am on any day or after 4:00 pm on any day. No one shall be permitted to peddle, solicit or canvass on Sunday.

No license or badge issued under the provision of this section shall be used or worn by any person other than the one to whom it was issued, nor shall it be transferred in any way or manner.

No peddler or solicitor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor be permitted to operate in any congested area where the operations might impede or inconvenience the public.

112-10 Enforcement.

It shall be the duty of the Code Enforcement Officer of the Township to enforce the provisions of this article and to require any persons seen peddling or soliciting, who is not known by the officer to be duly licensed, to produce his peddler's or solicitor's license.

112-11 Suspension, Notice of Hearing, Revocation of license.

- A. Licenses issued under the provisions of this article may be suspended by the Township Clerk for any of the following causes:
 - a. Fraud, misrepresentation or false statements contained in the application for license.
 - b. Fraud, misrepresentation or false statements by the licensee in the course of conducting the business licensed.
 - c. Any violation of this article.
 - d. Conviction of any crime involving moral turpitude.
 - e. Conducting the business licensed in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety and general welfare of the public.
- B. Upon suspension, the Township Clerk will notify the licensee of the suspension and provide licensee with a Notice of Hearing. The Notice shall set forth the specific grounds of the complaint, the time and place of hearing and the Notice shall be sent by certified mail to the licensee at his last known address at least five days prior to the date set for the hearing.
- C. Peddler or solicitor shall cease operations until outcome of hearing.
- D. The decision of the Township Committee on the revocation of the license shall be final.

112-12 Appeal.

Any person aggrieved by the action of the Township Clerk in the denial of a license shall have the right of appeal to the Township Committee. The appeal shall be filed by the applicant with the Township Clerk, within 14 days of the notification the application has been denied, a written statement setting forth the grounds for the appeal. The Township Clerk shall set a time and place for hearing of the appeal, and notice of the hearing shall be given to the applicant in the same manner as provided in 112-11B. The decision of the Township Committee shall be final.

112-13 Expiration and renewal of license.

All licenses issued under the provisions of this article shall expire 60 days after issuance. Any license may be renewed upon payment of the registration fee and upon submission by the licensee of a new application in conformity with the requirements of 112-4 or, in lieu thereof, a sworn statement in writing setting forth all changes in the information contained in the original application for the expired license which are necessary to bring the new application completely up to date. A new application or statement in lieu thereof shall be subject to the provisions and standards set forth in 112-4.

112-14 Do Not Solicit List.

Township residents may contact the municipal building and be placed on a "Do Not Solicit List". The "Do Not Solicit" list will be distributed to a peddler or solicitor, upon granting of license, which will bear the address of the resident that has requested the peddler or solicitor not solicit.

112-15 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.

112-16 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 2013-09**. Deputy Mayor Harper made a motion to open the meeting to the floor for comment on **Ordinance 2013-09**, seconded by Committeeman Leppert and unanimously carried. There being no comment from the floor, Committeeman Leppert made a motion to close the meeting to the public for comment on **Ordinance 2013-09**, seconded by Mayor MacDonald and unanimously carried. Deputy Mayor Harper made a motion

to approve Ordinance 2013-09, seconded by Mayor MacDonald and unanimously approved. Roll Call Vote followed: Ayes: Leppert, Harper, MacDonald; Nays: 0; Abstain: 0; Absent: 0.

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

Stan Dutkus, President Sandyston Township Volunteer Fire Department, came forward to inform the Committee the fire department attended the Sussex County Firemen's Parade and received trophies for 1st Place Marching Small Company, 2nd Place for Best Appearing Tanker and 2nd Place for Antique Motorized Apparatus Unrestored (for the Ward LaFrance). Mr. Dutkus stated that people wonder why the fire department puts so much time into the parade and explained the fire department rotates the apparatus that is taken to each parade which helps serve as maintenance of the apparatus. Mr. Dutkus also stated that he, Mayor MacDonald and Roy McClain met with Dr. Gross on Monday, September 30, 2013 regarding the emergency evacuation plan for the school.

Mr. Dutkus thanked the Committee and the taxpayers for their generous support. Deputy Mayor Harper stated he was at the firemen's parade and congratulated the department on their attendance.

Matt Hull, Layton and Glenn Hull, Layton came forward. Mr. Matt Hull asked if it was proper etiquette of the Township to have a vacated easement sold. Mr. Hull stated there is a sale of a vacated easement on his property that the Township is familiar with and it was sold and asked if this was proper etiquette of the Township. Mayor MacDonald stated he did not understand what Mr. Hull was asking and has not seen the document to which Mr. Hull was referring. Mr. Garofalo stated he was not familiar with the term vacated easement. Deputy Mayor Harper asked Mr. Hull to specifically explain his question. Mr. Glenn Hull asked if the Township could legally sell the land in fee under a vacated easement. Mr. Garofalo stated he did not know because he has never heard of a vacated easement as the term has no meaning. Mr. Glenn Hull stated the vacated easement was Old Mine Road. Mr. Garofalo stated he did not know about that matter. Mr. Glenn Hull stated Mr. Garofalo was hired as special counsel to represent the Township. Mr. Garofalo stated he did not know anything about a vacated easement as the terms vacated and easement do not go together. Mr. Glenn Hull stated Sandyston Township passed Ordinance 6-88 vacating Old Mine Road and 15 years later Sandyston Township sold the land under that vacated road. Mr. Garofalo stated he did not know anything about the matter and asked if the matter was resolved in Court. Mr. Hull stated the matter has not been resolved in Court. Mr. Garofalo stated if this matter has not been resolved in Court there should be no comment on the matter. Mr. Hull stated the Committee passed a Resolution to seek special counsel and the Committee said the results would be given to him. Deputy Mayor Harper stated the results were to not comment on the matter. Mr. Hull stated the Committee was to provide Mr. Hull with answers to his questions and the Committee is violating its Resolution. Mr. Hull asked if Sandyston Township ever held a deed, title, warranty deed to the land that was sold. Deputy Mayor Harper stated Mr. Hull is talking about something that is in litigation and the Committee is not supposed to discuss this matter. Mr. Matt Hull stated it is only in litigation because the Township sold it. Deputy Mayor Harper stated Mr. Matt Hull just admitted this matter is in litigation and the Committee has been given strict advice not to comment on the matter. Mr. Glenn Hull stated Sandyston Township let a deed go through and the attorney facilitated the sale of property in fee that Sandyston Township did not own. The Committee reminded Mr. Hull that the matter is still in litigation which makes the Committee unable to comment on the matter. Mr. Hull asked the Committee what that has to do with his question and asked if the Committee is hiding a crime. Deputy Mayor Harper stated no comment. Mr. Hull asked if the Township is hiding a crime committed by the Township Attorney and Cynthia Branley of the National Park Service. Mayor MacDonald stated on the advice of counsel there would be no comment on the matter. Mr. Glenn Hull stated he could see that the Committee was guilty as no comment means guilty.

Stan Dutkus, Sandyston Township Volunteer Fire Department, came forward and stated the instant hot water heater in the fire department has stopped working. Mayor MacDonald stated that is a building and grounds maintenance matter and the Township will find a contractor to service the unit.

Hixon Spangenberg, Layton, came forward and stated at the October meeting, Kathy Green came forward and stated the grant was free money. Mr. Spangenberg stated it is not free money as the Township is expending approximately \$42,000. Mr. Spangenberg stated that Mrs. Green is under the illusion that all this money, even grant money from the federal government, is pennies from heaven and it is not free money. Mr. Spangenberg stated with regard to the 9,000 lots in Pennsylvania it is as much a possibility that they won't develop the property in Pennsylvania. Mr. Spangenberg stated, with regard to the sidewalks, the Committee is creating a false impression that that children are going to be safe because there is a sidewalk to walk on that side of the road and the Committee could make a better case if you had sidewalks on both sides of the road. Mayor MacDonald thanked Mr. Spangenberg for his input.

Ryan Earley, Layton, came forward and asked about the Declaration of Taking and the signed easement and if the project can move forward the same way. Deputy Mayor Harper explained that if the Township sends the Declaration of Taking, the property owner gets no benefit of the negotiated easement and are subject to all the jeopardy that might be entailed in the project. Deputy Mayor Harper also explained that the Township either needs to have a signed easement or the Township condemns the easement. Mr. Garofalo explained the difference between the negotiated easement verses condemnation of the easement. Mr. Earley asked once the Declaration of Taking has been satisfied, is that sufficient for the funding purposes with the State of New Jersey to move forward with the project. Mr. Garofalo stated the project will move forward and the only issue in a condemnation proceeding is not the government's ability to take the property but the value of the strip of property being condemned. Mr. Earley asked if there was anything taken into account whether or not the entity taking the property has adequately explored other alternatives. Mr. Garofalo answered no. The Committee thanked Mr. Earley for his time.

Glenn Hull, Layton, came forward and stated, for the record, the Committee unanimously agrees, and the attorney does, too, that there is a lawsuit against his son. Mr. Hull stated that lawsuit is because of illegal actions taken place by the Township. Mr. Hull stated there was an illegal sale of property in fee recorded in the Sussex County Hall of Records from Sandyston Township to the United States. Mr. Hull stated the attorney just answered a question a bit ago that a property owner owns the land in fee under the easement and this property under a vacated easement was recorded as a sale of property from Sandyston Township to the United States and that the Township has done everything they can to keep this in Court hoping there would be some kind of indemnification or something. Mr. Hull stated he holds Sandyston Township personally responsible for the whole lawsuit. Mr. Hull also stated he holds the special counsel attorney responsible for the fact that he has kept this lawsuit going.

Matt Hull, Layton, came forward and asked when the proceedings would be held regarding the sidewalk. Mr. Garofalo stated he will prepare the paperwork when he gets back to his office and Mr. Hull will be notified of the Court information.

Mayor MacDonald made a motion to close the meeting to the floor, seconded by Committeeman Leppert and unanimously carried.

Best Practices:

At this time, the Committee reviewed and discussed the information compiled for Best Practices which is required by the Division of Local Government Services. The Clerk brought the following to the Committee's attention per the Best Practices Inventory:

- 1) Question #4: The Committee reviewed State Comptroller's June 25, 2013 Report regarding legal fees and the best practices outlined in the checklist annexed as an Appendix to the report. The Clerk stated in the past there are only three people (Clerk, Tax Collector and Tax Assessor) that are authorized to contact the Township Attorney, as well as the Township Committee members. Deputy Mayor Harper stated the Township should create a guideline for the personnel policy that clearly states who is allowed to contact the Township Attorney. The Clerk stated the Township does not have in-house counsel, the Township Committee appoints the legal counsel through the Non-Fair and Open Process, has a professional services agreement with billing rate and terms and does receive itemized billing.
- 2) Question #15: The Clerk stated this question involves the Audit and addressing areas needing improvement. Each year, Sandyston Township receives the same recommendation for "Segregation of Duties" and this has been the same recommendation for over five years. We answered the question "no" because we are unable to address this recommendation so it is not repeated in 2012 because Sandyston Township does not anticipate hiring more personnel at this time. We have written a letter to the Director of the Division of Local Government Services (required) to approve our "no" answer, as they are looking to see that Townships are correcting recommendations listed in the Audit.
- 3) Question #17: The Clerk stated this question discusses the use of Procurement Cards. Sandyston Township does not use Procurement Cards. The Clerk stated she discussed this matter with our auditor and he is happy with our purchasing procedures and there is no need to change at this time.
- 4) Question #47: The Clerk stated this question is regarding review of the Master Plan and zoning ordinances with regard to flooding and storm damage. The Master Plan for Sandyston Township was approved September 2008 and Updated April 2009. Deputy Mayor Harper stated this matter was discussed at the 10/7/2013 planning board meeting and has been referred to the Planning Board Attorney to address that matter along with the master plan. The Clerk explained this question was answered "prospective" so as to give the planning board time to review. Deputy Mayor Harper explained that if a resident is flooded and has been deemed by the Assessor to have more than 51% damage to their house, even if they are not in a flood zone, they may have to raise their house above the mean flood high water mark while the ordinance may not allow this if it exceeds the maximum height. Deputy Mayor Harper explained the Township needs to put into the Master Plan a regulation that will allow people, when demanded by FEMA to get back into their house, to exceed the height limit if it is a requirement by FEMA.
- 5) Question #50: The Clerk stated this question involves the Flood Insurance Program Community Rating System, of which Sandyston Township does not participate because we are not an eligible community. The Clerk stated the Township answered the question "n/a".

Deputy Mayor Harper stated the CFO and Clerk did a great job on the Best Practices, which is required to be answered and submitted yearly and the answers can affect the funding of the municipality. Deputy Mayor Harper explained there are 50 questions, some are repeat questions to see progress and management of a municipality and each situation is addressed.

Correspondence: The Committee reviewed the Correspondence. Mayor MacDonald noted a letter from Mr. Wilbur Rath regarding noise coming from powered motor bikes. Deputy Mayor Harper stated the letter included a copy of Sparta Township's Noise Ordinance. Deputy Mayor Harper made a motion to refer the matter to Township Attorney to determine if Township could adopt a simple Noise Ordinance that our Code Enforcement Office would be able to enforce, seconded by Mayor MacDonald and unanimously carried.

The Clerk noted the letter from Kittatinny Lake Community Association regarding the need of a turning lane from Route 206 South to Woods Road. The Committee suggested forwarding this to the State of New Jersey Department of Transportation and stated this is a concern of our lake community where there is 214 property owners and request they address the letter to seek a possible solution.

Deputy Mayor Harper stated he will not be present for the Wednesday, November 13, 2013 meeting. The Committee discussed the matter and decided to change the meeting from Wednesday to Thursday, November 14, 2013 at 7:30 pm.

Mayor MacDonald stated he requested the Clerk send an email to the National Park Service regarding the dirt piles and trees blocking the National Park section of Old Dingman's Road and the addition of a "Peters Valley Road" sign from Dingman's Bridge to the center of Peter's Valley. Mayor MacDonald expressed concern for 911 identification and emergency management. Deputy Mayor Harper stated he would like to see Old Mine Road added back to the sign. Deputy Mayor Harper stated it is a severe health and safety hazard by closing off Old Dingmans to repair vehicles due to the power lines that still service residents in Sandyston Township.

Mayor MacDonald noted the lack of interest in two properties located on Route 206 that the Township owns and has tried to auction off during the last two land sales. The Clerk stated she has talked to one of the adjoining property owners and will be gathering information.

Mayor MacDonald noted the spreadsheet prepared by the Clerk showing the electric bills before and after the installation of LED lighting in the parking lot of the municipal complex. Mayor MacDonald also stated they will be switching the light bulbs in the streetlights in Layton to LED lighting. Mayor MacDonald stated he is looking to replace the streetlight that was damaged with one similar to those being installed in the Phase II section.

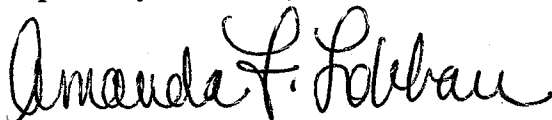
Deputy Mayor Harper stated Sandyston Township has the second lowest tax rate in the County, above Walpack and below Branchville and Frankford.

Coming Up:

Next Township Meeting:	Thursday, November 14, 2013 at 7:30 pm
Planning Board:	Monday, November 4, 2013 at 7:00 pm
Recreation Meeting:	Tuesday, October 15, 2013 at 6:30 pm
Seniors Meeting:	Tuesday, November 4 at 12:00 pm

Adjournment: Mayor MacDonald made a motion to close the meeting at 11:03 am, seconded by Committeeman Leppert and unanimously carried.

Respectfully submitted,



Amanda F. Lobban, RMC
Municipal Clerk