

Sandyston Township

Minutes

September 10, 2013

This meeting was opened and called to order at 7:30 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 William J. Leppert, Deputy Mayor George B. Harper, Jr., and Mayor Fred V. MacDonald

Also in attendance: Roy McClain, Carolyn Seifried, William Mack, Esq, Betsy Pinzone, Patte Haggerty Frato, Beth Harper, Anna & Brett Harper, Don Hartmann, Tim Roberts, Fred Roberts, John Snyder, Stanley J. Dutkus, Wendy MacDonald, Steve Williamson, Gregg Papp, Dave Sargent & Kim Cosgrove, Robert Kylish, Tom Eberhardt, Judy Kaplan, Arlene Arnold, Robert Southway, Kenneth Southway, Aaron Hull, Hixon & Sharon Spangenberg, Matt & Michelle Hull, Glenn & Gayle Hull, Tom & Nan Horsfield

The Mayor invited all to join in the Pledge of Allegiance. Mayor MacDonald also requested a moment of silence to honor of September 11, 2013.

Minutes: The Committee reviewed the regular meeting minutes of August 6, 2013. Deputy Mayor Harper made a motion to approve the minutes, seconded by Mayor MacDonald. Committeeman Leppert abstained as he was not present at the August 6, 2013 meeting.

Tax Collector Report: The Tax Collector's report for the month of **August 2013** was presented with total receipts Month-To-Date of \$880,524.11 and Year-to-Date of \$4,108,486.85. 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 **August 2013** was presented with a beginning balance of \$840,866.29, total receipts of \$1,076,872.06, and total disbursements of \$519,183.57 leaving an ending balance of \$1,398,554.78. Mayor MacDonald stated the General Capital Account is \$215,037.24, Animal Control Escrow \$40,490.01, Public Assist Escrow \$3525.42, Unemployment Escrow \$22,645.42, COAH Trust \$23,470.08, Security Asst. Fund \$18,534.73 and the Small Cities Master \$4,762.91. Mayor MacDonald made a motion to approve the Treasurer's Report, seconded by Deputy Mayor Harper and unanimously carried.

Payment of Vouchers: The bills list for the month **August 2013** was submitted for approval in the amount of \$722,672.17. Deputy Mayor Harper made a motion to approve the bills list, seconded by Committeeman Leppert and unanimously carried.

Departmental Reports: The Committee reviewed the Departmental Reports. Deputy Mayor Harper stated the road department is on schedule. Deputy Mayor Harper also noted there has been some increased activity in the Construction Department and it is working nicely with our Shared Service Agreement with Montague.

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 (pending)

Deputy Mayor Harper made a motion to open the meeting to the public regarding the Phase II Streetscape Route 560 Project, seconded by Mayor MacDonald and unanimously carried.

Carolyn Seifried, 110 Route 560, came forward with her attorney, William Mack, Esq., who stated he represents Ms. Seifried and Mr. and Mrs. Matthew Hull. Ms. Seifried stated she is very happy the sidewalks are going in for ease in walking to local restaurants and walking the dog. Ms. Seifried is comfortable with the easements and agreements as of today. Ms. Seifried asked for the Township Committee to consider compensation in full or part to her for legal bills that she has incurred, consideration of working with the State Police to control the traffic once the sidewalks are installed, consideration of the installation of signs acknowledging speed and consideration on how to reduce the traffic through Layton overall.

Deputy Mayor Harper explained the study that was performed by the New Jersey Department of Transportation entitled “Layton Local Circulation and Traffic Safety Improvement Study”, referring to the Final Report of January 2012” and explained the highlights of the Recommended Mitigation Measures (page iii). Deputy Mayor Harper explained that through this research it was determined there are over 20,000 approved (non-built) lots in Pike County, Pennsylvania, and the five towns within the Dingman’s Bridge have 9,900 approved lots that are ready to be built when the economy picks up. Deputy Mayor Harper explained this study began with the idea to bypass Layton completely, but that did not gain support on the County or Federal level. Deputy Mayor Harper stated this study then turned into a study into traffic calming and circulation methods that we could employ and the funding sources for those methods, the first being:

- Extend the streetscaping from Maple Lane to the school;

Deputy Mayor Harper explained there are other options available to us outlined in this study:

- Installing two speed feedback displays
- Installing “Bicycle May Use Full Lane” signs
- Installing a traversable median and roadside gateway on the eastern end of the Village just South of the school.
- Constructing a “roundabout” construction at Bevans Road/CR560
- Installing a traffic signal at the intersection at CR 560 and US 206

Deputy Mayor Harper stated the “roundabout” and traffic signal would be costly but possibilities for the future and are included in this study for that purpose based on traffic. Deputy Mayor Harper explained that there is a grant associated with each of these mitigation measures and explained that the grant pays for 100% of the construction and the Township pays for the engineering and the soft costs.

Mayor MacDonald explained that we have asked for increased patrols from the Sussex County Sheriff’s Department and have seen increased patrols over the past few months. Mayor MacDonald also explained we have asked the County of Sussex for speed bumps; however, the County came back and said the speed bump is a liability.

Ms. Seifried stated she has seen a significant decrease with the use of the pedestrian signs that are placed on CR560. Ms. Seifried asked how she will be ensured that the agreements that were made on the drawings

will be included in the project. Deputy Mayor Harper stated the agreement could be added to the easement document. Deputy Mayor Harper explained that early on in the project we were advised that we did not need any easements except for Robert Kylish. Deputy Mayor Harper explained the State of New Jersey then stated they were not paying for anything outside of the right-of-way, thus necessitating easements.

Mr. William Mack stated he appreciated the cooperation with the Township Attorney with regard to the easements. Committeeman Leppert stated he appreciated Mr. Mack's cooperation in working with the Township on this matter.

Glenn Hull, Layton, New Jersey, came forward and asked the Committee when one grants an easement who owns the land under the easement after the easement is granted, who pays the taxes on the land under the easement and to whom the easement is granted. After a brief discussion, William Mack, Esq., attorney for Ms. Seifried and Mr. and Mrs. Matthew Hull, answered the easement is between the property owner and the Township of Sandyston and stated the easement is not a transfer of all of the owners interest in the property it is a transfer for a purpose and it is limited for that purpose stated but everything else remains with the landowner. Deputy Mayor Harper stated the easement is only for the construction of the sidewalk. Mr. Hull asked about the possibility of the sidewalk being vacated and who would retain the property. Deputy Mayor Harper stated there is language in the easement with regard to this matter and referred to the wording in the easement. Mr. Hull asked about the current Route 560, if that was an easement or a right of way, when Sandyston Township was originally granted the easement for CR560 and if Sussex County has the easement for that road. The Committee did not know the answer to those questions. Mayor MacDonald explained the purpose of this public session is for public comment for Phase II of the Streetscape Project. Mr. Hull asked if the Township is entering into a joint agreement with the County. Mayor MacDonald answered this document is for the sidewalk. Mr. Hull stated Sandyston Township was granted the easement for CR560 in 1797, page 241 of Road Book A and asked when Sandyston Township vacated its interest to the County. Deputy Mayor Harper asked how this is material to the project. Mr. Hull asked if his son grants an easement to Sandyston Township will Sandyston Township vacate it and give it to someone else. Deputy Mayor Harper answered that the easement is only material to the project and only for the maintenance and construction of the sidewalks. Mr. Hull asked if the Township could sell, in fee, the land under the easement. Mayor MacDonald answered no and asked for the purpose of the question. Mr. Hull explained that there is a deed recorded by Cynthia Branley of the Park Service selling the land under an easement of his son's on the Old Mine Road. Mayor MacDonald explained this public session was intended for Phase II of the Streetscape Project and thanked Mr. Hull for his input.

There being no further comment regarding Phase II of the Streetscape Project, Mayor MacDonald made a motion to close the public portion of this meeting, seconded by Committeeman Leppert and unanimously carried.

Mayor MacDonald stated there are a few letters which were written to the Township Committee and asked that they be read during the meeting.

Deputy Mayor Harper read the following letter, received via email at 11:56 am, from Ryan Earley into the record:

Dear Mayor MacDonald and the Committee,

My name is Ryan Earley, and I live at 102 Route 560, next to the school on a property that has been in my family for over 5 generations. I am in Seattle for work this week and am unable to attend tonight's meeting, but I ask that this letter is read aloud to the Mayor and Committee to express my position on the sidewalk project at this time.

I will not be directly impacted by the Sidewalk Project until Phase 3, but I wanted to express my concerns and

opposition to the project at this time.

I oppose this construction because it is unwanted, ineffective, and inappropriately conducted.

First and foremost, this project is unwanted by the people of the town, especially those most directly affected by it. Of all of the property owners impacted, is there even ONE that has supported the project? I do not know of a single one.

This project is taking our land, destroying our yards, massacring our trees --all to do something with it that we do not want.

My family will lose several very old, large black walnut and butternut trees as a result of Phase 3 of the project. These trees were planted by my great-great grandfather and have been proud residents of this town longer than anyone in this room. I will not sit idly by and watch them be torn down in the name of gentrification or an attempt in vain to change the disrespect commuters have for our town and our own safety.

I believe that the sidewalks are a misguided attempt to achieve the goal of making our town and its residents safer. That is a goal I support 100%. I would suggest that I have suffered more property damage than anyone else on the street as a result of careless motorists, and I have seen even more close calls.

The idea that the sight sidewalks may slow people down is part of a larger field of study, known as "traffic calming". I do not doubt that many of the studies do show positive results from the construction of sidewalks or other such features. However, the vast majority of the people passing through our town every day are commuters coming from Pennsylvania. On their way to work, they are perhaps 10% of their way to work; on the way home, 90%. They do not think or behave like the normal motorist, as I am sure all of us have experienced. If the several turns and hills, and the numerous street signs indicating a reduced speed zone, and the presence of school buses or a schoolyard full of children do not deter them, then I believe we are quite naive to think that sidewalks will. Commuters will grow numb to this new feature after a very short time and any slowing effect will dissipate rapidly.

We should be investigating real ways to cause cars to physically slow, not relying on some subconscious method. Reducing the speed limit in town to 25 or 20 mph is one such deterrent, as it increases the penalty for driving faster. We should also implore the State Police and County Sheriff to enforce these limits, as is so rarely done.

However, all of these efforts should be coupled with a physical device, such as speed bumps to necessitate commuters to slow down. There are a plethora of statistics and tables showing the effect of speed bumps on traffic speed and reduction of number and severity of accidents. The magnitude of reduction dwarfs that of the subliminal effect of sidewalks.

Are there any concrete benefits to the people of this town that could not be achieved by other means? I have not heard of any proposals to positively impact the residents of the town--Will we be able to reduce busing (and therefore school expenses and our taxes) by requiring all children within one mile of the school to walk, if there are sidewalks?

Lastly, I believe that the way in which the project was implemented robbed the people of their ability to object to the process. The phased approach, in which land owners impacted by the project were divided, precluded our ability to question and oppose it en masse. I question whether the process was open to the extent required by law, but I am certain it lacked transparency in the spirit that small town business should be conducted. This is an idea pushed forward by a vocal few, while keeping the rest of us in the dark until it was too late to stop it.

I was fortunate enough to be able to buy my grandparent's house and to now live in this great town. My grandmother, who lived in the house I now own, was opposed to this project from the start and I supported her position then, and still do today. I am proud to live here because we do not do things like the rest of the State or the rest of the Country.

We know our history. We have a deep appreciation for where we have come from and where we are today. We have respect for the hard work that we and the many generations of our families before us have put in to this Town. We do not stand by and let that be unduly taken from ourselves, nor from our neighbors.

Thank you for the opportunity for my position to be heard.

I will be happy to take any calls or comments via email at ryan.j.earley@gmail.com, phone 973-534-3323, or in person after I return to Layton this weekend.

Sincerely,

Ryan J. Earley

The following letter from Jenna Valleau, received via email at 4:42 pm, was read into the record by Deputy Mayor Harper :

To the members of the Sandyston Township Committee:

I am unable to attend tonight's meeting due to a work commitment and would appreciate the consideration of this email as comment on the topic of the proposed sidewalk on Route 560.

I respect the right of property owners on 560 and all citizens in town who have opposing opinions on this issue. I understand that for property owners on 560, these sidewalks will cause substantial changes to property and in agreeing, you are making a sacrifice for others in town.

I grew up in Layton, and like many who will be sitting in front of you tonight, I walked to Sandyston-Walpack School on Route 560. I, along with you, have watched the increase in traffic and speed over the past twenty years. Today, our children take the bus to school and it is almost impossible to walk to a neighbors' house safely while traversing 560.

With the close of the bridge and absence of speeding cars yesterday, I was able to enjoy a bike ride to A and G pizza with my children. Along the way, we spoke with our neighbors and enjoyed the very reason that my husband and I moved back to Layton to raise our children: our community. Layton is a special place; many of us are members of families who have proud legacies in this town. We also must realize though, that while our allegiances to our legacy and our love for this town are strong, we need to adapt to ensure the safety of our family and community members as our surroundings change.

We can't control the traffic in our town. We can control our response. My thanks to those who have worked hard in obtaining this grant money and to the members of the town committee who have worked with our community in a professional manner.

*With respect,
Jenna Valleau
13 Heaters Lane
Layton*

The following letter from Dr. Don Gross, Superintendent of Sandyston-Walpack Consolidated School, received via email at 10:11 am and by fax and read into the record by Deputy Mayor Harper. Deputy Mayor Harper explained that part of the emergency evacuation plan in effect states that if the school has to be evacuated in an emergency the students will need to walk down CR560 to Maple Lane and will be housed in the DPW building.

Dear Ms. Lobban:

On behalf of the Sandyston-Walpack Board of Education, I would like to congratulate the Township on being awarded a Streetscape grant for the proposed sidewalk along County Road 560.

Since the sidewalk, when completed, will allow our students better access along Route 560 during an emergency situation, I know I can speak for the Board that you have their support. I also support the project and will assist the township in any way possible. As we have done in the past, our working together can only make our community a better place to live.

If you need further assistance, please do not hesitate to contact me.

Sincerely,

*Donald Gross, Ed.D.
Superintendent*

New Business:

Pole Barn Bid: Mayor MacDonald explained one bid was received for the purchase and installation of the Pole Barn which exceeded estimates on the project and the resolution will follow.

Best Practices: The Clerk explained the Best Practices worksheet has been received from the Division of Local Government Services and explained each question is color coded for a specific answers ranging from yes or no, not applicable or prospective.

Dog Ordinance: Deputy Mayor Harper explained Bill Kaufman, Animal Control Officer, suffered a dog bit in March while performing a survey of unlicensed dogs. Mr. Kaufman issued summonses to the owners of the dog and all appeared in Municipal Court in April 2013. The owners of the dog plead guilty to the summonses; however, several of the penalties were reduced by the Judge. Mr. Kaufman has asked the Township to look into the matter of Ordinances not being adhered to by the Municipal Court. The Committee discussed the matter and felt it was best to refer the matter to the Township Attorney and seek his advice on the current dog ordinance and penalties.

Resolutions:

SANDYSTON TOWNSHIP RESOLUTION

R-62-2013

A RESOLUTION TO REJECT THE BID RECEIVED FOR THE PURCHASE AND INSTALLATION OF A POLE BARN AND ADVERTISE FOR THE ACCEPTANCE OF NEW BIDS

WHEREAS, the Township of Sandyston reviewed bids on Tuesday, August 6, 2013 for the purchase and installation of a pole barn; and

WHEREAS, the Township Committee utilized bidding procedures as required by N.J.S.A. 40A:11-1 et seq.

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Sandyston, State of New Jersey hereby rejects the bid received for the purchase and installation of a pole barn for the following reason; because it has been determined that the bid is not reasonable as to price based on cost estimates prepared prior to advertising in accordance with N.J.S.A 40A:11-5(3).

BE IT FURTHER RESOLVED that the Municipal Clerk is authorized to advertise for new bids to be accepted for the purchase and installation of a pole barn to be received by Tuesday, October 8, 2013 at 9:00 am.

The Committee reviewed **R-62-2013**. Committeeman Leppert made a motion to approve **R-62-2013**, seconded by Deputy Mayor Harper and unanimously carried.

Sandyston Township Resolution

R-63-2013

WHEREAS, the Township of Sandyston has adopted a "Minimum and Maximum Salary and Wage Ordinance"; and

WHEREAS, the Township of Sandyston wishes to establish salaries and wages for the calendar year 2013 within the minimum and maximum ranges established by Township Ordinance 2013-03.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that the following employees and officials shall receive the compensation herein set forth, effective

February 1, 2013 and each year thereafter, until amended or repealed. Salaries are hereby established and fixed as the salary to be paid to the officers, and positions of employees, herein set forth. All of the salaries to which the respective incumbents of said offices might otherwise be entitled, except, however, which may be payable by law, or which otherwise may be properly authorized to be paid by this resolution, or another resolution of the Township Committee, to wit:

Mayor	per annum, payable quarterly	\$ 3,500.00
Committeemen	per annum, payable quarterly	\$ 2,600.00
Municipal Clerk	per annum, payable monthly	\$38,103.25
Deputy Clerk	per annum, payable yearly	\$ 1.00
Registrar	per annum, payable monthly	\$ 855.78
Tax Collector	per annum, payable monthly	\$19,195.38
Tax Assessor	per annum, payable monthly	\$14,000.00
Deputy Tax Assessor	per annum, payable quarterly	\$ 500.00
Treasurer	per annum, payable monthly	\$ 5,332.25
CFO	per annum, payable monthly	\$ 7,678.15
Construction Official/ Building Subcode	per annum, payable monthly Shared Service	\$ 20,435.00 \$ 14,000.00
Sec., Bd. of Health	per annum, payable monthly	\$ 1,142.76
Emer. Mgt. Coord.	per annum, payable quarterly	\$ 1,801.40
Animal Control Off. (plus \$1.00 per dog license issued, plus mileage)	per annum, payable quarterly	\$ 2,310.30
Dog Pick-Up		\$ 25.00

Dog Boarding Fee (per day)		\$ 25.00
Sec., Const. Off.	per hour, payable monthly	\$ 10.46
Fire Sub-Code Official	per hour, payable monthly (maximum-\$3,000.00 per year)	\$ 28.25
Plumbing Sub-Code Off.	per annum, payable monthly	\$ 5,974.00
	Shared Service	\$ 1,582.00
	Shared Service	\$ 5,000.00
Electrical Sub-Code Off.	per annum, payable monthly	\$ 5,974.00
	Shared Service	\$ 1,847.00
	Shared Service	\$ 7,000.00
Housing Officer	per insp., payable monthly	\$ 35.00
Code Enforc. Off.	per hour, payable monthly (plus mileage)	\$ 31.10
Fire Prev./Life Haz. Off.	Shared Service	\$ 50.00
Road Foreman,	per hour, payable bi-weekly	\$ 24.00
Roadman Sr.	per hour, payable bi-weekly	\$ 20.90
Roadman Jr.	per hour, payable bi-weekly	\$ 16.48
Laborers,	per hour, payable monthly	minimum wage
Temp. Truck Drivers,	per hour, payable monthly	\$ 12.50
Temp. Truck Driver w/CDL	per hour, payable monthly	\$ 15.00
Land Use Administrator/ Planning Bd. Secretary	per annum, payable monthly	\$ 15,000.00
Official Tax Search Off.	100% search fees	
Official Improv. Search Off.	100% search fees	

Vouchers for mileage shall be prepared and submitted monthly. All those eligible for car allowance shall be allowed: \$0.51 (cents) per mile.

All employees, other than hourly employees, whose appearance is necessary in a court case shall be paid \$20.00 (dollars) per appearance. The hourly employees shall be paid their hourly rate.

Date of Adoption: September 10, 2013

The Committee reviewed **R-63-2013**. The Clerk explained this Resolution is for the increase in the Road Department Foreman hourly wage. Committeeman Leppert made a motion to approve **R-63-2013**, seconded by Deputy Mayor Harper and unanimously carried.

Sandyston Township Resolution

R-64-2013

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-2014-Sandyston Township-00170 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-64-2013**. Deputy Mayor Harper made a motion to approve **R-64-2013**, seconded by Mayor MacDonald and unanimously carried.

TOWNSHIP OF SANDYSTON

RESOLUTION R-65-2013

A RESOLUTION AFFIRMING ROBERT PASTOR AS SANDYSTON TOWNSHIP MUNICIPAL TAX ASSESSOR PURSUANT TO N.J.S.A. 40A:9-146 ET SEQ

WHEREAS, the appointment of a Municipal Tax Assessor is governed by N.J.S.A. 40A:9-146 et seq; and

WHEREAS, the Mayor and Township Committee is the appointing authority for the Municipal Tax Assessor as per state statute; and

WHEREAS, Robert Pastor possesses the requisite certification and qualifications for the position of Municipal Tax Assessor.

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

1. Robert Pastor was appointed as Tax Assessor for Sandyston Township on July 1, 1976 and served until June 30, 1980. Mr. Past was again appointed Tax Assessor for Sandyston Township on July 1, 1980 and has served since that time and has secured tenure in his position pursuant to the provisions of N.J.S.A. 40A:9-146 et seq.
2. This Resolution shall take effect immediately upon adoption according to law.

The Committee reviewed **R-65-2013**. Deputy Mayor Harper made a motion to approve **R-65-2013**, seconded by Mayor MacDonald and unanimously carried.

SANDYSTON TOWNSHIP

R-66-2013

**RESOLUTION TO REFUND OVERPAYMENT MADE ON
BLOCK 1601 – LOT 19 FOR 2013 TAXES**

WHEREAS, Jessica Caruso, Tax Collector, advises that Block 1601 – Lot 19 has an overpayment, and

WHEREAS, James A & Kelly G Celi recently purchased the property located at 46 W Shore Trail (Block 1601 Lot 19), and

WHEREAS, in closing the title agency paid an estimated amount for the third quarter 2013 based on the previous quarters, and

WHEREAS, the estimated amount that was paid was more than was billed after the tax rate was struck, resulting in an overpayment on the third quarter 2013 in the amount of \$390.14, and

WHEREAS, James A. Celi has requested that the overpayment on Block 1601 Lot 19 be refunded to him, and

WHEREAS, Jessica Caruso, Tax Collector, requests a refund be issued to James A. Celi in the amount of \$390.14.

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 \$390.14 for Block 1601 – Lot 19.

The Committee reviewed **R-66-2013**. Deputy Mayor Harper made a motion to approve **R-66-2013**, seconded by Mayor MacDonald and unanimously carried.

SANDYSTON TOWNSHIP

R-67-2013

**RESOLUTION EXPRESSING SUPPORT FOR THE CONTINUED TAX EXEMPTION FOR
MUNICIPAL BONDS**

WHEREAS, the State of New Jersey, and the political subdivisions thereof, including its 565 Municipalities, undertake many capital improvements for the benefit of their citizens and finance the cost thereof through the issuance of bonds, notes and other evidences of indebtedness, the interest on which is exempt from federal income taxation: and

WHEREAS, this federal tax exemption has been in effect since the inception of the federal

income tax in 1913 and is essential to permit states and local governments to carry on their responsibilities to their citizens; and

WHEREAS, in 2010, The National Commission on Fiscal Responsibility and Reform (the "Simpson Bowles Commission") recommended that interest on newly issued state and municipal bonds be subject to federal income taxation; and

WHEREAS, President Barack Obama has proposed to cap at an aggregate of 23%, numerous federal tax deductions, including the federal tax exemption of interest on state and local bonds, and such limitation would apply to all tax-exempt obligations, including obligations issued prior to the proposed change in the federal income tax law; and

WHEREAS, proposals to eliminate or curtail the federal tax exemption of interest on state and local bonds rely principally on the theory that the exemption benefits upper-income taxpayers, although repealing or restricting the exemption will increase borrowing costs for state and local governments because investors will demand a higher interest to compensate them for the taxes they will have to pay; and.

WHEREAS, these increased borrowing costs will result in less infrastructure investment and will be passed on to taxpayers, ratepayers and other users of bond-financed infrastructure who are primarily middle and lower-income persons, including hospital patients, students, and residents in low income housing.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Sandyston, that maintenance of the tax exempt status under federal law is essential to allow the State of New Jersey and its political subdivisions to finance necessary public improvements for the benefit of all the citizens of New Jersey at the lowest interest costs; and

BE IT FURTHER RESOLVED; that the Township of Sandyston opposes any and all changes in federal tax law that would reduce or eliminate the present exemption from federal income taxation for interest paid on bonds, notes and other evidences of indebtedness issued and to be issued by the States and their political subdivisions; and

BE IT FURTHER RESOLVED, that copies of this resolution shall be delivered to the President of the United States; the Governor and Lieutenant Governor of the State New Jersey; the State Treasurer of New Jersey; Sussex County Board of Chosen Freeholders; Senator Steven V. Oroho; Assemblywoman Alison Littell-McHose; Assemblyman Parker Space; Sussex County Municipalities.

The Committee reviewed R-67-2013. Deputy Mayor Harper made a motion to approve R-67-2013, 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 of 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 introduce **Ordinance 2013-09**, seconded by Mayor MacDonald and unanimously approved. The public hearing for this ordinance will be Tuesday, October 8, 2013 at 9:00 am.

Correspondence: The Committee reviewed the correspondence. Deputy Mayor Harper noted the two properties on Route 206 that the Township wished to donate to Green Acres were declined by Green Acres and suggested contacting Natures Conservancy for possible donation.

Mayor MacDonald noted the letter from the Sheriff’s Office of Sussex County, Division of Emergency Management, wherein the Township received four generators from JCP & L for use in the Township. Mayor MacDonald stated one can be used at the DPW garage and one used at the fire department Station #2. Mayor MacDonald stated the Township and the fire department will come up with a protocol on how the generators are to be used.

Deputy Mayor Harper noted the note of congratulations received from the “Friends of Stokes State Forest”. The Clerk stated the “Friends of Stokes State Forest” was started by the new Superintendent of Stokes State Forest for promotion of the park. Deputy Mayor Harper stated they sent a congratulations card for the 1st Place Ribbon for the municipal display at the Sussex County Farm & Horse Show. The Committee congratulated Patte Haggerty Frato, Historian and the Clerk for their work on the display.

Open Meeting To Floor:

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

Stanley J. Dutkus, President, Sandyston Township Volunteer Fire Department and Office of Emergency Management, came forward and stated our Emergency Operating Plan has been updated and approved for the next several years. Mr. Dutkus also stated the fire department will work with the Township and put together an SOP (Standard Operating Procedure) for the use of the generators which were provided by JCP & L.

Mr. Dutkus thanked everyone that was involved with the fund-raising this year. Mr. Dutkus stated the next fund-raiser will be the Wilderness Challenge. Mr. Dutkus thanked the Committee for their help with the thermal imaging camera and stated the camera has been received and is in the fire truck and drills are being performed with the camera.

Mr. Dutkus stated that he hopes to meet with Dr. Gross to go over the emergency plan with Sandyston-Walpack Consolidated School. Mr. Dutkus also stated an exercise was performed several years ago where they evacuated the school to Maple Lane to the Municipal Garage and noted some deficiencies with one being moving the children safely down Route 560 and the other was the lack of a portable generator. Mr. Dutkus stated several years ago he did a critical infrastructure report outlining things that were needed in the Township and felt since "Hurricane Sandy" this should be reviewed, as there could be grants available to upgrade any deficiencies.

Mr. Dutkus stated he had a meeting with Undersheriff Armstrong and the County is moving forward with the Centralized 911 Dispatch and felt the conversation was very enlightening as approximately 10 townships have expressed interest at this time. Mr. Dutkus stated in January 2014 they will start with the dispatching of Sheriff Department vehicles and then working into June and July 2014 they will begin adding others.

Judy Kaplan, Van Auken Road, came forward and asked the Township Committee to send a letter to the County. Mrs. Kaplan stated as you cross the Dingman's Bridge there is approximately two miles before you approach the 50 miles per hour speed limit and asked if it was possible to send a letter to the County requesting a gradual increase of speed limit. Mayor MacDonald stated the County sets their speed limit by the amount of houses/residences that are on the road per mile. The Committee stated they would send a letter to the County.

Hixon Spangenberg, Heaters Lane, came forward and asked what the Township will do if they face opposition with Phase II of the Streetscape project. Deputy Mayor Harper stated they do not know what the project will involve and is hopeful through meaningful interaction and communication they will be able to reach middle ground.

Kim Cosgrove, Route 560, came forward and stated her son is Ryan Earley and stated she totally agreed with him and stated they have the greatest frontage of the project. Ms. Cosgrove thanked Deputy Mayor Harper for reading the email from her son and understanding how she feels. Deputy Mayor Harper stated this is not personal and hoped to work through it as best as possible.

Glenn Hull, Layton, New Jersey, came forward and referred to his previous statements and stated a deed was recorded that the land under an easement was sold by Sandyston Township to the United States and it was recorded as a sale of property. Mr. Hull explained the deed that was recorded did not meet any of the requirements for the sale of the land as it was missing the requirements for the sale of the land and the deed did not state a conveyance, did not state a sale price, but yet it was recorded as a land transfer and a tax was paid for land transfer, but there was not lot and block on this deed; but this deed represents the land under a vacated easement by Sandyston Township. Mr. Hull stated by state law, once an easement is vacated it is the absolute property of who is abounding both sides. Mr. Hull asked the Committee if they sold the land to the Park or not and if they did what Ordinance did they pass to sell the property. Deputy Mayor Harper stated that was the deed from 1988 and there was never any other correspondence after the Park informed Sandyston Township they were unhappy with the deed. Mr. Hull stated the deed was recorded June 16, 2008, and it was only recordable as a sale of property from Sandyston Township to the United States. Mr. Hull stated he thinks Sandyston Township knows the land wasn't sold and it has been the basis of a very severe lawsuit by the federal government claiming they bought property from Sandyston Township in fee, meaning to the center of the earth. Mr. Hull asked the Township Committee to go to the Prosecutor and tell

him false statements were made at the recording house by Cynthia Branley in order to facilitate that deed. Mr. Hull stated Cynthia Branley stated it was a sale of property between Sandyston Township and the United States. Mr. Hull also asked the Township Committee to write a letter to the Court stating Sandyston Township never owned the land in fee for that deed to be good. Mr. Hull asked the Township Committee to go to the Superior Court in Newton and facilitate the deed to be removed. Deputy Mayor Harper stated this matter has been debated for four years and on the advice of counsel the best course of action for Sandyston Township no comment would be made. A discussion took place between Mr. Hull and the Committee regarding the filing of the ordinance from 1988.

Aaron Hull, Old Mine Road, came forward and asked the Committee when the Certificate of Exemption was signed. Deputy Mayor Harper stated he does not know when the document was signed because the Committee was not aware that Mr. Quinn signed the document. Mr. Aaron Hull stated he knew it was signed in 1988 and then it was signed again in 2008 after he bought his piece of property. Deputy Mayor Harper stated Mr. Quinn has stated he thought he had the authority to sign the document.

Mr. Hull asked the Committee if they owned the property that was recorded in the deed. The Committee stated they did not know. Mayor MacDonald stated on the advice of counsel there would be no comment. The Committee thanked them for their input.

Gayle Hull, Layton, New Jersey stated the legal federal lawsuit they are involved in was facilitated on this Committee and if it hadn't been for the actions of the Committee, the town lawyer, etc., they would not be involved in the mess which happened after the land was purchased by their kids and was facilitated with this Committee and they keep coming back to the Committee thinking at some point the Committee will have what it takes to withdraw the deed that sits there illegally filed.

Kathy Green, 27 Ayers Road, came forward and expressed concern regarding the sidewalks. Mrs. Green stated she was raised in Sandyston Township, as were her children. Mrs. Green stated they chose to raise their children in Sandyston because it is a safe place for kids. Mrs. Green stated she is a former teacher and she knows what it is like to have to lock down the school and if the children need to be evacuated from the school they should be safe. Mrs. Green stated ultimately it is the kids that matter and felt everyone should consider that fact and that people in the community should have a safe place to walk on that road. Mrs. Green stated the sidewalks will be installed with money received from a grant which will cost the taxpayers very little.

Glenn Hull, Layton, New Jersey, came forward and stated the reason he has been to this board is he has grandchildren that are subject now to the ravages of people driving 50 miles per hour past a house within 20 feet and having no respect for the people residing there and this town has done nothing to help the children's safety.

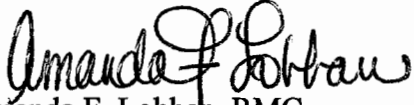
There being no further comment from the public, Mayor MacDonald made a motion to close the meeting to the public, seconded by Committeeman Leppert and unanimously approved.

Coming Up:

Next Township Meeting:	Tuesday, October 8, 2013 at 9:00 am
Planning Board:	Monday, October 7, 2013 at 7:00 pm
Recreation Meeting:	Tuesday, September 17, 2013 at 6:30 pm
Seniors Meeting:	Tuesday, October 1, 2013 at 12:00 pm
County of Sussex Flu Clinic	Tuesday, October 1, 2013 3:00 pm to 6:00 pm

Adjournment: Mayor MacDonald made a motion to close the meeting at 8:59 pm, seconded by Committeeman Leppert and unanimously carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Amanda F. Lobban". The signature is written in black ink and is positioned above the printed name.

Amanda F. Lobban, RMC
Municipal Clerk

