

## **Sandyston Township**

### **Minutes**

**September 9, 2014**

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

#### **Roll Call**

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

Also in attendance: Betsy Pinzone, Ryan Earley, Steve Williamson, Greg Watry, Kerry Deckert, Erma Gormley, Hixon Spangenberg, Glenn Hull

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

**Minutes:** The Committee reviewed the regular meeting minutes of **August 12, 2014**. Deputy Mayor Leppert made a motion to approve the both the **August 12, 2014** minutes, seconded by Mayor MacDonald and unanimously carried.

**Tax Collector Report:** The Tax Collector's report for the month of **August 2014** was presented with total receipts Month-To-Date of \$1,048,024.15 and a Year-To-Date total of \$4,166,806.63. Deputy Mayor Leppert made a motion to approve the Tax Collector's Report, seconded by Committeeman Harper and unanimously carried.

**Treasurer's Report:** The Treasurer's Report for the month of **August 2014** was presented with a beginning balance of \$818,022.13, total receipts of \$1,149,872.08, and total disbursements of \$758,982.60 leaving an ending balance of \$1,208,911.61. Mayor MacDonald read the following balances: General Capital Account \$175,045.50, Animal Control Escrow \$43,410.98, Public Assist Escrow \$3,527.45, Unemployment Escrow \$23,439.91, COAH Trust \$30,696.19, Security Asst. Fund \$18,545.47 and the Small Cities Master \$4,765.66. Mayor MacDonald made a motion to approve the Treasurer's Report, seconded by Deputy Mayor Leppert and unanimously carried.

**Payment of Vouchers:** The bills list for the month **August 2014** was submitted for approval. Mayor MacDonald made a motion to approve the bills list for the month of **August 2014** in the amount of \$409,020.79, seconded by Deputy Mayor Leppert and unanimously carried.

**Departmental Reports:** The Committee reviewed the departmental reports. Committeeman Harper noted the Road Foreman is finishing up the road program and will be purchasing a new sander.

#### **Old Business:**

**Performance Bond/Block 1105 Lot 14:** The Committee reviewed a letter that was sent to Mr. Shi by the Land Use Administrator/Planning Board Secretary regarding the posting of a bond for this location.

**In Rem Foreclosure:** The Clerk stated we received the Final Judgment on the first round of foreclosures. The Clerk noted three properties that we have foreclosed border state property on Devita Road. After a brief discussion Committeeman Harper made a motion to prepare the application to sell the three properties on Devita Road to the State of New Jersey, seconded by Mayor MacDonald and unanimously carried.

Glenn Hull, 28 Bevans Road, came forward and read the following prepared statement and requested an answer in writing: "*How much money did Sandyston Township receive for the sale of my family's section of Old Mine Road to the US.*"

*The 1989 Quit Claim deed from Sandyston Township to the US was recorded as a conveyance of sale on 6/17/2008 a real estate tax and a buyers tax was paid by Cynthia Branley of the Park Service at filing of the Quit Claim deed.*

*After Sandyston Township sold my family's section of Old Mine Road in January of 2011, Sandyston Township made Aaron Hull pay for a private road variance because he was subdividing property on his private road. The same road recorded at Sussex County Hall of Records sold by Sandyston Township to the US on 6/17/2008.*

*I'm saying that criminal activity took place to start a law suit against my family on 6-16 & 17-2008 and that Sandyston Township has done its best to hide this criminal activity."*

Mr. Hull stated he would like an answer on the price received for the sale of this property that is recorded at the Sussex County Hall of Records.

The Clerk requested a copy of Mr. Hull's letter for the record.

Deputy Mayor Leppert made a motion to close the public session to the public, seconded by Mayor MacDonald and unanimously carried.

Mayor MacDonald made a motion to enter Executive Session at 9:55 am for matters relating to litigation, negotiation and the attorney/client privilege, seconded by Committeeman Harper and unanimously carried. Mayor MacDonald thanked the public for attending the meeting.

### **Township of Sandyston Resolution Authorizing Executive Session**

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

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

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

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

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

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

**Noise Ordinance:** The Committee reviewed a memo from the Township Attorney which provided information on a Noise Ordinance and the options available to regulate unlicensed motor vehicles on private property. After a brief discussion, the Committee felt the ordinance similar to Wantage Township's Unlicensed Motor Vehicles may be one to pursue. Committeeman Harper made a motion to ask the Township Attorney to prepare an ordinance similar to Wantage Township's for the October meeting, seconded by Mayor MacDonald and unanimously carried.

**911 Dispatching Agreement:** The Clerk explained we are waiting for the County to approve the agreement. Committeeman Harper made a motion for the Clerk to send the Town of Newton a letter non-renewing our 911 dispatching agreement, seconded by Mayor MacDonald and unanimously carried.

### **CR 560 Streetscape Improvements – Phase II & Phase III**

- **Phase II** - Mayor MacDonald stated Phase II of the CR 560 Streetscape Improvement Project is nearing completion.
- **Phase III** - Committeeman Harper stated the County's review of the Phase III drawing is nearing completion with the County asking for more information on traffic control.

### **New Business:**

**Robert Walker: Sussex Technical School Tuition:** The Committee reviewed the paperwork provided by Mr. Walker. Mr. Walker was not in attendance and this matter was not discussed.

**Kerry Deckert: Spread Your Wings:** Kerry Deckert, President of Sandyston Recreation, came forward and discussed a new program called "Spread Your Wings". Mrs. Deckert explained "Spread Your Wings" is a child enrichment program that the Recreation Commission has been working on in conjunction with the YMCA. Deputy Mayor Leppert explained there are concerns for use of the building for this type of program. Mrs. Deckert explained the program would be two days a week, two hours a day for ages 3-5. The YMCA would be providing the staff and the staff would be trained in youth protection, first aid, CPR, sexual abuse prevention, etc. Mrs. Deckert explained the reason Recreation decided to do the program is the feedback that she is receiving shows that new families in this town that do not know people do not get to know people until their kids go to school and this would be a first step to bringing families into the town. Mrs. Deckert realizes there are concerns and wished to discuss this with the Committee. Mayor MacDonald explained our insurance agent, George Morville, had some concerns using the municipal building for this program including the bathroom facilities, public building (not secure) and liability. Mayor MacDonald stated he felt the program was a great idea but felt the location is wrong. Deputy Mayor Leppert discussed this program and felt this program should be run as a YMCA program and promoted by Recreation. Mrs. Deckert stated she had a meeting with the St. Thomas the Apostle Church to see about using their religious education center which is better suited for their needs. The Committee felt this was a great program and thanked Mrs. Deckert for her time.

**Appointment – Recreation Secretary – Filling Vacancy:** The Committee reviewed a recommendation for the replacement of Anne Voss as Recreation Secretary. Deputy Mayor Leppert explained Ann Klein has offered to fill this replacement and made a motion to approve this recommendation, seconded by Mayor MacDonald and unanimously carried.

**Insurance Renewal Review:** The Committee reviewed the insurance policy renewal paperwork which was provided by our insurance agent, George Morville. The Clerk explained there would be a safety meeting at the end of the month and any suggestions could be reviewed with Mr. Morville. Committeeman Harper stated Mr. Morville has a good handle on the insurance renewal. Deputy Mayor Leppert stated Recreation reviewed their accident policy and through adding and removing programs that they offer, their insurance premium was reduced.

**Use of Facility Request:** The Committee reviewed a request by Road Association of Hiram's Grove to utilize the meeting hall for their annual meeting to be held on Saturday, September 27, 2014 from 9 am – 11 am. The Clerk explained this is a change of date from a previous request. Deputy Mayor Leppert made a motion to approve this use, seconded by Mayor MacDonald and unanimously carried.

**Raffle: Sandyston-Walpack Education Foundation "Casino Night", Saturday, October 4, 2014:** The Committee reviewed a Raffle Application for the Sandyston-Walpack Education Foundation for a "Casino Night" to be held Saturday, October 4, 2014 from 7 pm – 11 pm at the Camp Linwood MacDonald. Deputy Mayor Leppert made a motion to approve, seconded by Committeeman Harper and unanimously approved.

**Outdoor Entertainment Draft:** The Committee reviewed the draft changes to the Outdoor Entertainment Ordinance. The Committee discussed the options for notification of residents and felt each application should be by Certified Mail. The Clerk asked what changes should be brought to the resident's and the Committee's attention. The Committee discussed and felt a change in date was the most important change that would need to be brought to the resident's attention and this change should also be done by Certified Mail. The Committee suggested being notified of other changes (number of bands, types of bands, etc.) prior to the event date.

**Resolutions:**

**SANDYSTON TOWNSHIP RESOLUTION**

**R-58-2014**

**A RESOLUTION APPOINTING SECRETARY TO SANDYSTON RECREATION**

**WHEREAS,** Anne Voss has submitted her resignation as Sandyston Recreation Secretary effective September 30, 2014; and

**WHEREAS,** the Township Committee accepted this resignation, with regret, at the Township Committee meeting held August 12, 2014; and

**WHEREAS,** Kerry Deckert, President of Sandyston Recreation has recommended Ann Klein to replace Anne Voss; and

**WHEREAS,** Ann Klein has agreed to accept the position of Secretary for Sandyston Recreation.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey that Ann Klein be appointed Secretary for Sandyston Recreation effective October 1, 2014.

The Committee reviewed **R-58-2014**. Deputy Mayor Leppert made a motion to approve **R-58-2014**, seconded by Committeeman Harper and unanimously carried.

**Ordinances:**

**SANDYSTON TOWNSHIP**

**ORDINANCE 2014-05**

**ORDINANCE OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF SANDYSTON IN ORDER TO REPEAL ARTICLE I OF CHAPTER 45 IN ITS ENTIRETY**

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

**WHEREAS**, it is the desire of the Township of Sandyston to amend the Township Code in order to repeal Chapter 45, Article I entitled "Verification of adequacy of sewage disposal facilities" as it is inconsistent with current Sussex County Health Department and New Jersey Department of Environmental Protection rules and regulations.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that Chapter 45, Article I of the Township Code entitled "Verification of adequacy of sewage disposal facilities" shall and is hereby deleted in its entirety.

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

The Committee reviewed **Ordinance 2014-05**. Deputy Mayor Leppert made a motion to open Ordinance **2014-05** to the public, seconded by Committeeman Harper and unanimously carried. Mrs. Erma Gormley asked for an explanation of the ordinance. Mayor MacDonald read the entire ordinance and explained several of the ordinances are being updated and more consistent with today's codes and standards. There being no further comment from the public, Mayor MacDonald made a motion to close the Ordinance to the public, seconded by Deputy Mayor Leppert and unanimously carried. Deputy Mayor Leppert made a motion to approve **Ordinance 2014-05**, seconded by Committeeman Harper and unanimously carried. **Roll Call Vote followed:** Ayes: Harper, Leppert, MacDonald: Nays 0; Absent 0; Abstain 0

**SANDYSTON TOWNSHIP**

**ORDINANCE 2014-06**

**ORDINANCE OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTERS 69 AND 71 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF SANDYSTON.**

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

**WHEREAS**, the Township of Sandyston wishes to amend certain sections of Chapters 69 and 71 of the Township Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that Chapter 69, §69-1 shall be amended in order to delete the schedule of fees for Chapter 71 "Uniform Fire Code" and replace same with the following: "Fees are to be in accordance with N.J.A.C. 5:70-2.9."

**BE IT FURTHER ORDAINED** that Chapter 69, §69-1 shall be amended in order to change the fee for a Zoning Permit under Chapter 150 "Zoning" from \$10 to \$20.

**BE IT FURTHER ORDAINED** that Chapter 71, §71-8 shall be amended in order to change N.J.A.C. 50:70-2.9 to N.J.A.C. 5:70-2.9.

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

The Committee reviewed **Ordinance 2014-06**. Deputy Mayor Leppert made a motion to open Ordinance **2014-06** to the public, seconded by Committeeman Harper and unanimously carried. There being no comment from the public, Mayor MacDonald made a motion to close the Ordinance to the public, seconded by Deputy Mayor Leppert and unanimously carried. Deputy Mayor Leppert made a motion to approve Ordinance **2014-06**, seconded by Committeeman Harper and unanimously carried. **Roll Call Vote followed:** Ayes: Harper, Leppert, MacDonald: Nays 0; Absent 0; Abstain 0

## SANDYSTON TOWNSHIP

### ORDINANCE 2014-07

#### ORDINANCE OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 158 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF SANDYSTON

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

**WHEREAS**, the Township of Sandyston wishes to amend certain sections of Chapter 158 of the Township Code in order to make it consistent with the New Jersey Uniform Construction Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Sandyston, County of Sussex, State of New Jersey, that the requirements set forth in Chapter 158, §158-2 entitled "Minimum floor area requirements" shall and are hereby deleted in their entirety and are hereby replaced with the following: "Minimum floor area requirements shall be in accordance with the New Jersey Uniform Construction Code, N.J.A.C. 5:23."

**BE IT FURTHER ORDAINED** that Chapter 158, §158-11 entitled "Rules and Regulations" shall and is hereby deleted in its entirety.

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

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

The Committee reviewed **Ordinance 2014-07**. Deputy Mayor Leppert made a motion to open Ordinance **2014-07** to the public, seconded by Mayor MacDonald and unanimously carried. There being no comment from the public, Mayor MacDonald made a motion to close the Ordinance to the public, seconded by Deputy Mayor Leppert and unanimously carried. Deputy Mayor Leppert made a motion to approve Ordinance **2014-07**, seconded by Committeeman Harper and unanimously carried. **Roll Call Vote followed:** Ayes: Harper, Leppert, MacDonald: Nays 0; Absent 0; Abstain 0

## SANDYSTON TOWNSHIP

### ORDINANCE 2014-08

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

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

**Section 71-9 Non-Life Hazard Uses**

- A.** In addition to the registrations required by the Uniform Fire Code, the following non-life-hazard uses shall register with the Bureau of Fire Prevention. **These uses shall be inspected and such inspection shall be valid for three years. Changes in the ownership or use of a property during the three year period will require a new inspection.**

The Committee reviewed **Ordinance 2014-08**. Deputy Mayor Leppert made a motion to approve the introduction of **Ordinance 2014-08**, seconded by Mayor MacDonald and unanimously carried. Deputy Mayor Leppert stated there would be a public hearing on this ordinance on Tuesday, October 14, 2014 at 7:00 pm.

**Correspondence:** The Committee reviewed the correspondence. The Clerk noted the email received from Ryan Earley offering to provide his experience with acoustic surveys offering to discuss this with the Committee should they feel his services are needed. The Committee thanked Mr. Earley for his offer.

The Clerk noted the letter received from Phil Manno on Volker Lane in which he sent a letter to the State of New Jersey Department of Transportation expressing concern over the passing lane on Route 206 by his home and asking for the passing zone to be changed to "no passing". Deputy Mayor Leppert made a motion to send a letter of support for this request, seconded by Mayor MacDonald and unanimously carried.

Mayor MacDonald noted the bear that was hit on County Road 560 near the County Garage had been picked up.

Sussex County Department of Environmental and Public Health Services has asked for our support of the "Tie A Ribbon Campaign". Deputy Mayor Leppert made a motion to support the campaign, seconded by Mayor MacDonald and unanimously carried.

Mayor MacDonald noted the upcoming events of Tire Day, Rabies Clinic and Gobble Hobble.

Committeeman Harper stated he attended a meeting with the National Park Service along with Pike County Commissioners, Monroe County Commissioners and most of the towns in the surrounding lead by John Donahue and most of his staff. Committeeman Harper reviewed the highlights of the meeting including Route 209 Commercial Use, Mitigation Fund and Land Acquisition, the Acid Rock issue in Delaware Township, Building Stabilization Underway, and the Historic Properties Management Plan. Committeeman Harper also noted the Vision Statement that was also handed out at the meeting and asked for the Committee to review and offer comments. Committeeman Harper stated the meeting was approximately two and a half hours long and was very interesting, but not much pertained to the New Jersey side.

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

Erma Gormley, 6 Bayley Road, inquired as to the heavy equipment by the old Seger Farm and wondered why the equipment was parked at that location. Deputy Mayor Leppert explained the State of New Jersey took down the barn that was there during the past two weeks.

Mayor MacDonald made a motion to exit executive session at 10:15 am and return to the public session, seconded by Committeeman Harper and unanimously carried.

Mayor MacDonald made a motion to hire an appraiser to perform an appraisal for the acquisition of the proposed easement of Ryan Earley and Kim Cosgrove for the Phase III Streetscape Improvement, seconded by Deputy Mayor Leppert and unanimously carried.

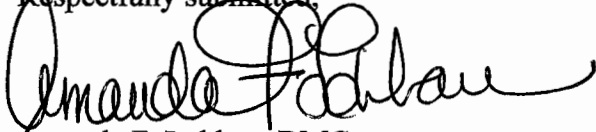
Committeeman Harper made a motion to send Mr. Hull's letter to our attorney, Glenn Kienz, for review and response, seconded by Deputy Mayor Leppert and unanimously carried.

**Coming up:**

Township Meeting:	Tuesday, October 14, 2014 at 7:00 pm
Planning Board:	Monday, October 6, 2014 at 7:00 pm
Seniors Meeting:	Tuesday, October 7, 2014 at 12:00 pm
Sandyston Recreation:	Tuesday, September 23, 2014 at 6:30 pm

**Adjournment:** Mayor MacDonald made a motion to close the meeting at 10:15 am, seconded by Deputy Mayor Leppert and unanimously carried.

Respectfully submitted,



Amanda F. Lobban, RMC  
Municipal Clerk