

March 8, 2017

The monthly business meeting of the Hope Township Committee convened at 7:00 P.M. at the Hope Township Municipal Building with the following members present: Mayor Timothy McDonough, Deputy Mayor George Beatty, and Committeeman Christopher John Kruk. Also present were Municipal Clerk, Judith Fisher, RMC; Township Attorney Michael Selvaggi, Esq.; Township Engineer, Ted Rodman, P.E.

Under the provisions of the "Open Public Meetings Act", adequate notice of the meeting had been provided by publishing notice in The Express Times and The New Jersey Herald and by posting notices in the Hope Post Office and on the Township bulletin boards.

EXECUTIVE SESSION

Mr. Kruk made a **motion** to enter into Executive Session at 7:02 p.m.

RESOLUTION

WHEREAS, Section 8 of the Open Pubic Meeting Act, Chapter 231, P. L 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hope, in the County of Warren and State of New Jersey as follows:

1. The public shall be excluded from that portion of this meeting
 2. The general nature of the subject matter to be discussed is as follows: COAH - Possible Litigation
- As nearly as can be ascertained, the matter or matters to be discussed at this time will be disclosed to the public when such matters are resolved.

Mr. Kruk made a **motion** to leave Executive Session at 7:15 p.m.

Attorney Selvaggi reported discussion included COAH litigation; Ordinance for Open Space; Cell Tower on Municipal Property; Amended Ordinance on Exempted Fees

Mr. Beatty reported on a neighbor issue on Union Brick Road where the outlet to a pond on one neighbor's property has been screened by the other neighbor, resulting in the pipe being blocked and the pond overflowing. The pond could potentially drain onto the road. The matter is on private property, so it must be determined whether or not it is becoming a road hazard. Attorney Selvaggi would forward a letter to both parties indicating if there is an issue with the road, both would be accountable.

Ted Rodman, P.E., Township Engineer:

Fill on Ridgeway Avenue: Mr. Rodman reported on possible contaminated soil coming from Newark that is being used as fill on the property. No permit has been issued to do so. A Licensed Site Remediation Professional could run as high as \$12,000 to conduct the soil sampling. Soil Conservation has issued a stop work order. Mr. Rodman will copy Attorney Selvaggi on all correspondence and documentation concerning the matter for his review.

Salt Shed: Specifications are completed, a bid opening date needs to be determined. Mrs. Fisher will contact Mr. Rodman with available dates. Mr. Rodman questioned whether a bid, surety or performance bond would be necessary – as it will affect the pricing. Attorney Selvaggi recommended a performance and maintenance bond.

7:00 p.m.: Kathryn Windsor – Verizon Wireless – Small Network Nodes

Jim Perry, Mayor of Hardwick, was also present.

Ms. Windsor introduced herself indicating she is employed by Tilson Technology, a subcontractor for Verizon. She provided a background history on their request. Technology is rapidly increasing and growing, and when the use increases it places a strain on the network called "sector exhaust". She provided statistics on usage and the projected increase into the future. The nodes would be important for the township from an emergency perspective, to make sure everyone has access to 9-1-1, especially with the decrease in landline usage. Small network nodes would be placed on existing utility and light poles located in a township ROW. She described the equipment consisting of two pieces stating placement is determined by sector exhaust areas that have limited or no service, dropped calls; to help macros perform more efficiently working in conjunction.

In response to questioning, Ms. Windsor stated another carrier could co-locate on their equipment should they need to address the same issue. They would have to follow the same procedure for approval from the municipality. Concerns about fans installed on the equipment and noise level were addressed. Ms. Windsor indicated the area of

installation would be taken into consideration and site specific review by the Building Department would be required. No noise complaints have been received from other installation locations. She could provide the addresses for other systems if the Committee wished to visit them.

Ms. Windsor felt one to five nodes would be necessary, a maximum of ten. Concerns were expressed on locating the equipment in close proximity to residences.

Ms. Windsor will contact the Zoning Officer and Building Department if authorization is granted by the Township Committee. She agreed to a condition of any approval requiring plans to be submitted to the Township Engineer prior to moving forward.

Mr. Selvaggi would review the resolution and take into consideration all concerns.

At this point, this portion of the meeting was opened to the public.

A resident expressed concern with appropriate signage not being installed on County roads within the township. Public concerns were expressed with not being able to obtain high speed internet and cable service in the township. Mayor McDonough provided a history on their efforts to do so.

Renee Wagner indicated she received a letter from Mr. Boesze regarding two ponies being kept on her property. She stated they have owned them since 2000 and she asked to be grandfathered. Manure is composted for their garden and when they originally moved to the township there was no ordinance regarding this matter. Mr. Selvaggi reviewed the letter and zoning ordinance, stating an application could be filed with the Zoning Board of Adjustment, arguing the animals existed on the property prior to the ordinance, a pre-existing, non-conforming use asking to be grandfathered.

Chris Meier noted he served on the Planning Board when this ordinance was drafted and was not in favor of it; he felt they should not have to appear before the Zoning Board.

Following a brief discussion, the Committee agreed to waive the application fees for the Wagners. Mr. Kruk asked if it would be possible for the residents to meet with the Zoning Officer asking him to reconsider. Attorney Selvaggi stated he does not have the authority to do so, only the Board could issue the certificate. Mr. Selvaggi suggested reviewing the matter further and making a decision at the next meeting on March 22nd as to whether or not they would have to appear before the Zoning Board.

Pete Petersen: Request to Use the Community Center/Downstairs, March 13, 7:30 p.m.

Purpose: Concerned Residents to Discuss the Proposed Gas Station

Mr. Petersen requested for the use fee for the facility to be waived. The Committee agreed to do so.

Payment of Bills and Receipts:

February 2017 Receipts: \$9984.80

Reports

Chief Financial Officer

Tax Assessor

Tax Collector

Construction Code Official

Zoning Officer

Township Engineer

Road Department

Fire Department

Blairstown Ambulance Corp

Warren County Health Department: Mrs. Fisher reviewed the report with respect to investigation of complaints filed and also for food establishment inspections.

Agriculture Advisory Committee

Environmental Commission

Municipal Court of North Warren at Hope

Community Police Officer

Use of Township Facility Request

Historic Preservation Commission: Mr. Kruk made a **motion** to appoint Sally Rausa to the Commission as an Alternate Member, replacing Ms. Billows, seconded by Mr. Beatty.

Roll Call Vote: Mr. Beatty, yes, Mr. Kruk, yes, Mayor McDonough, yes
Motion carried.

Committee Reports:

Mayor Tim McDonough:

Mayor McDonough attended a meeting with the Department of Transportation and the County to discuss work taking place at the interchange in Hope involving four ramps, applying material at night. The ramps will be shut down as work proceeds. Work will begin as soon as weather permits.

County paving will be done from the blinking lights to Blairstown also beginning as weather permits. Mr. Beatty met with the County and they will repave and build up the swale by Millbrook Road. They will also address the catch basins by the fire house.

Paving will be conducted westbound on Rt. 80 to the Delaware Water Gap – a meeting will be held prior to the project.

State Trooper Lieutenant is scheduling two dates for units to be set up for weighing and inspecting trucks – this will be set up by the firehouse.

Deputy Mayor George Beatty:

Mr. Beatty discussed repairs to be done at the Community Center including windows, doors, fascia board and floors.

Church stone wall – two short walls should be done in-house. A meeting needs to be scheduled between the church, Township and County to assist with the grant application.

Exit and fire signs at the Community Center have been damaged by sports groups. Once basketball is over, the center will be shut down and combination changed; usage will be monitored in the future.

Farmland – the Zukowski property has withdrawn their application; Hope Knowlton farm has been sent to the County – no new applications or interest at this time.

Following a brief discussion, Mr. Kruk made a **motion** to increase the Open Space Tax to .02 by Resolution, seconded by Mr. Beatty.

Roll Call Vote: Mr. Beatty, yes, Mr. Kruk, yes, Mayor McDonough, yes
Motion carried.

Mr. Beatty discussed budget funding for hiring either two part-time or one full-time DPW worker. He was in favor of one full-time employee for continuity and back-up purposes. This would be beneficial for completing larger projects. Open space funding could be used to supplement the cost.

Mr. Kruk felt outside hiring could be done for smaller projects and items that need to be addressed, as it would be more cost effective than a full-time salary with benefits.

Using volunteers to assist with the field maintenance and other items was discussed and it was determined this would be difficult.

The matter will be added to the next agenda for further consideration. A job description will also be drafted.

Municipal Clerk: Correspondence on file in the Clerk's Office

RESOLUTIONS:

2017-26 Cancelling Tax Sale Certificate

WHEREAS, the property of Lawrence R Mueller known as block 700 lot 702, located at 465 Delaware Road, had unpaid 2014 property taxes and was sold at Tax Sale on 29 January 2015 by the Hope Township Tax Collector; and

WHEREAS, as there were no outside bidders for the abovementioned property, the Hope Township Tax Collector struck off the property to the Township of Hope for the amount of \$2,910.10. The amount consists of unpaid 2014 property taxes, interest, and other costs, and is represented by Tax Sale Certificate 2015-001; and

WHEREAS, Guardian Settlement Agents, Inc, representing the buyers, Frederick & Sherrie Stires, paid \$11,655.34 on 23 February 2017 to redeem the said Lien 2015-001 together with accrued interest, other charges, delinquent taxes, and current taxes:

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hope on this 08th day of March 2017 that the Mayor of the Township of Hope be authorized to sign Tax Sale Certificate 2015-001 as being satisfied; and

BE IT FURTHER RESOLVED that the Tax Collector return the executed satisfied Tax Sale Certificate to Guardian Settlement Agents, Inc located at 1000 East Lincoln Drive, Suite 2 in Marlton, NJ 08053.

Mr. Kruk made a **motion** to adopt Resolution 2017-26, seconded by Mr. Beatty.

Roll Call Vote: Mr. Beatty, yes, Mr. Kruk, yes, Mayor McDonough, yes

Motion carried.

OLD BUSINESS:

Status: Sanitary Landfill – No report.

Status: Wastewater Management Plan – Grant Search – No report.

Status: Draft Housing Element and Fair Share Plan – *Discussed.*

Status: Replacement Windows – Community Center – *Discussed.*

Status: Repairs to the Rock Wall in the Historic District – *Discussed.*

Status: Empire Telecom: Proposed Cell Tower on Municipal Property (Waiting for additional information)

Mayor McDonough reported on the proposal as follows: Mayor McDonough received a proposal from Verizon for \$1700 per month with a 2% annual increase; and 15% for future co-locators - The Committee discussed the proposal and Mrs. Fisher will provide a copy to the entire Committee for further review.

Status: Salt Shed Discussion – *Discussed.*

Status: Stormwater Management – *Discussed.*

Review Personnel Policy: Update/Special Meeting in 2017 (After Budget Adoption)

ORDINANCE: 1st Reading

Re-introducing: 2017-04

TOWNSHIP OF HOPE

WARREN COUNTY, NEW JERSEY

**ORDINANCE OF THE TOWNSHIP OF HOPE, COUNTY OF WARREN, STATE OF NEW JERSEY
PETITIONING THE CLERK OF WARREN COUNTY TO PLACE ON THE BALLOT A REFERENDUM
TO INCLUDE ACQUISITION, DEVELOPMENT AND MAINTENANCE OF LANDS FOR
RECREATION AND CONSERVATION PURPOSES; HISTORIC PRESERVATION AND ACQUISITION
OF FLOOD LANDS AS PURPOSES OF OPEN SPACE TAX. 2017-04**

WHEREAS, N.J.S.A. 40:12-15.7 allows a municipality to create a Municipal, Open Space, Recreation, and Farmland and Historic Preservation Trust Fund to fund projects that meet the requirements of the statute; and

WHEREAS, N.J.S.A. 40:12-15.7 provides for seven (7) purposes for which the funds may be used; and

WHEREAS, the municipality, by referendum, must determine the amount of tax to be raised and which of those seven purposes the municipal open space monies can fund; and

WHEREAS, the Township of Hope previously conducted a referendum in 2004, wherein the voters permitted the Township to only raise funds annually at a rate not to exceed \$.05 per \$100.00 of assessed value for the funding of farmland preservation purposes and ancillary purposes related thereto and to pay the debt service on any indebtedness incurred for the aforesaid purpose; and

WHEREAS, by virtue of the 2004 referendum, the Township of Hope currently only allows for the funding of projects related to two of the seven purposes; and

WHEREAS, the Township of Hope wishes to amend its Municipal, Open Space, Recreation, and Farmland and Historic Preservation Trust Fund to allow for the funding of additional projects as set forth in N.J.S.A. 40:12-15.7(e) and is desirous of placing this issue on the ballot to be voted upon by the voters of Hope Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hope, County of Warren and State of New Jersey, that it does hereby petition the County Clerk of the County of Warren to place on the ballot in the next general election the following referendum and interpretive statement:

REFERENDUM: Shall the use of open space tax of the Township of Hope be for the following purposes:

(a) acquisition of lands for recreation and conservation purposes;

(b) development of lands acquired for recreation and conservation purposes;

(c) maintenance of lands acquired for recreation and conservation purposes;

(d) acquisition of farmland or easements on farmland for preservation purposes;

(e) historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes;

- (f) payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in subparagraph (a), (b), (d) , (e) or (g) of this paragraph ; or
- (g) Flood lands acquisition projects.

[] Yes [] No

INTERPRETIVE STATEMENT:

The purpose of this referendum is to determine whether or not the Municipal Open Space Trust Fund which is currently limited to uses associated with farmland preservation and debt payments related to farmland preservation, may also be used for acquisition of lands for recreation and conservation purposes, development of lands acquired for recreation and conservation purposes, maintenance of lands acquired for recreation and conservation purposes, historic preservation, and flood land acquisitions and debt service associated with all listed purposes. These purposes would be added to the two already approved uses set forth in in the Open Space Ordinance.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Committee of the Township of Hope held on March 08, 2017, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on April 12, 2017 at 7:00p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 407 County Route 611, P.O. Box 284, Hope, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Judith Fisher, RMC
Township Clerk

Mr. Kruk made a **motion** to re-introduce Ordinance 2017-04, seconded by Mr. Beatty.

Roll Call Vote: Mr. Beatty, yes, Mr. Kruk, yes, Mayor McDonough, yes

Motion carried

(Public Hearing/Adoption: April 12, 2017)

NEW BUSINESS:

Land Conservancy:

Mr. Kruk made a **motion** authorizing the Mayor and Clerk to sign the agreement to sell the development easement for Block 1200, Lot 2404 to the Land Conservancy, seconded by Mr. Beatty.

Roll Call Vote: Mr. Beatty, yes, Mr. Kruk, yes, Mayor McDonough, yes

Motion carried.

George & Marti Gugel: Requesting consideration of opening the trail around the quarry to Township horses

The Committee discussed the request and issues with enforcement. It was determined that it is a pedestrian path, non-conducive to horses. Improvements have been made to the trail and horse usage may damage those upgrades. The Deputy Clerk will draft a letter to the Gugels for Committee review.

A brief discussion was held on installing cameras to deter vandalism, stolen signs and damage to township property.

Linda Gabel, Recycling Coordinator: Agreement for Submitting the 2016 Tonnage Grant

Mr. Kruk made a **motion** to approve the agreement to hire Linda Gabel at a stipend of \$500 upon completion - to create, sign and submit the 2016 Recycling Tonnage Grant for the Township of Hope, seconded by Mr. Beatty.

Roll Call Vote: Mr. Beatty, yes, Mr. Kruk, yes, Mayor McDonough, yes

Motion carried.

Public Participation: This portion of the meeting was opened to the public for any questions or concerns. There being none, this portion of the meeting was closed.

Approval of Minutes: February 22, 2017

Mr. Kruk made a **motion** to approve the minutes of February 22, 2017, seconded by Mr. Beatty.

Roll Call Vote: Mr. Beatty, yes, Mr. Kruk, yes, Mayor McDonough, yes

Motion carried.

Seeing there was no other business for tonight, this meeting of the Hope Township Committee was adjourned at 9:20 p.m. on a **motion** made by Committeeman Kruk, seconded by Committeeman Beatty. Motion carried by voice vote.

Respectfully submitted,

Judith M. Fisher RMC
Municipal Clerk