

APRIL 13, 2022
BUSINESS MEETING

The 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 John Kruk and Committeeman Terry Urfer. Also present were Municipal Clerk, Robin Keggan, RMC; Deputy Clerk, Zondra Belstra; Donald Whitmore, DPW Foreman; Dan MacaDonnell; South State and several members of the public.

FLAG SALUTE AND SUNSHINE STATEMENT

Under the provisions of the "Open Public Meetings Act", adequate notice of this meeting has been provided by publishing notice in the Express Times New Jersey edition and the New Jersey Herald and by posting notices in the Hope Post Office and on the Township Web and Bulletin Boards.

Roll call: Mr. Urfer- present

Mr. Kruk – present

Mayor McDonough- present

A moment of silence was observed for the people of Ukraine and what they are currently enduring.

Executive Session:

A motion was made by Mr. Urfer, seconded by Mr. Kruk and carried to adopt the Resolution to go into Closed Session at 7:08 PM.

RESOLUTION

WHEREAS, Section 8 of the Open Public 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:
 - A. Potential 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.

Time In: 7:08 PM

Present: Deputy Mayor Kruk, Committeeman Urfer, Mayor McDonough, Michael Selvaggi, Esq., Township attorney.

Also Present: Robin Keggan, Municipal Clerk

Time Out: 7:34 PM

A motion made by Committeeman Urfer, seconded by Committeeman Kruk and carried to return to regular session. No Official Actions were taken.

Motion was made by Mr. Urfer; seconded by Mr. Kruk and all in favor to re-open the meeting to the public at 7:34 p.m.

Appointment to Historic Preservation Commission - The Township Committee had a conversation with Melissa Debiak regarding her interest in a position with the Historic Preservation Commission. After a short discussion, Mr. Urfer made a motion to appoint her to the Commission; seconded by Mr. Kruk. All in favor.

Payment of Bills: March Bills - \$71,721.49. On a motion made by Mr. Urfer; seconded by John Kruk and roll called as follows: Mr. Kruk – yes; Mr. Urfer – yes; Mayor McDonough – yes - the bills were approved for payment.

Reports:

Tax Collector: Month Ending March 2022 - \$115,810.88 **Y-T-D for 2022** \$1,579,118.08.

Mayor Tim McDonough: See truck and internet reports.

Deputy Mayor Christopher John Kruk: Touched on roadside spraying. Josh Miller is in the process of becoming certified. He passed the first part of the test and now will need to shadow a certified person for 40 hours. Arrangements will be made for him to do so.

Committeeman Urfer: Discussed the Community Center grant and the fact that there was a pre-bid conference today at the Community Center. He is also concerned about drainage on Ridgeway Avenue and a discussion was had regarding finding grants to help with stormwater runoff/drainage. The clerk was asked to reach out to the Township engineer to ask him to start looking into some grants, especially since this is a C-1 Stream area, and then attend a Township Committee meeting when he has some information to provide.

Township Engineer: Not in attendance.

Events Coordinator: Not in attendance.

DPW: Mr. Whitmore gave an update on projects he has been working on, much of which is centered around the cleanup from the major rainstorm that recently hit the area. He is also readying for mowing season, replaced a sump pump in the Distillery and has been studying for his CPWM test.

RESOLUTIONS:

**TOWNSHIP OF HOPE, COUNTY OF WARREN, STATE OF NEW JERSEY
A RESOLUTION MEMORIALIZING SELF-EXAMINATION OF
HOPE TOWNSHP BUDGET
2022-31**

WHEREAS, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

WHEREAS, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

WHEREAS, pursuant to N.J.A.C.5:30-7.2 thru 7.5, the Township of Hope has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Hope meets the necessary conditions to participate in the program for the 2022 budget year, so now therefore:

BE IT RESOLVED, by the Township Committee of the Township of Hope that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated;
 - b. Items of appropriation are properly set forth;
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5, shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

Motion: Mr. Urfer

Second: Mr. Kruk

Committee Polled: Mr. Kruk – yes Mr. Urfer – yes Mayor McDonough - yes

**RESOLUTION 2022-32
TOWNSHIP OF HOPE
COUNTY OF WARREN, STATE OF NEW JERSEY
RESOLUTION AWARDED A CONTRACT FOR LANDSCAPE MAINTENANCE OF
TOWNSHIP PROPERTIES**

WHEREAS, Hope Township requires landscape services to support the DPW in maintaining the many Township owned properties, buildings and grounds for the Spring, Summer and Fall months of 2022.

WHEREAS, two (2) quotes were solicited (Weber's Landscaping and Drake's Landscaping, LLC); and

WHEREAS, the following quotation was received for the 2022 season from one (1) contractors:

Drake's Landscaping, LLC	\$ (see quote attached)
Weber's Landscaping	Declined quote – not landscaping this year. Phone call placed 4/6/2022

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hope that the contract for landscape maintenance of Township owned properties, buildings and grounds **BE** and is hereby **AWARDED** to Drake's Landscaping for its lowest responsible, responsive quotation as per company estimate dated March 1, 2022

ORDINANCES:

2022-02

Public Session and Adoption:

Motion made by Mr. Urfer; seconded by Mr. Kruk, all in favor to open to the public for discussion.

Short discussion took place between the Township Committee and residents regarding roads where service is to be provided and the date by which that will occur.

Motion was made to close to the public by Mr. Urfer; seconded by Mr. Kruk. All in favor.

Motion made to adopt Ordinance No. 2022-02 by Mr. Urfer; seconded by Mr. Kruk. Roll Call: Mr. Kruk – yes; Mr. Urfer – yes; Mayor McDonough – yes.

**AN ORDINANCE OF THE TOWNSHIP OF HOPE, COUNTY OF WARREN REQUESTING
CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE
TOWNSHIP TO CSC TRK, LLC**

ORDINANCE 2022-02

WHEREAS, the Township Committee of Township of Hope (hereinafter referred to as the "Township") determined that CSC TKR, LLC (hereinafter referred to as "the Company") has the technical competence and general fitness to operate a cable television system in the Municipality (as defined in Section 1 of this Ordinance), and by prior ordinance granted its municipal consent for the Company's predecessor in interest,

Service Electric Cable T. V. of New Jersey, Inc. (“SECTV”) to obtain a non-exclusive franchise (the “Franchise”) for the placement of facilities and the establishment of a cable television system in the Municipality; and,

WHEREAS, by application for renewal consent filed with the Township and the Office of Cable Television on or about October 14, 2011, SECTV, and the Company as its successor in interest, has sought a renewal of the Franchise; and,

WHEREAS, on or about July 14, 2020; with the prior approval of the Board of Public Utilities of the State of New Jersey (hereinafter the “Board”) the Company completed its purchase of the assets of SECTV, including the cable television franchise for, and the cable television system within the territorial limits governed by, the Township, and,

WHEREAS, the Township having held public hearings has made due inquiry to review the Company’s performance under the Franchise, and to identify the Township’s future cable-related needs and interests and has concluded that the Company has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Township’s future cable-related needs and interests; and,

WHEREAS, the Township has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided the Company’s proposal for renewal embodies the commitments set forth below, the Township’s municipal consent to the renewal of the Franchise should be given; and,

WHEREAS, imposition of the same burdens and costs on other competitors franchised by the Township is a basic assumption of the parties.

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

SECTION 1. DEFINITIONS

For the purpose of this Ordinance, the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) “Act” or “Cable Television Act” shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) “Application” shall mean the Company’s application for Renewal of Municipal Consent, which application is on file in the Township Clerk’s office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) “Board” shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) “Township” shall mean the governing body of the Township Hope in the County of Warren, and the State of New Jersey.
- (e) “Company” shall mean CSC TKR, LLC, the grantee of rights under this Ordinance.
- (f) “FCC” shall mean the Federal Communications Commission.

- (g) “Federal Act” shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) “Federal Regulations” shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) “Municipality” shall mean the area contained within the present municipal boundaries of the Township of Hope in the County of Warren, and the State of New Jersey.
- (j) “Standard installation” shall mean the installation of drop cable to a customer’s premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (k) “State” shall mean the State of New Jersey.
- (l) “State Regulations” shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the Township having received all comments regarding the qualifications of the Company to receive this consent, the Township hereby finds the Company possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that the Company’s operating and construction arrangements are adequate and feasible.

SECTION 3. GRANT OF AUTHORITY

The Township hereby grants to the Company its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the Municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If the Company seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Township and the Company shall be bound by the terms of this municipal consent until such time as the Company converts the municipal consent (and any certificate of approval) into a system-wide franchise.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the Company shall apply to the entirety of the Municipality and any property hereafter annexed.

SECTION 7. SERVICE AREA

The Company shall be required to proffer video programming service along any public right-of-way to any person's residence within the "primary service area," as it exists on the effective date of any written approval order by the Board of this consent, at the Company's schedule of rates for standard and nonstandard installation.

SECTION 8. EXTENSION OF SERVICE

Pursuant to the requirements of the Board, as ordered in its approval of the transfer of the Franchise from SECTV to The Company (Docket No. CM20030211, effective July 6, 2020), upon request, the Company shall extend service along any public right of way outside its primary service area to those residences or small businesses within the franchise territory which are located in areas that have a residential home density of twenty-five (25) homes per mile or greater (as measured from the then existing primary service area), or areas with less than twenty-five (25) homes per mile where residents and/or small businesses agree to share the cost of such extension in accordance with the line extension formula as provided by the Company in its application for municipal consent.

SECTION 9. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, the Company shall pay to the Township, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Municipality. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Township and the Company shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Township to require payment of a franchise fee by the Company that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

SECTION 10. FREE SERVICE

Subject to applicable federal regulations, the Company shall, upon written request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Municipality.

SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS

The Company shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Municipality:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Township shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Township, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Township so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS

The Company shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 13. LOCAL OFFICE OR AGENT

The Company shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 14. DESIGNATION OF COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Township pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 15. LIABILITY INSURANCE

The Company agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

SECTION 16. PERFORMANCE BOND

The Company shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the Township in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

SECTION 17. RATES

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

B. The Company shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62) years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

- (i) Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,
- (ii) In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,
- (iii) The senior discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment offered by the Company, including any premium channel services and pay-per-view services; and,
- (iv) Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,

C. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Municipality files, in accordance with N.J.S.A. 48:5A-30(d), is capable of serving sixty percent (60%) or more of the households within the Municipality. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.

SECTION 18. EMERGENCY USES

The Company shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Township pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the Township is unable to make full use of the cable television system as contemplated herein. The Township shall utilize the state-approved procedures for such emergency uses.

SECTION 19. EQUITABLE TERMS

In the event that the service of another multi-channel video program provider not subject to the Township's regulatory authority within the Municipality creates a significant competitive disadvantage to the Company, the Company shall have the right to request from the Township lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Township agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Township acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Township shall be under no obligation to support The Company's request for such relief from the Board.

In any subsequent municipal consent, Township shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Township's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Township agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

SECTION 20. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, the Company at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless The Company, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

A. The Company shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Municipality as described in the Application for municipal consent. All the Company support for PEG access shall be for the exclusive benefit of the Company's subscribers.

B. The Township agrees that the Company shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Township is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Township's provision of PEG access programming on such channel.

C. The Company shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

SECTION 22. INCORPORATION OF APPLICATION

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Township by the Company except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other written amendments thereto submitted by the Company in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 23. CONSISTENCY WITH APPLICABLE LAWS

This consent shall be construed in a manner consistent with all applicable federal, State and local laws; as such laws, rules and regulations may be amended from time to time.

SECTION 24. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 25. NOTICE

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Altice USA
1 Court Square West, 49th Floor
Long island City, NY 11101
Attention: Senior Vice President for Government Affairs
With a copy to:

CSC TKR, LLC
c/o Altice USA
1 Court Square West
Long island City, NY 11101
Attention: Legal Department

Notices to the Township shall be mailed to:
Township of Hope
P.O. Box 284
Hope, NJ 07844
Attention: Township Clerk

SECTION 26. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7. In accordance with N.J.S.A. 48:5A-25.1, the terms of this Ordinance will no longer be in effect upon The Company converting the municipal consent (and any certificate of approval) into a system-wide franchise.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Hope held on March 9, 2022 and ordered published in accordance with the law. Said Ordinance was finally adopted at a regular meeting of the Township Committee to be held on April 13, 2022 at 7:00 PM, by the Township Committee at the Municipal Building, County Route 611, Hope, New Jersey.

Ordinance 2022-03

Introduction/Reading by Title

Motion made by Mr. Urfer; seconded by Mr. Kruk, all in favor to introduce Ordinance No. 2022-03.

ORDINANCE 2022-03

AN ORDINANCE AMENDING CHAPTER 20 “ZONING,” SECTION 28.1 “AFFORDABLE HOUSING REQUIREMENTS AND REGULATIONS,” SUBSECTION C “APPLICABILITY” OF THE CODE OF THE TOWNSHIP OF HOPE TO REVISE THE MANDATORY SET-ASIDE OBLIGATION TO BE CONSISTENT WITH THE TOWNSHIP’S SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER.

WHEREAS, on September 25, 2017, the Township entered a Settlement Agreement with the Fair Share Housing Center; and

WHEREAS, the Settlement Agreement requires the Township to adopt an ordinance that sets a mandatory set-aside of 20% for all newly approved housing of 5 units or greater; and

WHEREAS, in order to obtain a Final Order of Compliance and Judgment of Repose, the Township must amend its ordinance to be consistent with the Settlement Agreement.

NOW, THERE FORE IT ORDAINED by the Mayor and Committee of the Township of Hope, Warren County, New Jersey, that Chapter 20 “Zoning,” Section 28.1 “Affordable Housing Requirements and Regulations,” Subsection c “Applicability,” of the Code of the Township of Hope is hereby amended as follows:

20-28.1 Affordable Housing Requirements and Regulations.

c. Applicability

3. All residential development resulting in 5 or more units approved by the Township after the date of the adoption of this Ordinance shall provide an affordable housing set-aside of 20%. All affordable units created pursuant to this paragraph shall be governed by the provisions of this Ordinance.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Township of Hope held in the Municipal Building on the 13th day of April, 2022, and the same shall come up for public hearing at the Regular Business Meeting of the Governing

Body to be held on the 11th day of May, 2022, at 7 P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

Old Business:

Traffic Study – The Commission has taken over the DOT project personally and is anticipating approaching the County in the near future to institute the traffic calming measures that were received by the County some time ago. Mr. Urfer suggested that a study into 500 series vs. 600 series roads take place to determine whether or not CR 519 is properly identified as a 500 series road. Mayor McDonough stated he will speak to the DOT regarding this and to find out the criteria involved in the determination of road series.

Internet/CenturyLink – CenturyLink was bought out by Lumen, who in turn sold a small portion of their business to a company called Bright Speed (they are in charge of running fiber in 5 counties in NJ). They anticipate a start date to run fiber in August and will be another provider that the residents of Hope can look into.

New Business:

Dan MacDonnell from South State Paving was at the meeting to discuss the coring samples that were taken from Ridgeway Avenue after the recent DOT paving project. He distributed hand-outs to the Committee, Clerks and DPW foreman which explained in detail the coring process and the acceptable standards the corings must fall inside of. There have been 2 sets of cores taken: the first set taken caused a 45% penalty to be assessed due to the standards of the paving. A second set of cores was taken as is acceptable by the DOT program. The second set came back with 0% penalty. The Committee discussed their options at this point regarding the paving project. 1) Accept the average penalty (between the 45% and 0% corings) of 15% or 2) request a third set of cores to be taken. Mr. MacDonnell stated that while he had no issue with a third set of cores being taken, he did not know what the DOT would say as there is no provision for a third recoring. In the end, the Committee will discuss this situation with Denis Keenan, Hope Township engineer and get his opinion on the original cores/second cores and accepting the 15% penalty. They will get back to Mr. MacDonnell with their decision after speaking with Denis.

Minutes: The minutes of March 9, 2022 Business Meeting; March 23, 2022 Budget Meeting; and the March 29, 2022 Special Meeting were approved on a motion by Mr. Urfer; seconded by Mr. Kruk and all in favor.

Public Participation:

Tom Toohey was present to discuss the future of Air B&B businesses in Hope Township and brought to light some of the issues those businesses bring to their neighbors/neighborhoods. The Committee stated that they would have the clerks look into any ordinances that surrounding municipalities have in place so that looking toward the future, Hope Township is better prepared to address this.

Sherry Shaw was in attendance regarding any updates on a property on Hope Blairstown Road. The Committee gave a short update on what they are able to comment on as this is in the hands of attorneys at the moment and potential litigation is a possibility. It was noted that residents who do have issues with this property should file a complaint with the North Warren Municipal Court as the Committee is unable to take photographs and hearsay obtained from residents and file complaints themselves.

Monica discussed Appreciation Dinner give aways. She was given permission to order 250 bags which funding comes out of Clean Communities. She also asked for an accounting of the tonnage money from the CFO so she could better understand where that money is being spent.

Discussion about EV charging station grants also took place. Mayor McDonough stated that JCP&L is in the process of going before the BPU to obtain the same plan that PSE&G obtained in order to install EV charging stations. There is an effort at this point to install charging stations at the Dunkin Donuts by the on and off-ramps of Route 80.

Seeing there was no other business for tonight, this meeting of the Hope Township Committee was adjourned at 8:58 p.m. on a motion made by Mr. Urfer; seconded by Mr. Kruk. Motion carried.

Respectfully submitted,

Robin L. Keggan, RMC
Municipal Clerk