

**DECEMBER 13, 2023
BUSINESS MEETING**

The Business Meeting of the Hope Township Committee convened at 4:00 P.M. at the Hope Township Municipal Building with the following members present: Mayor Timothy McDonough, Committeeman Christopher John Kruk, and Deputy Mayor Terry Urfer. Also present were Municipal Clerk, Robin Keggan, RMC; Zondra Belstra, Deputy Clerk; Patti Whitmore, Events Coordinator and Donald Whitmore, DPW Foreman. Professionals in attendance: Michael Selvaggi, Esq., Township Attorney; Stefanie Williams, Township Engineer and Denis Keenan, Township Engineer. Station Commander, Hope Barracks, Gregory Lewis was also in attendance.

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 New Jersey Herald and Express Times New Jersey Edition and by posting notices in the Hope Post Office and on the Township Web and Bulletin Boards.

Roll call: Mr. Kruk- present

Mr. Urfer – present

Mayor McDonough- present

PUBLIC COMMENT (ITEMS NOT ON AGENDA)

Ann Rhinesmith – commented that this year’s Moravian Lantern Tour was the best one yet. Thanked the Committee and all of the volunteers for their assistance and thanked Patti and Don Whitmore for all of their help.

Payment of Bills: Bills in the amount of \$397,649.10 were approved on a motion made by Mr. Urfer; seconded by Mr. Kruk and roll called: Mr. Kruk yes; Mr. Urfer yes; Mayor McDonough - yes.

Reports:

DPW - Help with the Christmas Craft Market set up/take down; helped with the Moravian Lantern Tour set up/take down; replaced Grange sink; noted to the Committee that many ash trees are falling and we will need to be proactive in taking care of them; the 2005 truck is in for servicing and is at the point where it will need replacement soon; put new tires on the pickup; 550 is getting tires and alignment; new Grange doors are being installed Friday; garage door has been ordered; windows for backhoe ordered.

Tax Collector: \$1,256,102.40 collected for month ending 11/30/2023. \$6,932,230.15 Y-T-D.

Environmental Commission – Mrs. Sobon went over her monthly report. Requested a storage bin be put behind the municipal building for storage of roadside cleanup equipment. This will be taken out of the clean communities account. Also questioned the Township attorney what the minimum age to be a voting member on the Environmental Commission is – it is 18.

Mayor Tim McDonough: None

Deputy Mayor Terry Urfer: None

Committeeman John Kruk: None

Events Coordinator: Patti Whitmore gave her report on the Christmas Craft Market. This year the Christmas Craft Market made roughly an \$11,000 profit. Noted that it was a very rough year all the way around and that she believed this helped her to determine her future moving forward as the event coordinator.

Township Engineer – discussed several items pertaining to the stormwater permitting process that the DEP is putting into place. It was noted that a permitting process needs to be put in place by the Township for permitting in floodplains. Discussion also took place regarding the road pavement project to be submitted by the engineer for 2025 which is Shiloh Road.

ORDINANCES: PUBLIC SESSION AND ADOPTION

Ordinance 2023-15

Opened to the Public on a Motion made by Mr. Urfer; seconded by Mr. Kruk – all in favor
One comment heard from the public pertaining to the number of members that are allowed to sit on the Board to which the attorney answered 13 (9 regular and 4 alternates). Ann Rhinesmith thanked the Committee for being so progressive in merging the Boards.
Closed to the Public on a Motion made by Mr. Urfer; seconded by Mr. Kruk – all in favor.

ORDINANCE NO. 2023-15

AN ORDINANCE OF THE TOWNSHIP OF HOPE, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 17 ENTITLED “LAND USE PROCEDURES” ARTICLE I “PLANNING BOARD” AND REPEALING SECTIONS 17-2 “ZONING BOARD OF ADJUSTMENT” AND 17-3 “PROVISIONS APPLICABLE TO BOTH THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT” OF THE CODE OF THE TOWNSHIP OF HOPE AND MERGING ITS FUNCTIONS INTO THE PLANNING BOARD TO CREATE A LAND USE BOARD PURSUANT TO N.J.S.A. 40:55D-25(c)(1)

WHEREAS, the Township Committee of the Township of Hope believes it is in the best interest of the Township to merge the duties of the Zoning Board with the Planning Board; and,

WHEREAS, N.J.S.A. 40:55D-25(c)(1) expressly permits the combination of the two Boards to permit the Planning Board to assume the powers, duties and functions of the Zoning Board of Adjustment; and,

WHEREAS, the aforementioned statute requires that the Zoning Board be dissolved and its functions assumed by the Planning Board.

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

Section 1. Section 17-1 Planning Board is amended as follows:

- (a) The Hope Township Planning Board, created pursuant to N.J.S.A. 40:55-25(c)(1), shall consist of nine (9) members of the following four (4) classes:
 - (1) Class I: the Mayor or the Mayor’s designee.
 - (2) Class II: one (1) of the officials of the municipality, other than a member of the governing body, to be appointed by the Mayor, provided that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be deemed to be the Class II Planning Board member for the purposes of this chapter in the event that there is among the Class IV both a member of the Zoning Board of Adjustment and a member of the Board of Education.
 - (3) Class III: a member of the Township Committee to be appointed by the Township Committee.

- (4) Class IV members: six (6) other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office. One (1) Class IV member may be a member of the Board of Education. If there is a Municipal Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be a Class IV Planning Board member unless there are among Class IV members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member common to the Planning Board and Municipal Environmental Commission shall be deemed a Class II member of the Planning Board. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature, the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office.
- (5) Alternate members. Four (4) alternate members shall be appointed by the Mayor and shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment as “Alternate No. 1,” “Alternate No. 2,” “Alternate No. 3,” and “Alternate No. 4.” The terms of alternate members shall be for two (2) years, except that the terms of not more than two alternate members shall expire in the same year.

Alternate members may participate in all matters but may not vote except in the absence or disqualification of a regular member of any class.

Section 2. This Ordinance shall repeal Sections 17-2 and 17-3 entitled “Zoning Board of Adjustment” and “Provisions Applicable to Both the Planning Board and Zoning Board of Adjustment” to eliminate the Zoning Board of Adjustment and vest the Planning Board with the powers and duties and functions of the Zoning Board of Adjustment.

Section 3. Section 17-1 entitled “Planning Board” shall have a new section (§ 17-1.13), entitled “Powers and Jurisdictions of Planning Board” which shall contain the following:

The Board hereby created shall also exercise all the powers, duties and procedures as set forth in the Municipal Land Use Law for Zoning Boards pursuant to N.J.S.A. 40:55D-25(c)(1).

Section 4. If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this ordinance.

Section 5. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of the Township of Hope Code not inconsistent herewith are ratified and confirmed.

Section 6. This Ordinance shall become effective following its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee on the first reading at a meeting of the Township Committee of the Township of Hope, held on November 9, 2023, and will be considered for a second reading and final passage at a regular meeting of the Township Committee to be held on December 13, 2023, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Motion to adopt subject to the Township attorney’s recommendation that the Township is in a favorable position to merge the Boards: Mr. Urfer

Seconded: Mr. Kruk

Roll Call: Mr. Kruk – yes Mr. Urfer – yes Mayor McDonough – yes

Ordinance 2023-16

Opened to the Public on a Motion made by Mr. Urfer; seconded by Mr. Kruk – all in favor
Discussion took place between resident Sherry Shaw, the Township attorney and Station Commander Lewis regarding the enforcement of this ordinance and how it will be handled.
Closed to the Public on a Motion made by Mr. Urfer; seconded by Mr. Kruk – all in favor.

ORDINANCE NO. 2023-16
ORDINANCE OF THE TOWNSHIP OF HOPE, COUNTY OF WARREN,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING PARAGRAPH A OF
CHAPTER 20-4.6 “NUISANCES: OPEN STORAGE: SIDEWALK DISPLAYS” TO EXPAND
THE LIST OF PROHIBITED ACTS

WHEREAS, the Township of Hope, County of Warren, State of New Jersey, has established Chapter 20-4.6 entitled “Nuisances: Open Storage: Sidewalk Displays” intended to prevent any loud, unnecessary, or unusual noise that is likely to disturb, annoy, injure, or endanger the comfort, health, peace or safety of others; and,

WHEREAS, the Township Committee of the Township of Hope, wishes to expand the definition of acts that are prohibited under such Ordinance; and,

WHEREAS, the Township Committee believes such amendment to be in the best interest of the Township and its residents.

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Hope, County of Warren, State of New Jersey, that Paragraph A of Chapter 20-4.6 be amended to expand the list of prohibited acts, as follows:

SECTION I:

§ 20-4.6. Nuisances: Open Storage: Sidewalk Displays.

- A. Noise Prohibited. It shall be unlawful for a person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others. Specifically exempted hereunder is noise presumed not to be a nuisance pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.
1. The following acts, among others, are declared to be loud, unnecessary and disturbing and a danger to the health, safety and welfare of the community and its people, in violation of § 20-4.6, but the enumeration shall not be deemed to be exclusive:
 - (a) Sound reproduction systems. Operating, playing or permitting the operation or playing of any radio, television, phonograph or similar device that reproduces or amplifies sound in such a manner as to create a noise disturbance or continued noise duration across a real property line that disrupts the peace, quiet and comfort for neighboring inhabitants.
 - (b) Loudspeakers and public-access systems. Using or operating of any loudspeaker, public-address system or other sound amplification device between the hours of 9:00 PM and 8:00 AM the following day.

- (c) Animals and birds. Owning, possessing or harboring any pet animal or pet bird that frequently or for continued duration makes sounds that create a noise disturbance across a residential real property line as defined in § 5-1.14 – Noise Disturbance.
- (d) Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse or similar objects or the pneumatic or pumped loading or unloading bulk materials in liquid, gaseous, powder or pellet form or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, between the hours of 9:00 PM and 7:00 AM the following day when the latter is a weekday and between the hours of 9:00 PM and 9:00 AM the following day when the latter is a legal holiday or a weekend day, except by permit, when the sound therefrom creates a noise disturbance across a residential real property line.
- (e) Standing motor vehicles. Operating or permitting the operation of any motor vehicle whose manufacturer's gross weight is in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period of longer than five (5) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, on a public right-of-way or public space within 350 feet of a residential area between the hours of 8:00 PM and 8:00 AM of the following day.
- (f) Construction and demolition. Operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating or demolition work between the hours of 10:00 PM and 6:00 AM the following day on weekdays or on weekends and legal holidays between the hours of 10:00 PM and 6:00 AM.
- (g) The warming up or idling of buses, trucks or tractors and the unnecessary or unreasonable or repeated idling, acceleration and deceleration or starting and stopping of automobiles and motorcycles within 350 feet of a residence.
- (h) Yelling, shouting, hooting, whistling or singing or the making of loud and disturbing noises by the use of clappers, bells, horns, musical instruments or similar devices at any time or place so as to unreasonably annoy or disturb the quiet, comfort or rest of any person in any residence, hospital, school, place of business, street or public place.
- (i) Operating any off-road recreational vehicle, lawnmower, snow blower, weed trimmer or other similar noise emitting equipment and vehicles between the hours of 9:00 PM and 7:00 AM so as to unreasonably annoy or disturb the quiet, comfort or rest of any person in any residence, hospital, school, place of business, street or public place.

SECTION II:

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III:

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, inconsistent with the Code of the Township of Hope, or is held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV:

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

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 October 25, 2023 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 December 13, 2023, or as soon thereafter as the Township Committee may hear this Ordinance, at the Municipal Building, 407 Hope-Great Meadows Road, Hope, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Motion to adopt: Mr. Urfer
Seconded: Mr. Kruk
Roll Call: Mr. Kruk – yes Mr. Urfer – yes Mayor McDonough – yes

Ordinance 2023-17

Opened to the Public on a Motion made by Mr. Urfer; seconded by Mr. Kruk – all in favor
Discussion took place between resident Sherry Shaw, the Township attorney and Station Commander Lewis regarding the enforcement of this ordinance and how it will be handled.
Closed to the Public on a Motion made by Mr. Urfer; seconded by Mr. Kruk – all in favor

ORDINANCE NO. 2023-17

ORDINANCE OF THE TOWNSHIP OF HOPE, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING SECTION 11-10.1 ENTITLED “PERMIT REQUIREMENTS; FEES; REVIEW” TO ESTABLISH A ONE-YEAR DURATION FOR THE SOIL IMPORTATION PERMIT AND TO CREATE SECTIONs 11-10.2 ENTITLED “DURATION” AND 11-10.3 ENTITLED “ESCROW.”

WHEREAS, the Township Committee of the Township of Hope, County of Warren wishes to regulate the importation of soil into the Municipality; and

WHEREAS, the current Soil Removal and Importation Ordinance, codified under Chapter 11 of the Township Code, does not pronounce a durational limit on the number of cubic yards of soil resident can import to a site within the Township; and

WHEREAS, the Township Committee of the Township of Hope also wishes to establish an Escrow provision to require the Applicant to deposit a certain sum of money with the Township to cover the engineering, legal, and other costs associated with and generated by the application, as required by Chapter 11; and

WHEREAS, the Township Committee believes this amendment to be in the best interest of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED, that Section 11-10.1 “Permit Requirements; Fees; Review” be amended and supplemented to include a durational limitation of one year on soil importation and that Sections 11-10.2 entitled “Duration” and 11-10.3 entitled “Escrow” be created to establish a

durational time frame for the permit obtained pursuant to this Chapter and to require an escrow deposit by the Applicant for a Soil Importation Application as follows:

SECTION I:

§ 11-10.1. Permit Requirements; Fees; Review.

- A. No person shall import soil to a site within the Township of Hope in quantities of one hundred (100) cubic yards or more individually or cumulatively within a period of one year without first having procured a permit therefor by the filing of an application for such soil importation with the Township Clerk. The application shall be accompanied by a minimum fee of one hundred dollars (\$100.00) plus ten dollars (\$10.00) per thousand (1000) cubic yards in excess of one hundred (100) cubic yards. Where there is an approved site plan and said site plan approval includes the importation of soil, no permit or fee will be required. In no event shall trash, waste material, construction or demolition debris be permitted to be imported into the Township unless expressly authorized by vote of the Township Committee.

[. . .]

SECTION II:

§ 11-10.2. Duration.

Permit(s) obtained pursuant to Section 11-10.1 hereof shall be valid for a one-year term only.

SECTION III:

§ 11-10.3. Escrow.

- A. Escrow. No application under this Section shall be considered unless the Applicant has deposited with the Zoning Officer initial escrow moneys in the amount of two thousand dollars (\$2,000.00) for engineering, legal, and other costs generated by the application. A minimum escrow balance of one thousand dollars (\$1,000.00) shall be maintained.
- B. Fees Waived. Where there is an approved site plan and said site plan approval includes the importation of soil, no permit, fee, or escrow deposit fee will be required from the Applicant.

SECTION IV:

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION V:

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, inconsistent with the Code of the Township of Hope, or is held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION VI:

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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 December 13, 2023, or as soon thereafter as the Township Committee may hear this Ordinance, at the Municipal Building, 407 Hope-Great Meadows Road, Hope, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Motion to adopt: Mr. Urfer
Seconded: Mr. Kruk
Roll Call: Mr. Kruk – yes Mr. Urfer – yes Mayor McDonough – yes

Unfinished Business:

Highlands Grant – the Clerk was directed to submit the bill for Heyer and Gruel’s work pertaining to the report submitted (and approved by the Highlands Council) for payment to the CFO. It was also noted that the warehouse report and Mr. Spinelli’s letter (Executive Director, Highlands Council) stating that we are in compliance with the scope of work submitted to them for the warehouse study should be circulated to the Planning Board members and Zoning Board members. Mr. Urfer also requested permission to send correspondence to Mr. Spinelli of the Highlands Council requesting a second round of grant funding in order to have our ordinances re-worked by the Township attorney relating to warehousing. The Committee responded favorably to that letter being sent. The clerk will type it up and send over to Mr. Urfer before sending to Mr. Spinelli.

Hissim Road – a conversation took place with the Township engineers regarding the Hissim Road paving project from 2022. Section I was authorized for payment; Section II is still being worked out; however, South State has stated that they are willing to accept a 15% penalty for the paving of this section due to the coring results.

New Business:

PCFA – 2024 contract received. On a motion by Mr. Urfer, seconded by Mr. Kruk and roll called – Mr. Kruk – yes; Mr. Urfer – yes; Mayor McDonough – yes, the Mayor is authorized to sign the inter-local agreement for the 2024 year.

Space Farms – deer carcass removal contract received. On a motion by Mr. Urfer, seconded by Mr. Kruk and roll called: Mr. Kruk – yes; Mr. Urfer – yes; Mayor McDonough – yes, the clerk is authorized to sign the 2024 agreement with Space Farms for removal of deer carcasses on municipal roadways.

Potential Meeting Dates for Event Follow-up meeting – tabled and to be determined at a later time.

Approval of Minutes: The minutes of the November 9, 2023 Business meeting were approved on a motion made by Mr. Urfer, seconded by Mr. Kruk. All in favor.

Public Participation:

Jutta Jansen – spoke to the Committee about the issues that occurred at the Christmas Craft Market with some members of the HVFD taking food orders/placing signage in front of the Grange. She requested a meeting with a member of the HVFD, Township Committee and herself to iron out these issues.

Seeing there was no other business for tonight, this meeting of the Hope Township Committee was adjourned at 5:30 p.m. on a motion made by Mr. Urfer; seconded by Mayor McDonough. Motion carried.

Robin L. Keggan, RMC

Municipal Clerk