

## FEBRUARY 22, 2017

The monthly workshop 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 Engineer, Ted Rodman, P.E.; Don Whitmore, CPWM Supervisor

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.

The Lytle Family presented a Blue Line flag to Hope Township to fly in front of the Municipal Building in solidarity and support to all law enforcement. The Committee appreciated and thanked Mr. Lytle for the flag.

### **7:00 p.m.: Brian Martinelli, Site Acquisition Manager Empire Telecom: Proposed Cell Tower**

Mr. Martinelli was present on behalf of Verizon which has a need for coverage in the area. The tower would have 911 benefits and would be 130 feet in height with a fenced in 50 x 50 foot compound area. They are interested in erecting a monopole however if the township felt a tree would be better suited for the area they would be willing to do so. The site in question is located on municipal property behind the municipal building. The property would be exempt from zoning but may have to go before the board to present site details. In response to Committee questioning, Mr. Martinelli indicated the area size requested could be decreased but felt it would be better to maintain a 50 x 50 site for future carriers, otherwise the area would have to be increased every time a carrier is added and the process initiated again. If additional height is necessary for a carrier, the pole could be extended; the higher the pole the more coverage.

Mr. Rodman reported the cell tower ordinance indicates it is a permitted use on municipal property of 5 acres or more, and includes setback requirements. The location is approximately 2 acres which does not meet the requirement. The lease fee was briefly discussed, with Mr. Martinelli stating the rent is negotiable; with a percentage increase for additional users. Mr. Rodman noted dish antennas are prohibited and a cell tower is not permitted on private property without variance approval.

A JCP&L representative was present indicating he supported the proposed cell tower and he briefly discussed improved JCP&L service including maps and updates, as well as the improved communication with the township. Mr. Martinelli stated the government requires reliable seamless coverage, and there is a need. He will research the revenue with Verizon.

The Committee expressed interest in the project, but the revenue is an important aspect of moving forward. There is an impediment of lot size that could be dealt with through a variance if the board deems so. The revenue would determine if it was worth it to the town or not. A site plan would also be required and residents would need to be notified.

Using a flag pole tower was discussed and Mr. Martinelli indicated it would limit a radiofrequency engineer as only three antennas could fit inside the canister, and it would also limit the number of co-locators.

Following further discussion, Mr. Martinelli agreed to email actual site locations for the Committee to look at in person. Mr. Rodman will speak to Attorney Selvaggi to clarify zoning and Mr. Martinelli would obtain further information on the revenue. It was noted a salt shed is also being installed at the same location.

Evan Rupff expressed concern with the mosquito aerial spraying using pesticides. Spray cannot be controlled and he is concerned with pesticides entering the aquifer his family receives their water from. He asked for information on the pesticides being used. The information would be obtained and provided to the Environmental Commission. The Mosquito Commission would like a response by February 28<sup>th</sup>. The Committee agreed to have Mrs. Fisher inform the Commission they are not ready to respond without further information and consideration.

### **Township Engineer Report: Ted Rodman, P.E.**

Mr. Rodman and Mr. Whitmore reported on the drainage on Union Brick Road. The issue is between two residents and stems from one asking the other to remove trees. The outlet to the 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. The Committee agreed to have the attorney forward a letter to both residents indicating if the road is damaged they will be held responsible.

Mr. Rodman reported on a soil importation request for a property on Ridgeway Avenue. He received information that the soil is coming from a contaminated site in Newark. No permit has been issued by Mr. Boesze, Zoning Officer. Mr. Rodman requested and was provided with remedial information, which upon further review was determined to be for air pollution, not ground pollution. Mr. Boesze has issued a stop work order on the project. Soil erosion provided a permit and has visited the site. Mrs. Fisher will contact the County for clarification. Mr. Rodman will inquire as to soil testing. A site plan review will be necessary for the disturbance of more than 5,000 square feet. The owner is filling in a low area and there are also wetlands located on the lot. Mayor McDonough would look into the matter further – Block 3200, Lot 2200 – 13.19 acres ; 34 Ridgeway Avenue.

**Road Issues:** The Committee discussed the replacement of the guiderail on Jenny Jump Road resulting in the old cable guiderail being cut. Mr. Whitmore will visit the site to see if it can just be reattached.

Mr. Urfer discussed the pipe across his driveway, water flows over the top and underneath resulting in potholes. This issue will be addressed when the road is redone.

Mr. Rodman reported the specifications are ready for the salt shed. The shed location needs to be determined. Mr. Beatty felt the project could go to bid regardless of the location.

**Payment of Bills:**

Mr. Kruk made a **motion** to pay the bills as listed, \$797,998.45, seconded by Mr. Beatty.

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

**ORDINANCE: 1<sup>ST</sup> Reading: 2017-02**

**ORDINANCE NO. 2017-02**

**ORDINANCE OF THE TOWNSHIP OF HOPE, COUNTY OF WARREN, STATE OF NEW JERSEY, REPEALING, AMENDING, AND SUPPLEMENTING CHAPTER 8 “UNIFORM CONSTRUCTION CODE” SECTION 8-2, SECTION 8-4.2(D), AND SECTION 8-5.7(C) TO TRANSFER JURISDICTION FOR THE ENFORCEMENT OF THE UNIFORM CONSTRUCTION CODE TO THE DEPARTMENT OF COMMUNITY AFFAIRS**

**WHEREAS**, the Township Committee wishes to transfer jurisdiction for the enforcement of the Uniform Construction Code from the Township Construction Official to the State of New Jersey Department of Community Affairs.

**NOW, THEREFORE BE IT ORDAINED**, by the governing body of the Township of Hope, County of Warren, State of New Jersey, that the Code of the Township of Hope is hereby amended and supplemented so as to delete Chapter 8, Section 8-2, entitled “Definitions,” and replacing in with new section 8-2, entitled “State Uniform Construction Code Enforcing Agency,” and amending references to a “construction official” in sections 8-3, 8-4.2(d), and 8-5.7(b).

**SECTION I**

Section 8-2 entitled “Definitions” of the Township of Hope is deleted and replaced with Section 8.2 entitled “State Uniform Construction Code Enforcing Agency” which shall read as follows:

**§8-2. STATE UNIFORM CONSTRUCTION CODE ENFORCING AGENCY.**

**Relinquishment of Jurisdiction.** The Township of Hope, pursuant to N.J.S.A. 51:27D et seq. and N.J.A.C. 5:23-4.3, hereby relinquishes its jurisdiction of the administration and enforcement of the Uniform Construction Code and hereby transfers jurisdiction for the administration and enforcement of the Uniform Construction Code to the Department of Community Affairs of the State of New Jersey. The transfer of jurisdiction pursuant to this section shall not take effect until the expiration of 120 calendar days from the date a certified copy of this section is forwarded to the Department of Community Affairs or until the Department of Community Affairs shall exercise its jurisdiction to enforce the Uniform Construction Code, whichever is sooner.

**Records and Files.** The Township of Hope shall deliver or make available to the Department of Community Affairs any and all records and files of the municipality necessary for the Department to carry out its function, and the Department is hereby authorized to transfer such records and files to a location designated by the Department.

**SECTION II**

Section 8-3 entitled “Appeals” of the Township of Hope shall be modified as follows:

**§8-3 APPEALS.**

All appeals from any action taken by the Department of Community Affairs or any agent including, but not limited to, decisions relating to the issuance of a construction permit, a certificate of occupancy, a certificate of approval, and/or the establishment of any fee shall be made to the Warren County Construction Board of Appeals pursuant to applicable rules and regulations pertaining to such appeals.

### **SECTION III**

Section 8-4.2 entitled "Definitions" subsection (d) of the Township of Hope shall be modified as follows:

d. Public Officer shall mean the Department of Community Affairs or its agent.

### **SECTION IV**

Section 8-5.7 entitled "Review Permit: Inspection Procedures; Enforcement" subsection (c) of the Township of Hope shall be modified as follows:

c. Upon review and approval of the design of the driveway construction plans, including approval by the Public Works Foreman/Director, the Driveway Official will issue the permit. The Driveway Official shall periodically inspect the premises during construction to insure compliance with the terms of the permit and shall endorse the road permit when all construction is completed in accordance with the approved plans. The Driveway Official shall notify the Township Road Supervisor of all driveways and other road openings that have been approved and provide a copy of the application, map and conditions of approval. The applicant shall provide a performance bond or cash in an amount required by this section to ensure that the improvements will be constructed in accordance with the plan approved by the Driveway Official. The cash or bond will be released upon the satisfactory completion of the improvements and after approval and recommendation by the Township Engineer or Driveway Official. No certificate of occupancy shall be issued until the Driveway Official and/or County Engineer's office has notified the Department of Community Affairs in writing that all improvements have been satisfactorily completed.

### **SECTION V**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competence jurisdiction, the remainder of this Ordinance shall not be affected thereby.

### **SECTION VI**

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

### **SECTION VII**

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

Mr. Kruk made a **motion** to introduce Ordinance 2017-02, seconded by Mr. Beatty.

All were in favor. Motion carried.

Public Hearing/Adoption: March 22, 2017

### **ORDINANCE: 1<sup>st</sup> Reading: 2017-03**

#### **Ordinance of the Township of Hope, County of Warrant, State of New Jersey, to Repeal and Eliminate Chapter XXVI Titled "Emergency Service Volunteers and Military Personnel Fee Exemption" Ordinance 26-1.2 Titled "License and Permit Fee Exemption" of the Code of the Township Hope**

Upon further review of the proposed ordinance, the Committee agreed to have the ordinance revised to include the specific item fees and amounts that will be waived. Revisions include: Add zoning permit; keep in peddler's license, community center, municipal facility and garage sale permits. Mrs. Fisher will forward said revisions to the Attorney.

Mr. Kruk made a **motion** to introduce Ordinance 2017-03, as amended, seconded by Mr. Beatty.

All were in favor. Motion Carried.

### **OLD BUSINESS:**

**Status of Sanitary Landfill:** No report

**Status of Wastewater Management Plan – Grant Search:** No report

### **Status of the Draft Housing Element and Fair Share Plan:**

A conference call including Mayor McDonough, Roger Thomas, Fred Heyer, and Michael Selvaggi was cancelled; the call should take place on February 23<sup>rd</sup>.

**Status of Replacement Windows at Community Center:**

Currently in the process of researching grant opportunities for the project.

**Status of Repairs to Rock Walls Historic District:**

Mayor McDonough provided an update after speaking with the Church Pastor. The church will need to make a grant application to the County. The church needs to be made aware that the Warren County grant will require a 25 percent match. The Township and County are willing to provide their assistance.

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

**ORDINANCE: 1<sup>st</sup> Reading: 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 HISTORIC PRESERVATION AND BLUE ACRES PROJECTS 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 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**, the Township of Hope wishes to now amend its Municipal, Open Space, Recreation, and Farmland and Historic Preservation Trust Fund to allow for the funding of projects for all the allowable purposes set forth in N.J.S.A. 40:12-15.7(e), to wit, (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 for farmland 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) Blue Acres projects; and

**WHEREAS**, the Township Committee of the Township of Hope 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 for farmland 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) Blue Acres projects.

[ ] Yes [ ] No

**INTERPRETIVE STATEMENT:** The purpose of this referendum is to determine whether or not the Municipal Open Space Trust Fund may be used for historic preservation and Blue Acres projects and debt service for historic

preservation and blue acres projects. These purposes would be added to the five already approved uses set forth in the Open Space Ordinance.

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

All were in favor. Motion carried.

Public Hearing/Adoption: March 22, 2017

**Verizon Wireless:** Request for Consent to Use Public Right-of-Way for Small Network Nodes (Kathryn Windsor: Request to attend meeting, waiting for response)

Ms. Windsor was provided with two dates for the presentation.

**NEW BUSINESS:**

**Contract:** Professional Services Agreement, Michael Selvaggi, Municipal Attorney

Mr. Kruk made a **motion** to retain Lavery, Selvaggi, Abromitis & Cohen as the Municipal Attorney, seconded by Mr. Beatty.

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

Motion carried.

**Discussion:** Hope Forum

Mayor McDonough discussed the forum, which was last held several years ago. The forum will be held on a Saturday morning, 9-11 a.m. Mrs. Fisher would circulate dates to all boards and commissions to see the most suitable date for everyone. Mr. Kruk suggested holding an additional forum during the Appreciation Dinner.

**2015 Recycling:** Tonnage Grant

Mr. Kruk made a **motion** to hire Lynn Gabel to oversee the tonnage grant, seconded by Mr. Beatty.

All were in favor. Motion carried.

Ms. Gabel will be paid \$500, funded through the grant.

**Historic Preservation:** Appointment of Sally Rause to fill the unexpired term of Mary Billows

The Committee requested the attendance of Ms. Rause at the March meeting for an informal introduction. Mrs. Fisher will contact her.

**Right to Know Survey:** Mrs. Fisher obtained two quotes as follows:

•RK Environmental: \$915.00 (2017); \$645.00 (2018)

•Rullo & Juillet Associations: \$1,575.00

Following a brief discussion, Mr. Kruk made a **motion** to hire RK Environmental to conduct the Right to Know training, seconded by Mr. Beatty.

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

Motion carried.

**RESOLUTION 2017-25:**

**RESOLUTION 2017-25**

**Resolution of Support from Local Governing Body Authorizing the Sustainable Jersey Grant Application**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, Hope Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**WHEREAS**, Hope Township is participating in the Sustainable Jersey Program; and

**WHEREAS**, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

**THEREFORE**, the Township Committee of Hope Township has determined that Hope Township should apply for the aforementioned Grant.

**THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Hope, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

Mr. Kruk made a **motion** authorizing the Sustainable Grant application, seconded by Mr. Beatty.

All were in favor. Motion carried.

**Contract for Rental of Municipal Facilities:**

Moravian Grange #187 would like to use Swayze Mill Park for their Easter Egg Hunt on April 8, 2017 from 9 a.m.-12 noon.

Mr. Kruk made a **motion** approving the use request, fee to be waived, seconded by Mr. Beatty.

All were in favor. Motion carried.

Mr. Beatty questioned the date that Route 80 will be closed as the residents need to be informed prior to the construction commencing. Mrs. Fisher stated the preconstruction meeting is scheduled for 10:30 a.m. on March 6<sup>th</sup>. It was noted that no trucks involved in the project will be permitted to drive through Hope.

Mr. Beatty would like to include adding a full-time DPW worker at the next budget discussion; both from a safety and workload standpoint. The Committee considered the possibility of having two part-time workers as opposed to one full-time and discussed what the requirements and responsibilities for such would be. The Committee agreed to consider the matter and make a decision at the March 8<sup>th</sup> meeting. Mr. Kruk would reach out to the two Public Works Associations and those interested can send their resumes to the Clerk for Committee review and interviewing.

**Miscellaneous Items:**

Mr. Whitmore will address the driveway on Union Brick Road.

Mr. Whitmore will take a full inventory of equipment to grade for insurance purposes.

**Public Participation:** This portion of the meeting was opened to the public for any questions or concerns.

Seeing there was no other business for tonight, this meeting of the Hope Township Committee was adjourned at 8:57 p.m. on a motion made by Committeeman Kruk, seconded by Committeeman Beatty. Motion carried.

Respectfully submitted,

Judith M. Fisher RMC  
Municipal Clerk