

**JUNE 12, 2019**  
**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 Christopher John Kruk and Committeeman Terry Urfer, Don Whitmore and Ted Rodman. Also present was Municipal Clerk, Judith Fisher, RMC, Deputy Clerk Robin Keggan, and Kathleen Reinalda, CFO.

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

**Reports:**

**Mayor Tim McDonough:** .

**Deputy Mayor Christopher John Kruk:** Asked about the situation with the garbage dumpster being emptied at the school ball fields. Mrs. Keggan let him know that she had already called Balbi to discuss this problem.

**Committeeman Urfer:** It was noted that a thank you letter should be sent to Drake's Landscaping, Bonnie Drake and Rose Leopardi for all the work they did on the Hope Township planters. Also discussed the noise that is occurring at the Inn at Millrace Pond late in the evenings and the fact that this may need to be looked into further. Requested that Mr. Whitmore purchase another No Braking sign to be placed by Hissim Road on CR 611 heading down the hill towards the Land of Make Believe. Will be taking over the Fishing Derby in 2020.

**Township Engineer Report:** Ted discussed grants that he has been working on for upcoming paving projects with Ridgeway Avenue, Hissim Road and Union Brick all being on the list as roads that need to have some work done on them. Ridgeway – 1.8 miles for \$248,000; Union Brick - \$72,200; Hissim Road – 1.6 miles for \$219,300. These estimates do not include guiderail costs. He mentioned that the DOT likes to award grant money for roads that are in close proximity to one another/connect to one another. Mr. Urfer made a motion to apply for \$156,000 grant for paving projects on Ridgeway/Hissim/Union Brick. Mr. Kruk seconded. Roll call: Mr. Kruk – yes; Mr. Urfer – yes; Mayor McDonough – yes.

Discussed Campbell Foundry situation (fill being brought in) and that the process is on hold for the time being. Permit has been applied for through the Zoning Office and the DEP is now involved.

**Payment of Bills:** \$343,959.59 – total bills for June 12, 2019.

Mr. Urfer motioned to approve; Mr. Kruk seconded.

Roll call: Mr. Urfer – yes; Mr. Kruk – yes; Mayor McDonough – yes.

**Receipts** for May 2019 - \$28,134.62.

**Warren County Health Department:** No report given for April due to retirement of Tracy Hess from the Health Department.

**Tax Collector:** April Report: Month \$834,105.64 YTD \$2,429,756.47.

May Report: Month \$599,010.80 YTD \$3,028,767.27.

**Fire Department:** May Report – Total number of calls -16; Man hours 114.72; Four work nights; Work Night Man hours 96; Special Details – 4; Total man hours – 162. Total Man hours for May 2019 – 372.72

**Brielle Walsh/Patti Whitmore:** A brief update was given on the 250<sup>th</sup> anniversary preparations. Banners for the light poles/phone poles were discussed. Mrs. Whitmore showed the application that is necessary to be filled out by JCP&L in order to place banners on poles. (this application is in the file for this meeting). Mr. Urfer and Mr. Kruk will speak to Mr. Prader about the banners.

Update given on Farmer's Market as well. Ms. Walsh discussed the decision that the proceeds from the Market will be used to help purchase a swing set for the playground at Swayze Mill. Sharon Cooper (insurance broker) has already given approval. Township Committee is OK with the swing set purchase as well. \$100 has been spent to print banners for the Market. Mr. Urfer mentioned that a budget should be put in place to keep track of expenses for the Market. As of June 16, 2019, the parents and kids will be running the Farmer's Market.

Update on stoves for the Grange was also given. Mr. Whitmore asked Mrs. Keggan to please find out the credit limit on the Home Depot card so that the equipment needing to be purchased can be done so asap.

**ORDINANCE 2019-03: Second Reading and Public Hearing**

Motion made by Mr. Urfer, second by Mr. Kruk and carried in approve Ordinance 2019-03 for 2<sup>nd</sup> reading and public hearing.

**2019-03 AN ORDINANCE OF THE TOWNSHIP OF HOPE PROVIDING FOR THE APPROPRIATION OF \$15,000.00 FOR 'ROAD REPAIRS TO NORTH LOCUST LAKE ROAD' FROM THE GENERAL CAPITAL – CAPITAL IMPROVEMENT FUND**

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

1. The sum of \$15,000.00 shall be appropriated for the following items, from the Capital Improvements Budget for the year 2019

Road Repairs – North Locust Lake Road - \$15,000.00

2. The sum of \$15,000.00 is available in the Capital Improvement Fund

The appropriation herewith does not authorize any debt of the Township of Hope.

This Ordinance shall take effect immediately on 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 May 8, 2019 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 June 12, at 7:00 PM, or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, County Route 611, Hope, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Motion made by Mr. Urfer to open to public for comment; seconded by Mr. Kruk; all in favor. Hearing no comments from the Public, motion was made to close to public by Mr. Urfer; seconded by Mr. Kruk; motion carried

Motion was made by Mr. Urfer; seconded by Mr. Kruk to adopt Ordinance 2019-03.

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

**ORDINANCE 2019-04: Second Reading and Final Passage:**

Motion made by Mr. Urfer, second by Mr. Kruk and carried in approve Ordinance 2019-04 for 2<sup>nd</sup> reading and public hearing.

**2019-04 An Ordinance of the Township of Hope, County of Warren, State of New Jersey Amending and Supplementing Chapter IX, Property Maintenance Code, of the Township Municipal Code to Create Section 9-3 Entitled "Registration and Maintenance of Vacant and Abandoned Properties".**

**WHEREAS**, the Mayor and the Township Committee of the Township of Hope find and determine that the Township of Hope contains structures which are vacant and/or abandoned in whole or in large part; and

**WHEREAS**, in many cases, the owners or responsible parties of these structures are neglectful of them by failing to maintain or secure them to an adequate standard or failing to restore them to productive use; and

**WHEREAS**, it has been established that vacant and abandoned structure cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

**WHEREAS**, the Township of Hope incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, excessive police calls, fire calls and property inspections; and

**WHEREAS**, it is in the public interest for the Township to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Township of Hope; and

**WHEREAS**, it is in the public interest for the Township of Hope to impose a fee in conjunction with registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Township by the presences of these structures.

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

**Section 1**

The Revised General Ordinance of the Township of Hope, Chapter IX entitled Property Maintenance is hereby amended to include Article 9-3, the title section of which shall read as follows:

*Registration and Maintenance of Abandoned and Vacant Property*

**Section 2**

The Revised General Ordinance of the Township of Hope, Chapter IX, Property Maintenance, Section 9-3, Registration and Maintenance of Vacant and Abandoned Property, is hereby adopted to read as follows:

**§ 9-3.1 Definitions.** A. Owner shall include the title holder, any agent of the title holder having authority to act with respect to a vacant/abandoned property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Township of Hope to have authority to act with respect to the property.

B. Vacant Property shall mean any building used or to be used as a residence, commercial or industrial structure which is not legally occupied or at which substantially all lawful construction operations or occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-54, 55:19-78, 55:19-79, 55:19-80 and 55:19-81; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

C. Abandoned Property shall be defined pursuant to N.J.S.A. 55:19-81 as follows: Any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

a. The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;

b. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;

c. At least one installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of title 54 of the Revised Statutes of the date of the determination by the public officer pursuant to this section; or

d. The property has been determined to be a nuisance by the public officer in accordance with section 5 of P.L.2003, c. 210 (C.55:1982). A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L. 2003, c. 210 (C.55:19-78 et al.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential or commercial space and none of the residential or commercial space has been legally occupied for at least six month at the time of the determination of abandonment by the public officer and the property meets the criteria of either subsection a. or subsection d. of this section.

D. Public Officer – The Zoning Officer or other official designated by the Township Committee.

**§ 9-3.2 Registration Requirements.** The Owner of any vacant or abandoned property shall, within 30 days after the building becomes vacant or abandoned; or within 10 calendar days of receipt of notice by the Township, file a registration statement for such vacant or abandoned property with the Township Clerk on forms provided by the Township for such purposes. Failure to receive notice by the Townships shall not constitute grounds for failing to register the property. Registration pursuant to this section shall conform to the following:

a. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.

b. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceedings on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and email (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

The initial registration shall be valid through December 31 of the initial registration year. Thereafter, the owner shall renew their registration annually on or before February 1 of each calendar year as long as the building remains a vacant and/or abandoned property, with renewal registrations being valid for one (1) calendar year.

c. The annual renewal shall be completed by January 1<sup>st</sup> each year. The initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.

d. The owner shall notify the Public Officer within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Township Clerk for such purpose.

e. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the owners of the building.

**§ 9-3.3 Access to registered properties.** The owner of any property registered pursuant to § 9-3.2 shall provide access to the Township to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Township.

**§ 9-3.4 Responsible Owner or Agent.** a. An owner who meets the requirements of this Section with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.

b. By designating an authorized agent under the provisions of this Section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Township in writing of a change of authorized agent or until the owner files a new annual registration statement.

C. Any owner who fails to register vacant/abandoned property under the provisions of this Article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Township by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

**§ 9-3.5 Fee Schedule.** The initial registration fee for each building that becomes vacant/abandoned during any calendar year shall be five-hundred (\$500.00) dollars. The fee for first renewal is one thousand five hundred (\$1,500.00) dollars, and the fee for the second renewal is three thousand (\$3,000.00) dollars. The fee for any subsequent renewal beyond the second renewal is five thousand (\$5,000.00) dollars. All fees shall be submitted with the initial and renewal registrations required pursuant to section 132-2 (c). Neither the initial nor any renewal fee shall be subject to proration or refund based upon a change in status of the property to or from a vacant/abandoned condition during a calendar year for which the fee is applicable.

**§ 9-3.6 Requirements of Owners of Abandoned or Vacant Properties.** The owner of any building that has become abandoned or vacant property, and any person maintaining or operating or collecting rent for property that has become abandoned or vacant shall, within (30) days thereof:

1. Enclose and secure the building against unauthorized entry; and
2. Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process, and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight (8) inches by ten (10) inches; and
3. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
4. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and grass and weed growth; and
5. Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete.

**§ 9-3.7 Violations.** a. A Summons shall issue to any owner that violates any provision of this Article or the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

b. For purposes of this section, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 120 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.

### **Section 3**

This ordinance shall take effect immediately after passage.

### **Section 4**

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 to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

### **Section 5**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

### **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 May 8, 2019 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 June 12, at 7:00 PM, or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, County Route 611, Hope, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Motion made by Mr. Urfer to open to public for comment; seconded by Mr. Kruk; all in favor. Hearing no comments from the Public, motion made by Mr. Urfer to close public comment; seconded by Mr. Kruk; all in favor. Motion made by Mr. Urfer; seconded by Mr. Kruk to adopt Ordinance 2019-04. Motion carried.  
Roll Call: Mr. Kruk – yes; Mr. Urfer – yes; Mayor McDonough – yes

**ORDINANCE 2019-05: Second Reading and Final Passage:**

Motion made by Mr. Urfer, second by Mr. Kruk and carried in approve Ordinance 2019-05 for 2<sup>nd</sup> reading and public hearing

**2019-05 An Ordinance of the Township of Hope, County of Warren, State of New Jersey Amending and Supplementing Chapter IX, Property Maintenance Code, of the Township Municipal Code, to Create Section 9-4 Entitled “Registration and Maintenance of Vacant and Abandoned Residential Properties in Foreclosure by Creditors”**

**WHEREAS**, mortgage foreclosures often result in the abandonment and neglect of residential properties; and

**WHEREAS**, P.L. 2014, c. 35, authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned properties for which a creditor has filed an action to foreclose; and

**WHEREAS**, it is in the public interest for the Township of Hope to establish a mechanism to identify and track vacant and abandoned residential properties in the Township which are in foreclosure, to establish standards for the maintenance of those properties and to enforce those standards of maintenance;

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

**Section 1**

The Revised General Ordinances of the Township of Hope, Chapter IX entitled “Property Maintenance” is amended by the addition of a new section 9-4, the title section of which shall read as follows:  
*Registration and Maintenance of Vacant and Abandoned Residential Properties in Foreclosure by Creditors*

**Section 2**

The Revised General Ordinance of the Township of Hope, Chapter IX, Property Maintenance, Section 9-4, Registration and Maintenance of Vacant and Abandoned Residential Properties in Foreclosure, is hereby adopted to read as follows:

**§ 9-4.1 Purpose.** The purpose of this chapter is to create a regulation regarding registration and maintenance of vacant and abandoned residential properties in foreclosure in accordance with the provisions of P.L. 2014, c.35.

**§ 9-4.2 Definitions.** A. “Creditor” shall mean, consistent with section 3 of P.L. 2008, c.86, a State chartered bank, savings bank, savings and loan association or any credit union, any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending Act,” and any entity acting on behalf of the Creditor named in the debt obligation, including but not limited to, servicers.

B. “Residential Property” shall mean, all lots or parcels designated within the Township of Hope, regardless of the zone district in which they are located in, that are not publicly owned.

C. “Publicly Owned Residential Property” shall mean all lots or parcels owned by the Township of Hope, State of New Jersey, volunteer fire or ambulance service and/or civic organizations.

D. “Vacant and Abandoned” shall mean, consistent with section 1 of P.L. 2010, c.70 (C.2A:50-73), residential real estate for which a notice of violation has been issued pursuant to Section 3-5 of this Chapter and subsection b. of section 1 of P.L. 2014, c.35. Where a notice of violation has not been issued pursuant to Section 3-5 of this Chapter and subsection b. of section 1 of P.L. 2014, c.35, residential property shall be deemed “Vacant and Abandoned” where a mortgaged property is not occupied by a mortgagor or tenant as evidenced by a lease agreement entered into prior to the service of a notice of

intention to commence foreclosure according to section 4 of the "Fair Foreclosure Act," P.L. 1995, c.244 and at least two of the following conditions exist:

- (1) overgrown or neglected vegetation;
- (2) the accumulation of newspapers, circulars, flyers or mail on the property;
- (3) disconnected gas, electric, or water utility services to the property;
- (4) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (5) the accumulation of junk, litter, trash or debris on the property;
- (6) the absence of window treatments such as blinds, curtains or shutters;
- (7) the absence of furnishings and personal items;
- (8) statements of neighbors, delivery persons, or government employees indicating that the residence is vacant and abandoned;
- (9) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- (10) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (11) a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (12) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (13) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (14) a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property; and
- (15) any other reasonable indicia of abandonment.

**§ 9-4.3**

**Registration of Vacant and Abandoned Properties.**

A. A Creditor filing a summons and complaint in an action to foreclose on a Vacant and Abandoned property, or a Creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes Vacant and Abandoned, shall within thirty (30) calendar days after the building becomes Vacant and Abandoned or within thirty (30) calendar days after assuming ownership of the Vacant and Abandoned property, whichever is later; or within ten (10) calendar days of receipt of notice from the Township, and annually thereafter, file a registration statement for such Vacant and Abandoned property with the municipal clerk on forms provided by the Township for such purposes. Any failure to receive notice from the Township shall not constitute grounds for failing to register the Vacant and Abandoned property.

B. Each Vacant and Abandoned property having a separate block and lot number as designated in the official tax maps of the Township shall be registered separately.

C. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person twenty-one (21) years or older, designated by the Creditor as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Creditor in connection with the enforcement of any applicable code.

D. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the Abandoned and Vacant property. The individual or representative of the firm responsible for maintaining the Abandoned and Vacant property shall be available by telephone or in person on a twenty-four-hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

E. The registration shall remain valid through December 31st of the year in which it was filed. The Creditor shall be required to renew the registration annually as long as the building remains Vacant and

Abandoned and shall pay a registration or renewal fee in the amount prescribed in Paragraph I. of this Section for each Vacant and Abandoned property registered.

F. The annual renewal shall be completed by February 1st each year.

G. The Creditor shall notify the municipal clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the municipal clerk for such purpose.

H. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the Creditor.

I. Fee Schedule. The initial registration fee for each Vacant and Abandoned property under the provisions of this Section shall be five hundred (\$500.00) dollars. The fee for the first annual renewal shall be one thousand five hundred (\$1,500.00) dollars and the fee for the second annual renewal shall be three thousand (\$3,000.00) dollars. The fee for any subsequent annual renewal beyond the second renewal shall be five thousand (\$5,000.00) dollars.

**§ 9-4.4 Creditor Responsibility for Vacant and Abandoned Properties.** A. A

Creditor filing a summons and complaint in an action to foreclose on a residential property within the Township shall be immediately responsible for the care, maintenance, security, and upkeep of the exterior of the property, after the property becomes Vacant and Abandoned as defined in this Chapter.

B. Where a Creditor is located out-of-State, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of Paragraphs C and D of Section 3-3. Notice of said representative or agent shall be provided to the Township clerk in a manner that is consistent with subsection a. of section 17 of P.L. 2008, c.127 (the "Save New Jersey Homes Act of 2008"), and shall further include the full name and contact information of the in-State representative or agent.

**§ 9-4.5 Notice.** A. Any public officer designated by the Township pursuant to

Section 3-6 or authorized municipal official responsible for the administration of any property maintenance or public nuisance code shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Township, if the public officer determines that the Creditor has violated this Chapter by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to Section 9-4.4 of this Chapter and the Save New Jersey Homes Act of 2008.

B. The notice referenced in Paragraph A of this Section shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.

C. The issuance of a notice pursuant to Paragraph A of this Section shall constitute proof that a residential property is "Vacant and Abandoned" for the purposes of this Chapter.

**§ 9-4.6 Enforcement Officers.** The duty of administering and enforcing the

provisions of this Chapter is conferred upon the municipal clerk, construction official, zoning officer, State Police, and any other duly appointed representatives.

**§ 9-4.7 Violations and Penalties.** A. A Creditor subject to this Chapter that is

found by the municipal court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Chapter shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this sub-section shall commence 31 days following the Creditor's receipt of the notice, except where the violation is deemed to present an imminent risk to the public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

B. An out-of-state Creditor subject to this Chapter that is found by the municipal court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on an out-of-state Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of



P.L. 2008, c.127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

C. A Creditor subject to this Section that is found by the municipal court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to register a Vacant and Abandoned property pursuant to Section 3-3 shall be subject to a fine not exceeding two thousand (\$2,000.00) dollars. Any fines imposed on a Creditor under this Paragraph shall commence 11 days following receipt of notice from the Township pursuant to paragraph A of Section 3-3.

D. No less than 20 percent of any money collected by the Township pursuant to this Section shall be utilized by the Township for municipal code enforcement purposes.

### **Section 3**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

### **Section 4**

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 to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

### **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 May 8, 2019 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 June 12, at 7:00 PM, or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, County Route 611, Hope, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Motion made by Mr. Urfer to open to public for comment; seconded by Mr. Kruk; all in favor. Hearing no comments from the Public, motion made by Mr. Urfer to close public comment; seconded by Mr. Kruk; all in favor. Motion made by Mr. Urfer; seconded by Mr. Kruk to adopt Ordinance 2019-05. Motion carried.  
Roll Call: Mr. Kruk – yes; Mr. Urfer – yes; Mayor McDonough – yes

### **RESOLUTION 2019-36: Self Examination of the 2019 Municipal Budget**

Motion was made by Mr. Urfer, seconded by Mr. Kruk and carried to adopt Resolution 2019-36.  
Roll Call Vote: Mr. Urfer – yes; Mr. Kruk – yes; Mayor McDonough - yes.

**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 2019 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:

All estimates of revenue are reasonable, accurate and correctly stated;

Items of appropriation are properly set forth;

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.

### **2019 BUDGET HEARING: Second Reading and Public Comment**

Copies of the 2019 Municipal budget were available for the Public to review.

Motion was made to open to the public by Mr. Kruk; seconded by Mr. Urfer – all in favor. Mr. Bodolsky spoke about ensuring the Township has adequate funding in place in the legal defense fund should it become necessary to fight the pending warehouse application (White Township) or any other project the Township sees as necessary. Hearing no other public comment, motion was made to close to the public by Mr. Urfer; seconded by Mr. Kruk – all in favor.

Motion was made to adopt the 2019 budget as presented by Mr. Urfer; seconded by Mr. Kruk.

Roll call: Mr. Urfer – yes; Mr. Kruk – yes; Mayor McDonough – yes.

It should be noted that during the discussion of the budget, Mayor McDonough read the Township Committee's tax message to the people to those in attendance. He noted key items such as \$281,000 in grants obtained in 2018; the fact that capital is being set aside at \$75,000 per year for three years to help the fire department purchase a new fire engine; that the Open Space tax was dropped from 2.5 to 2.25 and that the current amount in that fund stands at approximately \$155,000.

### **RESOLUTION 2019-37: Tabled for July 9, 2019.**

#### **IN SUPPORT OF PATH TO PROGRESS RECOMMENDATIONS MADE BY NEW JERSEY ECONOMIC AND FISCAL POLICY WORKGROUP**

**WHEREAS**, New Jersey faces a daunting financial crisis; and

**WHEREAS**, for two decades, while county and municipal governments made the proper pension payments, New Jersey governors from both parties severely underfunded the pension system for teachers and State government workers; and

**WHEREAS**, while the government pension systems are funded at the national average, the State's unfunded liability for pension and retiree health benefits now tops \$150 billion – four times the size of the State budget; and

**WHEREAS**, actuaries project the State will have to increase its contribution from \$3.2 billion in this year's budget to \$6.7 billion to reach the Actuarially Required Contribution (ARC) by FY 2023; and

**WHEREAS**, health care costs continue to rise, and New Jersey and its local governments cannot sustain the unparalleled platinum-level benefits that they provide to their employees; and,

**WHEREAS**, the State has held municipal aid flat, moved the Energy Tax Receipts out of the Property Tax Relief Fund, and with the sunset of Chapter 78 relief and the 2% arbitration cap; and,

**WHEREAS**, the State must bring pension and health care costs under control in order to hold down property taxes.

**NOW, THEREFORE, BE IT RESOLVED** that Hope Township in the County of Warren expresses its support for the recommendation of the Path to Progress report issued by the New Jersey Economic and Fiscal Policy Workgroup; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution is forwarded to Congressman Josh Gottheimer, State Senator Robert Menendez, Senate President Sweeney, Assembly Speaker Coughlin, Senator Paul Sarlo, Senator Steve Oroho, Assemblywoman Eliana Pintor-Martin, Senator Tony Bucco, Senator Troy Singleton, Senator Dawn Addiego, the Governor of the State of New Jersey, the New Jersey Association of Counties and the New Jersey State League of Municipalities.

**RESOLUTION 2019-38:**

Motion was made by Mr. Urfer, seconded by Mr. Kruk and carried to adopt Resolution 2019-38.

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

**2019-38 RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2019 BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount, thereof, was not determined at the time of the adoption of the budget; and

**WHEREAS**, the director may also approve the insertion of any item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township Hope, County of Warren, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$7,594.07, Solid Waste Administration FY2019 Clean Communities Grant

**BE IT FURTHER RESOLVED**, that a like sum of \$7,594.07 is hereby appropriated under the caption “Clean Communities Grant”.

**RESOLUTION 2019-39:**

Motion was made by Mr. Urfer, seconded by Mr. Kruk and carried to adopt Resolution 2019-39.

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

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT 2019-39**

**WHEREAS**, N.J.S.A 40a:5-4 requires the governing body of every unit to have made an annual audit of its books, accounts and financial transactions: and

**WHEREAS**, the Annual Report of Audit for the year 2018 has been files by a Registered Municipal Accountant and with the Municipal Clerk pursuant to N.J.S.A 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6-5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit report entitled “Comments and Recommendations”; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C 5:30-6-5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit'

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Hope, hereby state that it has complied with N.J.A.C 5:30-6-5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE TOWNSHIP MEETING HELD ON JUNE 12, 2019.

### **Old Business:**

Benbrook & Stevens: No change in status.

Service Electric & Centurylink Updates: It was noted that Service Electric is currently exploring residents being able to spread the payment to hook up over time.

The letter from Stephen Lance (Blairstown Mayor) was discussed relating to the passing of a Fire Insurance Claims Ordinance which in short spells out that any claim in excess of \$2,500 would require all taxes, liens, etc. be paid to the Township before the check is sent to the claimant. The Township Committee asked that Mrs. Keggan send this correspondence on to Mr. Selvaggi, Township attorney, for his comment and review.

### **New Business:**

Report of Audit – See Resolution 2019-39 above.

Kenneth Ayres – Old Union Brick Road – see discussion that occurred during public participation.

Recreation Field Worker – work has ended for the season. Moving forward this will need to be addressed and handled differently for next year.

**Approval of Minutes:** Approval of Minutes of May 7, 2019 with auditor and May 8, 2019 business meeting. Motion to approve the above Minutes was made by Mr. Urfer; seconded by Mr. Kruk. Motion carried and a voice vote was unanimous.

### **Public Participation:**

Rotary Club of Blairstown was present to ask for Hope's interest in contributing towards the annual fireworks display. It was decided that Hope Township will donate the same amount as last year (\$600) as long as our Township is listed on the sign as a contributor. This year, Blairstown's Fireworks will be held on Friday, July 5, 2019.

Josh Miller was present and handed in his application and resume in due to his interest in the full time DPW position that is currently being interviewed for. Bradley Bartow will also be submitting his application for PT/as-needed help with the DPW.

Patrick and Kevin DePue were present in the audience as part of Patrick's requirements for working toward one of his badges with the Scouts (needed to attend a local township committee meeting to see how things function). They are White Township residents.

Kenneth Ayres was present to discuss the situation on Old Union Brick Road where he resides. Problems with water runoff /drainage are present. Township Committee discussed and it was decided that Ted Rodman should take a look at the road and that Blairstown vs. Hope percentages should be configured as the road lies in both Townships in order to ascertain best corrective action.

Monica Sobon spoke about the Swayze Mill Garden Club and that it will be starting on Saturday, June 15 as part of the Green Team.

Mr. Bodolsky spoke about the warehouse project that is on the horizon in White Township. He discussed getting the State Historic Preservation Office involved in the situation due to the traffic this project would present coming through Hope Township. A joint letter was discussed being sent to State Historic Preservation Office from the Township Committee and Citizens for Sustainable Development (Mr. Bodolsky is the VP of this group). Made mention of Feed Lot Ordinance that should be looked at in order to avoid any potential issues with concentration of animals and feeding. Lastly he noted there is a meeting in Harmony Township on 6/18/19 at 7 pm to discuss this project further.

Motion was made by Mayor McDonough at 9:07 PM; seconded by Mr. Kruk to go into Executive Session

**Executive Session:**

A motion was made by Mr. McDonough, seconded by Mr. Kruk and carried to adopt the Resolution to go into Closed Session at 9:07PM.

**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:

A. Personnel: Salaries: Zoning Officer, DPW: Full Time and Seasonal position

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:** 9:07 PM

Present: Mr. Kruk, Mr. Urfer and Mayor McDonough

Also Present: Township Clerk Judith Fisher and Deputy Township Clerk Robin Keggan

**Time Out:** 9:20 PM

A motion made by Mr. McDonough, seconded by Mr. Urfer and carried to return to regular session.

Copies of the minutes will be made available at such time as the Committee determines that there is no harm to the public interest

The Township Committee took the following action upon coming out of Closed Session:

Zoning Official (1 more hour per week) \$10,000 per year. Salary will be pro-rated from July 1, 2019

Motion made by Mr. Urfer; seconded by Mr. Kruk.

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

FT DPW position - \$19.23 per hour plus benefits.

Motion made by Mr. Urfer; seconded by Mr. Kruk.

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

PT DPW/Seasonal position - \$18.95 per hour.

Motion made by Mr. Urfer; seconded by Mr. Kruk.

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

Ms. Reinalda, CFO will be notified of these changes for the 2019 Salary Ordinance

Seeing there was no other business for tonight, this Business meeting of the Hope Township Committee was adjourned at 9:23 p.m. on a motion made by Mr. Urfer, seconded by Mr. Kruk. Motion carried and a voice vote was unanimous.

Respectfully submitted,

Judith M. Fisher RMC  
Municipal Clerk