MAY 24, 2023 WORK MEETING

The Work 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 and Deputy Clerk, Zondra Belstra.

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
------------------------------	---------------------	--------------------------

Payment of Bills: Bills in the amount of \$12,442.79 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:

Tax Collector: Month Ending April 2023 - \$342,108.75 Y-T-D for 2023 \$2,011,288.13

Environmental Commission: Mrs. Sobon was present to give updates on projects she has been working on. A new Trex bench will be delivered to the Township in the coming weeks; Rutgers has approved a rain garden being put in at the school; ANJEC declined to sponsor a grant for helping to get lead-free fishing lures out of circulation and the NJ Fish and Wildlife trailer will not be able to attend the Hope Township picnic as originally planned.

Ms. Sobon also requested that the Committee endorse a Resolution for Clean Waters. After a short discussion, it was ultimately decided to pass this Resolution and accompanying information on to the Planning Board for their input and recommendations to the Township Committee. The clerk will forward these documents on to the Planning Board members.

Mayor Tim McDonough: Mayor McDonough noted that the flags were all installed in town as we usually do before Memorial Day. A discussion regarding Ridgeway Avenue Section 2 and Hissim Road Section 2 drainage work was discussed. Mayor McDonough will be giving Mr. Urfer the phone number of his contact at NJDOT in order for him to have a discussion regarding the issues on Hissim Road with him and how best to proceed as far as the faulty paving job that was the end result from the contractor through the Morris County Co-Op. Mr. Urfer stated he would still like our DPW Department to handle the installation of all the drainage work on these 2 projects. Mayor McDonough also gave an update as to the status he received from our LSRP regarding an oil tank leak that occurred in our DPW yard several years ago and an update on the old dump closed 38 years ago (as far as capping it goes). We are waiting for the reactivation of grant funding from the State to move forward on this.

Deputy Mayor Terry Urfer: Mr. Urfer mentioned several tasks that need to be accomplished by the DPW in the near-term future, such as installing the speed bumps purchased by the municipality last Fall. Mentioned that dirt/fill has been being brought into an address on Silver Lake-Marksboro Road. The zoning official has been made aware of this and will be performing a site inspection and request that the owner of the property come in and fill out a soil importation application for approval. He also reported that the Warren County Planning Board passed unanimously the Transportation Plan that was introduced at a recent meeting. It will now go to the State for approvals.

<u>Committeeman John Kruk</u>: Noted that the Fishing Derby is coming up and established a budget for prizes and food (\$800 for prizes and \$500 for food). We received a generous donation from a local family who lost their son this year. The Fishing Derby this year is in memory of their son.

<u>DPW</u>: No report, but the Committee requested programmable thermostats to be installed in the municipal building and Community Center.

RESOLUTIONS:

TOWNSHIP OF HOPE, COUNTY OF WARREN, STATE OF NEW JERSEY GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT RESOLUTION 2023-32

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

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant 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 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 Committee of the Township of Hope, hereby states 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.

Motion:Mr. UrferSecond:Mr. KrukRoll Call:Mr. Kruk - yes

Mr. Urfer – yes

Mayor McDonough – yes

TOWNSHIP OF HOPE, COUNTY OF WARREN, STATE OF NEW JERSEY A RESOLUTION FOR SELF-EXAMINATION OF BUDGET 2023-33

(ADOPTED IN ERROR – TO BE RE-ADOPTED AT JUNE 14, 2023 BUDGET ADOPTION MEETING)

HOPE TOWNSHIP, WARREN COUNTY, STATE OF NEW JERSEY RESOLUTION APPROVING 2023-2024 LIQUOR LICENSE RENEWAL FOR CONSUMPTION LICENSE NO. 2111-33-004-004 INN AT MILLRACE POND PLENARY RETAIL

RESOLUTION 2023-34

WHEREAS, The Inn at Millrace Pond holds a Plenary Retail Consumption License #2111-33-004-004; and;

WHEREAS, the Inn at Millrace Pond has filed an application to renew said license for the 2023/2024 license term; and;

WHEREAS, the application, fees and New Jersey Division of Taxation Clearance Certificate has been filed with the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Hope in the County of Warren and State of New Jersey that the Plenary Retail Consumption License be renewed for The Inn at Millrace Pond for the 2023/2024 license term.

Motion: Mr. Urfer Second: Mr. Kruk Roll Call: Mr. Kruk – yes Mr. Urfer – yes Mayor McDonough - yes

ORDINANCES – INTRODUCTION/FIRST READING BY TITLE ONLY

On a motion made by Mr. Kruk, seconded by Mr. Urfer and roll called: Mr. Kruk – yes; Mr. Urfer – yes; Mayor McDonough – yes, Ordinance 2023-04 was approved for introduction.

ORDINANCE NO. 2023-04

ORDINANCE OF THE TOWNSHIP OF HOPE, COUNTY OF WARREN, STATE OF NEW JERSEY CREATING CHAPTER 28 ENTITLED "LEAD-BASED PAINT INSPECTIONS" TO REQUIRE LEAD-BASED PAINT INSPECTIONS IN CERTAIN RESIDENTIAL DWELLINGS, AS MANDATED BY P.L. 2021, C. 182.

WHEREAS, the State of New Jersey enacted P.L. 2021, c. 182, codified under N.J.S.A. 52:27D-437.1, et seq., establishing lead-based paint testing programs for certain residential rental properties; and,

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect every single-family, and two-family, and multiple rental dwelling located within the municipality on a recurring basis and at tenant turnover for lead-based paint hazards; and,

WHEREAS, the Township Committee of the Township of Hope determined it is in the best interests of Township residents to amend the Township Code at this time to require inspections for lead-based pain in certain residential rental dwellings to conform with State law.

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

SECTION I

Chapter 28 – Lead-Based Paint Inspections.

§ 28-1. Definitions.

Dust Wipe Sampling – A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development. **Lead Abatement** – Measures designed to permanently eliminate lead-based paint hazards in accordance

with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

Lead-Based Paint Hazard – Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

Lead Evaluation Contractor – A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

Tenant Turnover – The time at which all existing occupants vacate a dwelling unit(s) and all new tenants move into the dwelling unit.

Visual Assessment – A visual examination for deteriorated paint or visible surface dust, debris, or residue.

§ 28-2. Required Initial Inspection

The owner, landlord, and/or agent of every single-family, two-family, and/or multiple dwelling unit(s) offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two (2) years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

§ 28-3. Required Recurring Inspection.

After the initial inspection required by Section 28-2, the owner, landlord, and/or agent of such dwelling unit(s) offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier, except that an inspection upon tenant turnover shall not be required if the owner, landlord, and/or agent has a valid lead-safe certification.

§ 28-4. Owner/Landlord/Agent to Hire Lead Evaluation Contractor.

The owner, landlord, and/or agent will directly hire a lead evaluation contractor who is certified to provide lead paint inspection services by the New Jersey Department of Community Affairs to satisfy the requirements of Section 28-2 instead of the municipal inspection contemplated by Section 28-2. In the event that a dwelling owner or landlord directly hires such a lead evaluation contractor, the term "Township Code Enforcement Officer" shall also mean and include such lead evaluation contractor for purposes of this Chapter.

§ 28-5. Consultation with the Local Board of Health.

The Township Code Enforcement Officer or such lead evaluation contractor with the duty to inspect single-family, two-family, and multiple rental dwellings pursuant to this Chapter, may consult with the local health board, the State of New Jersey Department of Health, or the State of New Jersey Department of Community Affairs concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint.

§ 28-6. Standards.

Inspection for lead-based paint in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1 et seq., and N.J.S.A. 55:13A-1 et seq., as may be amended from time to time. **§ 28-7. Exceptions.**

A dwelling unit in a single family, two family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards, or for the fees for such inspection or evaluation, if the unit:

- a. has been certified to be free of lead-based paint;
- b. was constructed during or after 1978;
- c. is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law", N.J.S.A. 55:13A-1, et seq.;
- d. is a single-family or two-family seasonal rental dwelling which is rented for less than six (6) months-duration each year by tenants that do not have consecutive lease renewals; or
- e. has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

§ 28-8. Remediation.

If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Township Code Enforcement Officer or his/her designee, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit(s) to certify that the hazard no longer exists.

§ 28-9. Lead-Safe Certification.

If no lead-based paint hazards are identified, then the Township Code Enforcement Officer or his/her designee, or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs (DCA), which shall be valid for two (2) years and shall be filed with the Township's Code Enforcement Officer. The Township Code Enforcement Officer shall maintain up-to-date information on inspection schedules, inspection results, tenant turnover, and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

§ 28-10. Owner, Landlord, and/or Agent Responsibility.

In accordance with N.J.S.A. 52:27D-437.16(e), the owner, landlord, and/or agent shall:

- a. provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Hope at the time of the cyclical inspection carried out under the "Hotel and Multiple Dwelling Law," N.J.S.A. 55:13A-1, et seq., unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to § 28-7 hereof;
- b. provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover, unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to § 28-7 hereof, and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease; and
- c. maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy, unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to § 28-7 hereof.

§ 28-11. Notification to the Commissioner of Community Affairs.

If the Township Code Enforcement Officer finds that a lead-based paint hazard exists in a dwelling unit upon conducting an inspection pursuant to this Chapter, then the Code Enforcement Officer shall notify the Commissioner of Community Affairs, who shall review the findings in accordance with the "Lead Hazard Control Assistance Act," N.J.S.A. 52:276D-437.8.

§ 28-12. Inspections as a Result of Testing of Children of Six Years of Age or Younger.

- a. If less than three percent (3%) of children tested in the Township, six (6) years of age or younger, have a blood lead level greater than or equal to five (5) ug/dL, according to the central lead screening database maintained by the State of New Jersey Department of Health pursuant to N.J.S.A. 26:2-137.6, or according to other data deemed appropriate by the commissioner (as such term is used in and for the purposes of N.J.S.A. 52:27D-437.16), then the Township Code Enforcement Officer may inspect a dwelling located therein for lead-based paint hazards through visual assessment.
- b. If at least three percent (3%) of children tested, six (6) years of age or younger, have a blood lead level greater than or equal to five (5) ug/dL, according to the central lead screening database maintained by the State of new Jersey Department of Health pursuant to section 5 of P.L.1995, c.328 (N.J.S.A. 26:2-137.6), or according to other data deemed appropriate by the commissioner, then the Township Code Enforcement Officer shall inspect a dwelling located therein through dust wipe sampling.
- c. If a lead hazard is identified in an inspection of one of the dwelling units in a building consisting of two- or three- dwelling units, then the Township Code Enforcement Officer shall inspect the remainder of the building's dwelling units for lead hazards, with the exception of dwelling units that have been certified to be free of lead-based paint. The Township Code Enforcement Officer may charge fees in accordance with this Chapter for such additional inspections.

§ 28-13. Fees.

a. A dwelling unit owner, landlord, and/or agent may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of this Chapter, in which case no additional Lead-Based Paint inspection fee shall be paid.

- b. The Municipality shall assess a fee of twenty dollars (\$20.00) per unit inspected by a certified lead evaluation contractor or permanent local agency for the purposes of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (N.J.S.A. 52:27D-437.1 et al.) concerning lead hazard control work, unless the unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of twenty dollars (\$20.00) pursuant to the provisions of section 10 of P.L.2003, c.311 (N.J.S.A. 52:27D-437.10).
- c. In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit. The fees collected pursuant to this subsection shall be deposited into the "Lead Hazard Control Assistance Fund" established pursuant to section 4 of P.L.2003, c.311 (N.J.S.A.52:27D-437.4).

§ 28-14. Violations and Penalties.

In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of this Chapter shall be as follows:

- a. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given thirty (30) days to cure the violation.
- **b.** If the property owner has not cured the violation after thirty (30) days, the property owner shall be subject to a penalty not to exceed one thousand dollars (\$1,000.00) per week until the required inspection has been conducted or remediation efforts have been initiated.

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 for first reading at a regular meeting of the Township Committee of the Township of Hope held on May 24, 2023, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Township Committee to be held on June 14, 2023, at 6:00P.M., 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.

On a motion made by Mr. Kruk, seconded by Mr. Urfer and roll called: Mr. Kruk – yes; Mr. Urfer – yes; Mayor McDonough – yes, Ordinance 2023-05 was approved for introduction

ORDINANCE NO. 2023-05

ORDINANCE OF THE TOWNSHIP OF HOPE, COUNTY OF WARREN, STATE OF NEW JERSEY CREATING CHAPTER 27 ENTITLED "BUSINESS REGISTRY" ESTABLISHING A REGISTRY FOR BUSINESS, RENTAL UNIT, AND MULTIFAMILY HOMEOWNERS INSURANCE CERTIFICATES

WHEREAS, the State of New Jersey has enacted a new statute, N.J.S.A. 40A:10A-1 et seq., which requires business owners, rental unit owners, and owners of multifamily homes which is four or fewer units, one of which is owner-occupied, to maintain certain liability insurance policies and register certificates of insurance demonstrating compliance with such statute with the municipality; and,

WHEREAS, said law provides that the municipality may, by ordinance, establish a reasonable administrative fee for the certificate of registration.

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

SECTION I

Chapter 27 – Business Registry

§ 27-1. Liability Insurance Requirements.

Pursuant to S.B. 1368, codified under N.J.S.A. 40A:10A-1 and -2, the owner of a business or owner of a rental unit(s) shall maintain liability insurance for negligent acts and omissions in an amount of no less than five hundred thousand dollars (\$500,000.00) for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than three hundred thousand dollars (\$300,000.00) for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

§ 27-2. Registration Requirements.

All business owners, rental unit owners, and owners of multi-family homes of four or fewer units, one of which is owner occupied, shall register a certificate of insurance as required by the aforementioned statute in the office of the Township Clerk on an annual basis, which office shall maintain a registry of certificates of insurance filed with it.

§ 27-3. Failure to Register.

The governing body is authorized to collect, through a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L. 1999, C. 274 (C.2A:58-10 et seq.), a fine of not less than five hundred dollars (\$500.00) but no more than five thousand dollars (\$5,000.00) against an owner who failed to comply with the provisions of this Ordinance.

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 May 24, 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 June 14, 2023, at 6:00 PM, 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.

Unfinished Business:

Summer Hours – a discussion regarding summer hours for the municipal building was had. The municipal building will be closed 2 Fridays per month, with the clerks alternating a Friday each per month. It was noted by Mr. Urfer that the DPW may implement flex hours if they wish with prior approval from a committee member.

New Business:

Blairstown Rotary – Mr. John Hauck from the Rotary was in attendance to ask for a donation for the fireworks display that is held annually in Blairstown. It will be held on Monday, July 3, 2023. He stated the Rotary is very appreciative of the support from Hope and the surrounding communities. Mr. Urfer made a motion to approve a donation in the amount of \$600. Mr. Kruk seconded that motion. Roll call: Mr. Kruk – yes; Mr. Urfer -yes; Mayor McDonough – yes.

Use of Facilities – CSS Company – company soccer game being held on July 21, 2023 at Swayze Mill Park. No alcohol permitted. Mr. Urfer motioned and Mr. Kruk seconded to approve this use being that all paperwork was in order. Roll called: Mr. Kruk – yes; Mr. Urfer – yes; Mayor McDonough – yes.

Zoning Official Correspondence – Mr. Boesze provided a memorandum to the Township Committee of an amendment he believes should be made to our ordinance pertaining to accessory building heights. The clerk will provide this document to the Planning Board for their review and recommendation to the Township Committee.

<u>Approval of Minutes</u>: The minutes of the May 10, 2023 business meeting were approved on a motion made by Mr. Urfer, seconded by Mr. Kruk. All in favor

Public Participation:

Margo Biblin and Monica Sobon commented on the Warren County Planning Board's Transportation Plan hearing.

Seeing there was no other business for tonight, this meeting of the Hope Township Committee was adjourned at 5:33 p.m. on a motion made by Mr. Urfer; seconded by Mr. Kruk. Motion carried.

Robin L. Keggan, RMC Municipal Clerk