

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
FEBRUARY 17, 2009**

The meeting was called to order by Mayor Hamilton at 7:00 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Deputy Mayor Kievit, Councilman Ross, Councilman Armstrong, Councilman Kula, Manager Marianne Smith and Clerk Jane Bakalarczyk

SALUTE THE FLAG: Boy Scouts of America Troop #187 performed the opening ceremony

PROCLAMATION: Mayor Hamilton presented the Boy Scouts of America Troop #187 with a plaque proclaiming the week of February 2, 2009 as Scouting Anniversary Week

OATH OF OFFICE: Mayor Hamilton administered the Oath of Office to Councilman Stanley Kula

CONSENT AGENDA: ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

Monthly Reports:

1. Municipal Clerk Report – January 2009
2. Tax Collector Report – January 2009
3. Sussex County Public Health Nurse Activity – January 2009
4. Police Department Report – January 2009
5. Construction Certificate Activity Report – January 2009
6. Construction Permit Activity Report – Hardyston – January 2009
7. Construction Permit Activity Report – Hamburg – January 2009
8. Construction Permit Activity Report – Franklin – January 2009
9. Finance Officer Report – December 2008
10. HTMUA – Minutes of 1/5/09
11. Interdepartmental Land Use Meeting – Agenda 2/27/09
12. Planning Board – Minutes of 12/18/08 and Joint Meeting Minutes of 12/2/08
13. Zoning Board – Minutes of 12/4/09

Agreements/Applications/Licenses:

1. Raffle License – YMCA
2. Enforsys Police Systems, Inc. Maintenance/Support Agreement – Police Department

Minutes: None

A motion was made by Kievit to approve the consent agenda as presented, seconded by Armstrong. All in favor. Motion carried.

OLD BUSINESS: None

ORDINANCES:

1st READING: None

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ORDINANCES:

2nd READING:

2009-02

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF
NEW JERSEY AMENDING AND CHAPTER 1, GENERAL PROVISIONS, SECTION 1-15,
GENERAL PENALTY, OF THE REVISED GENERAL ORDINANCES**

BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex,
State of New Jersey, as follows:

SECTION 1. Chapter 1, General Provisions, Section 1-15, General Penalty, of the
aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 1-15 General penalty.

- A. Maximum penalty. Unless otherwise provided by law, any person, firm or corporation who or which violates any provision of this Code or any other ordinance of the township where no specific penalty is provided shall, upon conviction, be subject to a fine not exceeding \$2,000, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof.
- B. Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this chapter or any other ordinance of the township exists shall constitute a separate violation.
- C. Application. The maximum penalty stated in this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation.

SECTION 2. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Kievit to approve Ordinance 2009-02 on second reading, seconded by Ross. All in favor. Motion carried.

2009-03

**BOND ORDINANCE PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS IN
AND FOR THE TOWNSHIP OF HARDYSTON AND APPROPRIATING THE
AGGREGATE AMOUNT OF \$1,500,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$1,425,000 BONDS OR NOTES OF THE TOWNSHIP FOR THE
FINANCING OF THE COST THEREOF AND PROVIDING FOR THE DOWN
PAYMENT FOR SAID IMPROVEMENTS TO BE UNDERTAKEN IN AND BY THE
TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY**

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**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY** (not less than two-thirds of
all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvements and purposes described in Section 3 of this bond ordinance are hereby authorized as general capital improvements to be made, acquired or undertaken by the Township of Hardyston, County of Sussex, New Jersey (hereinafter "Township"). For said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,500,000, said sum being inclusive of all appropriations heretofore made therefore, amounting in the aggregate to \$1,500,000, including the aggregate sum of \$75,000 as the down payment for the improvements or purposes. Said \$75,000 down payment is appropriated herein from the Capital Improvement Fund or other legally available funds of the Township, said sum being now available for down payment or capital improvement purposes, as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1, et seq. (the "Local Bond Law") by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets of the Township.

Section 2. For the financing of said improvements or purposes and to meet part of said \$1,500,000 appropriation not otherwise provided for hereunder, negotiable bonds of the Township are hereby authorized to be issued in the principal amount not to exceed \$1,425,000, pursuant to the Local Bond Law. In anticipation of the issuance of bonds, negotiable bond anticipation notes (the "Notes") of the Township in an amount not to exceed \$1,425,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer in accordance with the Local Bond Law. The Chief Financial Officer shall determine all matters in connection with the Notes issued pursuant to this ordinance; and the Chief Financial Officer's signatures upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes, the estimated cost of such improvements and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for said improvements and the periods of usefulness of said improvements are as follows:

| Improvement/Acquisition | I | Estimated Cost | E | D | M | U |
|--|----------|-----------------------|--|--------------------------------------|----------------------------|----------|
| | | | Down Payment (Capital Improvement Fund) | Maximum Amount of Bonds/Notes | Useful Life (Years) | |
| 1.) Acquisition and installation of solar energy generating facility, to include all equipment, costs, and appurtenances necessary therefor or incidental thereto. | 1 | \$643,000 | \$32,150 | \$610,850 | 15 | 1 |
| 2.) Acquisition of a tanker Fire Truck, to include all equipment, costs, and appurtenances necessary therefor or incidental thereto. | 2 | \$325,000 | \$16,250 | \$308,750 | 10 | 1 |

| | | | | | | |
|--|----------|--------------------|-----------------|--------------------|-----------|---|
| 3.) Improvements to DPW Facility on North Church Road, to include all equipment, costs, and appurtenances necessary therefor or incidental thereto. | 3 | \$351,000 | \$17,550 | \$333,450 | \$10 | 1 |
| 4.) Demolition and reconstruction of DPW Facility on south end, to include all equipment, costs, and appurtenances necessary therefor or incidental thereto. | 4 | \$181,000 | \$9,050 | \$171,950 | \$20 | 2 |
| TOTALS: | T | \$1,500,000 | \$75,000 | \$1,425,000 | \$ | |

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses of the Township and are improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness is within the limitations of the Local Bond Law. Taking into consideration the amount of the obligations authorized for each purpose, according to the reasonable life of each purpose, computed from the date of the bonds authorized by the bond ordinance, the average period of usefulness is 13.35 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,425,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$300,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 5. The capital budget of the Township of Hardyston is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. The Township reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. This Section is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury regulation 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

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Section 9. The governing body of the Township hereby covenants on behalf of the Township that to the extent any debt obligations are issued as tax-exempt debt obligations to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of such debt obligations authorized hereunder as is required under the Internal Revenue Code of 1986, as amended, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 10. The provisions of this ordinance are severable, to the extent that any clause, phrase, sentence, paragraph, or provision of this ordinance shall be declared void, illegal or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 11. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Kievit to approve Ordinance 2009-03 on second reading, seconded by Ross. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution authorizing Hardyston Township to participate in the PARIS Grant records purging project to be sponsored by the County of Sussex

WHEREAS, Hardyston Township has completed a Needs Assessment and Records Management Strategic Plan that has been approved by the New Jersey State Records Committee; and

WHEREAS, Hardyston Township is now eligible to apply for PARIS Grant funding; and

WHEREAS, the County of Sussex is applying for a 2009 PARIS Grant from the State Division of Archives and Records Management to conduct a Records Purging Project as a Shared Service for participating Municipalities; and

WHEREAS, the State of New Jersey has made PARIS Grant funds available to assist county and municipal governments in their records management, preservation and storage efforts.

NOW, THEREFORE, BE IT RESOLVED by the Hardyston Township Council that Hardyston Township shall participate in the PARIS Grant Records Purging Project to be sponsored by the County of Sussex.

A motion was made by Kievit to approve the resolution as presented, seconded by Ross. All in favor. Motion carried.

- B. Eastern Concrete Materials – 2009 Quarry Permit Extension and Quarry License Renewal

A motion was made by Ross to approve the 2009 Quarry Permit Extension and Quarry License Renewal as per the recommendation of the Township Engineer, seconded by Kievit. All in favor. Motion carried.

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- C. Beaver Run Farms – Temporary License for quarrying and soil removal (Block 68, Lot 3) through May 30, 2009

A motion was made by Ross to approve the temporary license through May 30, 2009 as per the recommendation of the Township Engineer, seconded by Kievit. All in favor. Motion carried.

- D. Shotmeyer Brothers, Inc. – Temporary License for soil removal (Block 69, Lot 2.01) through May 30, 2009

A motion was made by Armstrong to approve the temporary license through May 30, 2009 as per the recommendation of the Township Engineer, seconded by Ross. All in favor. Motion carried.

- E. Resolution authorizing an E-mail policy for elected officials and volunteers

WHEREAS, the Township of Hardyston Mayor and Council recognize that maintaining an email policy is necessary to protect public records and insure appropriate use of the Township's email system; and

WHEREAS, the Township Manager, with input and discussion from Township Department Heads, Township Officials, Municipal Attorney and members of the public, recommends that the Mayor and Council adopt the enclosed Township of Hardyston Employee Email Policy.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey that the Township of Hardyston Employee Email Policy dated November 5, 2008 which is currently on file in the Township Clerk's Office shall be implemented by the Township Manager as a policy of the Township for all Township employees.

A motion was made by Ross to approve the resolution as presented, seconded by Kievit. All in favor. Motion carried.

- F. Resolution confirming the de-licensing application of Crystal Springs Beverages, LLC as to the premises known as Block 16, lot 1.09

WHEREAS, Crystal Springs Beverages, LLC applied for a Place-to-Place transfer and expansion of premises with respect to Plenary Retail Consumption License #1911-33-006-008; and

WHEREAS, the application for the Place-to-Place transfer was granted on or about July 15, 2008 by the Hardyston Township Mayor and Council; and

WHEREAS, as part of the Place-to-Place transfer, it was requested by the applicant that a portion of the premises relating specifically to Block 16, Lot 1.09 known as the Grand Cascades Lodge be de-licensed and no longer a part of this Plenary Retail Consumption License; and

WHEREAS, the Mayor and Township Council by way of Resolution on July 15, 2008 did in fact issue a new Hotel/Motel License to Grand Cascades Lodge Liquor, LLC for the premises known as Block 16, Lot 1.09; and

WHEREAS, for the purpose of appropriate record keeping, the Plenary Retail License held by Crystal Springs Beverages, LLC should indicate the de-licensing of Block 16, Lot 1.09.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey that the request with respect to Plenary Retail Consumption License #1911-33-006-008 to de-license or remove Block 16, Lot 1.09 from said License is hereby granted.

BE IT FURTHER RESOLVED, that Block 16, Lot 1.09 is hereby removed and no longer a part of Plenary Retail Consumption License #1911-33-006-008.

This resolution shall take effect immediately.

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A motion was made by Ross to approve the resolution as presented, seconded by Armstrong. All in favor. Motion carried.

G. Correspondence

1. Borough of Butler
2. Lafayette Township
3. Township of Vernon
4. Lafayette Township
5. NJ State League of Municipalities
6. NJ State League of Municipalities
7. NJ State League of Municipalities
8. NJ State League of Municipalities
9. NJ State League of Municipalities
10. NJ State League of Municipalities
11. NJ State League of Municipalities
12. NJ State League of Municipalities
13. NJ State League of Municipalities
14. NJ State League of Municipalities
15. NJ State League of Municipalities
16. State of NJ
17. State of NJ
18. State of NJ

A motion was made by Ross to approve the correspondence as presented, with the exception of #5, #12 and #10, seconded by Kievit. All in favor. Motion carried.

MANAGERS REPORT: Township Manager Marianne Smith gave a report on the following:

- Budget - Township Manager stated that the budget draft is in final stages of development for presentation to the Council in early March.
- Waste Water Management Planning – Township Manager stated that the Township is in receipt of the latest response to the County from the NJDEP with respect to the proposed wastewater management plan amendment.
- South Side DPW Facility Project – Township Manager stated that the NJDEP has been contacted relative to the status of our permit application. She stated that she has been advised that the application is under review by their Threatened and Endangered Species Department and following their review, a decision relative to the application's approval can be made.
- Lake Association Meeting – Township Manager stated that she is in the process of setting up a meeting of the groups to consider sharing of services.
- Development of Accomplishments and Goals – Township Manager stated that our annual report of 2008 Accomplishments and Goals for 2009 will be forthcoming in March.
- COAH Planning – Township Manager stated that we expect a response to our submitted spending plan to COAH in March.
- Highlands Plan Conformance – Township Manager stated that \$72,500 in planning grant funding has been secured from the Highlands Council for the development of various elements of the plan conformance process. She further stated that the plan will be developed by in-house staff with oversight from our appointed professionals.

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- Tax Maps and Revaluation – Township Manager stated that we continue to await a response from the State relative to our corrected tap maps, awaiting their approval. She stated that the revaluation company is working towards gearing up to begin the project. She further stated that prior to commencement, they will coordinate with the police department relative to who will be representing them in the field, and also where they will be going and when, in case residents call with concerns.

BILLS TO BE PAID: A motion was made by Ross to approve the bill list as presented, seconded by Armstrong. All in favor. Motion carried.

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Frank Lacatena approached the Council and congratulated Stanley Kula on his appointment to the Council. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Ross to adjourn at approximately 8:00 p.m., seconded by Kievit. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk