

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON FEBRUARY 19, 2008**

The meeting was called to order by Mayor Armstrong 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, Councilwoman Hamilton, Councilman Ross, Councilman Lasinski, Manager Marianne Smith, Clerk Jane Bakalarczyk, and Township Attorney Fred Semrau

### **SALUTE THE FLAG:**

**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 2008
2. Tax Collector Report – January 2008
3. Zoning Officer Report – December 2007
4. Sussex County Health Department Report – January 2008
5. Sussex County Public Health Nurse Activity – January 2008
6. Police Department Report – January 2008
7. Municipal Court Report – January 2008
8. HTMUA – Minutes of 1/9/08
9. Finance Officer Report – December 2007
10. Planning Board Minutes – 11/29/07
11. Construction Official Report – Hardyston - January 2008
12. Construction Official Report – Hamburg – January 2008

### **Minutes:**

1. Regular Minutes of 1/15/08
2. Executive Session Minutes of 1/15/08
3. Workshop Minutes of 1/29/08
4. Executive Session Minutes of 1/29/08

### **Agreements/Applications/Licenses:**

1. Raffle – YMCA Metropolitan of the Oranges
2. Raffle – Friends of the American Cancer Society of New Jersey
3. Raffle – PTA Hardyston Township
4. Kennel License – The Pet Spa & Resort

A motion was made by Ross to approve the consent agenda as presented, seconded by Kievit.

All in favor with Ross abstaining on the raffle application for the Hardyston Township PTA.  
Motion carried.

**OLD BUSINESS:**

**ORDINANCES:**

**1st READING: 2008-02**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,  
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 88, FEES,  
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:

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**SECTION 1.** Chapter 88, Fees, of the aforesaid Revised General Ordinances is hereby  
amended and supplemented with the addition of Section 88-12, Recreation fees, to read as  
follows:

**§ 88-12. Recreation fees.**

- A. The following minimum and maximum recreation fees for Township camps,  
programs, facility rentals and fundraisers are hereby established:

<b>TYPE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
Summer recreation day camp registration fee- First child for one session	\$60	\$100
Summer recreation day camp registration fee- Each additional child per session	\$50	\$80
Summer recreation day camp registration fee- First child for two sessions	\$115	\$150
Summer recreation day camp registration fee- Each additional child for two sessions	\$95	\$125
Program fees	\$1	\$5
Facility rental fees	\$35	\$200

Fundraisers (per person)	\$1	\$3
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- B. The DPW Superintendent shall recommend annually program fees for all programs run through the Recreation Department. Such recommendation shall include a description of each program and the fees being requested.
- C. Said fees shall be adopted by the governing body by resolution and a copy of said resolution forwarded to the Chief Financial Officer and the Auditor. No fees shall be collected until the appropriate resolution has been adopted by the governing body. A copy of the fee schedule shall be made available to the public through the Township Clerk's Office.

**SECTION 2.** Chapter 88, Fees, Section 88-8(M), Summer Recreation Day Camp Registration Fee, of the aforesaid Revised General Ordinances is hereby repealed.

**SECTION 3.** 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 4.** 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 5.** This Ordinance may be renumbered for purposes of codification.

**SECTION 6.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made by Kievit to approve Ordinance 2008-02 on first reading, seconded by Hamilton. All in favor. Motion carried.

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**ORDINANCES:**

**2nd READING: 2008-01**

AN ORDINANCE TO AMEND THE ESTABLISHED MINIMUM AND MAXIMUM SALARIES FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HARDYSTON TO PROVIDE THE METHOD FOR THE PAYMENT OF ANNUAL SALARY INCREMENTS IN THE DISCRETION OF THE TOWNSHIP COUNCIL

BE IT ORDAINED by the Township Council of the Township of Hardyston as follows:

Section 1. The minimum and maximum salary range for officers or employees of the Township of Hardyston who are employed on an annual salary basis shall be and is hereby fixed as follows:

POSITION	MINIMUM	MAXIMUM
Township Council	\$ 3,000.00	\$ 4,500.00
Mayor/Deputy Mayor: Marriage/Civil Union Ceremony Stipend (per ceremony)	\$ 50.00	\$ 200.00
Township Manager	\$ 100,000.00	\$ 150,000.00
Deputy Manager	\$ 8,000.00	\$ 15,000.00
Director of Public Works	\$ 75,000.00	\$ 95,000.00
Fleet Manager	\$ 1,500.00	\$ 4,000.00
Police Chief	\$ 90,000.00	\$ 135,000.00
Acting Police Chief	\$ 40,000.00	\$ 105,000.00
Township Clerk/Registrar/Search Officer	\$ 40,000.00	\$ 65,000.00
Deputy Clerk/Deputy Registrar	\$ -	\$ 35,000.00
Chief Financial Officer/Treasurer	\$ 25,000.00	\$ 40,000.00
Tax Collector/Search Officer	\$ 15,000.00	\$ 44,000.00
Tax Assessor	\$ 25,000.00	\$ 55,000.00
Land Use Administrator	\$ 35,000.00	\$ 55,000.00
Planning/Zoning Board/EDC/Council Meeting Meeting Stipend Land Use Admin/Twp Clerk (per session)	\$ 82.00	\$ 97.00
Construction Code Official	\$ 55,000.00	\$ 98,000.00
Building Subcode Official	\$ 35,000.00	\$ 75,000.00
Water & Sewer Operator	\$ 55,000.00	\$ 78,000.00
Administrative Assistant – Public Works	\$ 2,000.00	\$ 4,000.00
Municipal Court Administrator	\$ 35,000.00	\$ 55,000.00
Municipal Court Administrator (Night Court per session)	\$ 75.00	\$ 100.00
Deputy Court Clerk (per session)	\$ 50.00	\$ 100.00
Municipal Court Magistrate	\$ 20,000.00	\$ 42,000.00
Temporary Municipal Court Magistrate (per session)	\$ 900.00	\$ 1,100.00
Zoning Officer	\$ 5,000.00	\$ 35,000.00
Recycling Coordinator	\$ 1.00	\$ 3,000.00
Fire Official	\$ 8,500.00	\$ 15,000.00
Fire Prevention Inspector	\$ 5,000.00	\$ 11,500.00
Emergency Management Coordinator	\$ 2,000.00	\$ 10,000.00
Summer Recreation Director	\$ 1,500.00	\$ 4,000.00
Summer Recreation Assistant Director	\$ 1,000.00	\$ 3,500.00
Recreation Program Director	\$ 10,000.00	\$ 50,000.00
Summer Recreation Art Director	\$ 500.00	\$ 3,500.00
Summer Recreation Nurse	\$ 1,000.00	\$ 2,100.00

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Section 2. The minimum and maximum rates of compensation for each employee or class of employees who are employed on an hourly basis shall be and are hereby fixed as follows:

POSITION	MINIMUM HOURLY	MAXIMUM HOURLY
Planning Intern	\$ 14.00	\$ 18.00
Road Supervisor	\$ 24.25	\$ 29.00
Assistant Road Supervisor	\$ 24.00	\$ 29.00
Laborer/Driver	\$ 16.72	\$ 28.00
Seasonal Laborer/Driver	\$ 10.00	\$ 20.00
Laborer	\$ 14.00	\$ 18.00
Laborer with CDL	\$ 16.00	\$ 20.00
Custodian	\$ 12.00	\$ 18.00
Senior Clerk/Radio Dispatcher	\$ 8.00	\$ 25.00
Clerk/Radio Dispatcher	\$ 8.00	\$ 24.00
Radio Dispatcher	\$ 10.00	\$ 24.00
Plumbing Subcode Official	\$ 15.00	\$ 36.00
Electric Subcode Official	\$ 15.00	\$ 42.00
Building Inspector	\$ 15.00	\$ 31.00
Secretary/Administrative	\$ 10.00	\$ 20.00
Secretary/Clerical	\$ 8.00	\$ 15.00
Seasonal/Temporary/Clerical	\$ 7.15	\$ 12.00
Assistant to Recreation Director	\$ 8.00	\$ 15.00
Recreation Program Presenter	\$ 12.00	\$ 28.00
Recreation On-Call Staff	\$ 9.00	\$ 11.00
Summer Recreation Sr. Counselors	\$ 7.15	\$ 11.00
Summer Recreation Jr. Counselors	\$ 7.15	\$ 10.00

Section 3. Any officer or employee of the Township of Hardyston who is at any time receiving less than the maximum compensation or salary as hereinabove provided may, as hereinafter provided, be given an additional annual increment of salary until the maximum salary has been reached.

Section 4. No officer or employee shall be entitled to receive an additional increment of salary until the same has been approved by resolution of the Township Council, and no officer or employee shall receive more than one (1) additional increment of salary in any one calendar year.

Section 5. Nothing herein contained shall be so construed as to make mandatory the payment of annual salary increments to any officer or employee of the Township of Hardyston. Salary or wage increases shall be contingent upon the availability of funds and shall be granted on a merit basis.

Section 6. The Township Council reserves the right to pay a salary to any new employee during his or her probationary period of ninety (90) days which may be less than the minimum rate of salary or

compensation as hereinabove provided. However, upon the satisfactory completion of such probationary period said employee shall be paid not less than the minimum salary provided for the particular office or employment.

Section 7. The Township Council further reserves the right to pay a salary to any new employee at any figure between the minimum and maximum salary provided for such office or position and not necessarily the minimum salary.

Section 8. The adoption of this Ordinance shall not operate to either increase or decrease the present pay of any officer or employee of the Township of Hardyston, and the salaries or compensations provided by existing ordinances shall remain in full force and effect until such time as the Township Council may grant and approve such additional increments of salary as may be deemed advisable pursuant to the terms of this Ordinance. A resolution of the Township Council establishing specific salaries or wages may be made retroactive to January 1st of the year in which the resolution is adopted.

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Section 9. Salaries shall be paid in the same manner and the same time as heretofore provided by ordinance.

Section 10. All ordinances or parts of ordinances which may be inconsistent with the terms of this ordinance are to the extent of such inconsistency hereby repealed.

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 2008-01 on second reading, seconded by Lasinski. All in favor. Motion carried.

**NEW BUSINESS:**

A. Resolution authorizing the execution of the following agreement:

1. Department of Military Affairs – Use of Building Lease for Littell Community Center

BE IT RESOLVED by the Township Council of the Township of Hardyston that the execution of the following contracts/agreements is hereby authorized:

Department of Military and Veterans Affairs – Use of Building for Littell Community Center

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

B. Resolution – Appointment of Temporary Municipal Judge

**WHEREAS**, the Township presently has the need for a Temporary Municipal Judge for a limited duration; and

**WHEREAS**, John E. Mulhern has served in the place of the present Municipal Court Judge, Richard Honig, who is absent due to illness; and

**WHEREAS**, pursuant to N.J.S.A. 2B:12-5, the Assignment Judge of the Morris/Sussex vicinage has signed an Administrative Order of Approval permitting the Township to appoint John E. Mulhern as Temporary Municipal Judge for a period of time not to exceed one year or until the return to duty of the appointed Municipal Court Judge, Richard Honig which shall occur first.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Hardyston, County of Sussex and State of New Jersey that John E. Mulhern is hereby appointed as Temporary Municipal Judge for the Township effective immediately for a period of time not to exceed one year or until the return to duty of the appointed Municipal Court Judge, Richard Honig which shall occur first.

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**BE IT FURTHER RESOLVED** that Judge Mulhern, as Temporary Municipal Court Judge, shall receive a salary in accordance with the Township's Salary Ordinance in the amount of \$925 per Court session.

A motion was made by Kievit to approve the resolution as presented, seconded by Ross. All in favor with Hamilton voting "No". Motion carried.

C. Appointment to Municipal Drug Alliance Committee – Kristen Tamke

A motion was made by Kievit to appoint Kristen Tamke to the Municipal Drug Alliance Committee, seconded by Hamilton. All in favor. Motion carried.

- D. 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 2008 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 Ross to approve the resolution as presented, seconded by Hamilton. All in favor. Motion carried.

- E. Resolution authorizing creation of a Municipal Records Management Committee

WHEREAS, a viable Municipal Records Management Committee helps ensure that all municipal government departments have a voice in the planning of government-wide records management programs, especially those with heavy records management duties and functions, and

WHEREAS, A Municipal Records Management Committee allows for discussion of records management issues, which can lead to:

1. Identifying records management problems shared by numerous departments, so that a common solution may be sought;
2. Specific departments offering experience and solutions for problems that arise in other departments that have already been solved in theirs;
3. Creating a unified front for seeking records management funding and support from the governing body;
4. Sharing records management successes and failures, sharing of data and experience, and opening dialogue relative to records management plans; and
5. Development of projects that have government-wide scope and/or would benefit the most departments within the local government,

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Hardyston does hereby create the Hardyston Township Municipal Records Management Committee, which shall be comprised of the following individuals:

1. Township Manager
2. Deputy Manager/Director of Public Works
3. Municipal Clerk/Registrar of Vital Statistics
4. Police Chief
5. Land Use Administrator
6. Construction Official
7. Zoning Officer
8. Tax Assessor
9. Chief Finance Officer
10. Tax Collector

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

F. 2008 Soil/Quarry/Junkyard License Renewals

1. Eastern Concrete Materials
2. Beaver Run Farms
3. Shotmeyer, Bros., Inc.
4. North Church Gravel, Inc.
5. Central Auto Liquidators, Inc.

A motion was made by Hamilton to approve all of the above 2008 license renewals, seconded by Kievit. All in favor. Motion carried.

G. Correspondence

1. Hampton Township
2. Township of Green
3. Township of Vernon
4. NJ State League of Municipalities
5. NJ State League of Municipalities
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28. State of NJ

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29. State of NJ
30. State of NJ
31. State of NJ
32. State of NJ
33. State of NJ
34. State of NJ
35. State of NJ
36. State of NJ
37. NJ Department of Labor
38. "New Jersey Future" Newsletter

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

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

- 2008 Budget Update

**BILLS TO BE PAID:** A motion was made by Kievit to approve the bill list as presented, seconded by Hamilton. 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. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**EXECUTIVE SESSION:**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston on the **19th** day of **February, 2008**, that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
2.
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations.
  - ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
  - ( X ) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
  - ( ) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.
3. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

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Motion to adopt: Kievit  
 Seconded by: Ross  
 Discussion: None

<u>MOTION</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ross	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Kievit	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Lasinski	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Hamilton	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>

Armstrong        x        \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Motion carried.

**ADJOURNMENT:** A motion was made by Ross to adjourn, seconded by Kievit. All in favor.  
Motion carried.

\_\_\_\_\_  
Jane Bakalarczyk, RMC/CMC  
Municipal Clerk

