

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON FEBRUARY 20, 2007

The meeting was called to order by Mayor Kievit 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 Hamilton, Councilman Ross, Councilman Lasinski,, Manager Marianne Smith and Clerk Jane Bakalarczyk.

SALUTE THE FLAG:

OATH OF OFFICE: Michael Masters, Andrew Norman and Brad Worman were sworn in as new members of the Hardyston Township Police Department by Mayor Kievit.

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 2007
2. Construction Official Report – December 2006
3. Construction Official Report – January 2007
4. Tax Collector Report – January 2007
5. Finance Officer Report – December 2006
6. Construction Official 2006 Annual Report
7. Zoning Officer Report – December 2006
8. Police Department Report – December 2006
9. Planning Board – Minutes of 12/9/06
10. Planning Board – Minutes of 12/21/06
11. Planning Board – Executive Minutes of 12/21/06
12. Zoning Board – Reorganization Minutes of 1/4/07
13. Zoning Board – Minutes of 1/4/07
14. HTMUA – Minutes of 12/13/06
15. Sparta Health Department – December 2006
16. Municipal Court Report – January 2007
17. Finance Officer Report – January 2007

Minutes:

1. Regular Minutes of 1/16/07
2. Executive Session Minutes of 1/16/07
3. Workshop Minutes of 1/23/07
4. Executive Session Minutes of 1/23/07
5. Workshop Minutes of 2/15/07
6. Executive Session Minutes of 2/15/07

Agreements/Licenses:

1. R & R Radar, Inc. – Maintenance/Service Agreement
2. Electronic Police Forms, LLC – PD Computer Program Maintenance/Support
3. G.T.B.M. – InfoCop Mobile Communication Lease/Maintenance/Support
4. Key Equipment Finance – PD Copier Lease
5. Stewart Business Systems – PD Copier Maintenance Agreement
6. KML Technology, Inc. – 911 Emergency Phone System Maintenance/Support
7. Raffle – St. Jude the Apostle Church
8. Raffle – Vernon Education Foundation
9. 2007 Trailer License Renewal – Helen Tabaka
10. 2007 Trailer License Renewal – Russell & Eileen Post
11. 2007 Trailer License Renewal – Elizabeth McDole

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

OLD BUSINESS:

ORDINANCES:

1st READING: 2007-02

**AN ORDINANCE AMENDING CHAPTER 88 - FEES, SECTION 88-4 – FEES
PAYABLE TO THE POLICE DEPARTMENT, OF THE CODE OF THE TOWNSHIP
OF HARDYSTON**

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

Chapter 88, Fees, Section 88-4 – Fees Payable to the Police Department shall be amended as follows:

1. Section 88-4 E – Charges for Police services shall be amended to read:
 - (1) Township Police Officer or special officer assigned to a quasi-public duty: Overtime rate of the individual officer assigned to duty, not to exceed the maximum per hour rate of the Captain of the Hardyston Township Police Department, all statutory payroll expenses incurred by the Township, plus a 10% administrative fee
 - (2) Patrol Vehicle: \$50 per eight-hour shift or any part thereof.

A motion was made by Ross to approve Ordinance 2007-02 on first reading, seconded by Lasinski. All in favor. Motion carried.

2007-03

**AN ORDINANCE AMENDING CHAPTER 41 – POLICE DEPARTMENT, SECTION 41-14 – CHARGES FOR POLICE SERVICES, OF THE CODE OF THE TOWNSHIP OF
HARDYSTON**

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

Chapter 41, Police Department, Section 41-14, Charges for Police Services, shall be amended as follows:

41-14. Charges for police services.

Whenever the Chief of Police authorizes the assignment of a township police officer or a special officer to a quasi-public duty, the party requesting the service shall pay the township fees as set forth in Chapter 88, Fees, Section 88-4. A fee shall be paid in accordance with that same section if a patrol vehicle is needed.

A motion was made by Ross to approve Ordinance 2007-03 on first reading, seconded by Lasinski. All in favor. Motion carried.

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2007-04

**ORDINANCE AUTHORIZING ACQUISITION OF A PORTION OF REAL
PROPERTY: DESIGNATED AS TAX BLOCK 70, LOT 1, LOCATED AT BIG SPRING
ROAD/GERRY'S ROAD FOR ROAD PURPOSES**

WHEREAS, Block 70, Lot 1 is part of the Kronyak Farm and located adjacent to Gerry's/Big Spring Road in the Township of Hardyston (the 'property'); and

WHEREAS, the State Agricultural Development Committee is in the process of acquiring a development easement on the Kronyak Farm; and

WHEREAS, the Township Engineer has identified a potential engineering concern regarding Gerry's Road and advised that Hardyston Township acquire additional road right-of-way as a precautionary measure; and

WHEREAS, the Township Engineer has estimated the area in question to be approximately 4,800 square feet (0.11 acre +/-) of Block 70, Lot 1.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston, a municipal corporation of the State of New Jersey, as follows:

Section 1.

1. Acquisition of approximately 4,800 square feet (0.11 acre +/-) of property designated as Block 70, Lot 1 on the official Tax Maps and located at/on Gerry's Road/Big Spring Road in the Township of Hardyston, be and is hereby authorized.
2. The Mayor and Township Clerk, together with the Municipal Attorney, are hereby authorized and directed to execute all documents necessary and to accept delivery of the deed and to record same at the Sussex County Clerk's Office, and to perform any such other acts as are usual and necessary for the purpose of carrying out, completing and effectuating acquisition of said property.
3. Compensation to the property owner shall be at the rate of \$5,200.00 per acre. The actual amount of consideration to be paid shall be based upon a survey and final determination as to the dimensions and shall be authorized by separate Resolution of the Township Council.

Section 2. Severability and repealer. If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Ordinance. Any ordinance previously adopted or portion thereof that may be inconsistent with the ordinance is hereby repealed to the extent of the inconsistency.

Section 3. Effective date. This Ordinance shall take effect in the time and manner prescribed by law.

A motion was made by Ross to approve Ordinance 2007-04 on first reading, seconded by Hamilton. All in favor. Motion carried.

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ORDINANCES:

2nd READING:

2007-01

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
Township Manager	\$ 70,000.00	\$ 124,000.00
Deputy Manager	\$ 8,000.00	\$ 15,000.00
Police Chief	\$ 40,000.00	\$ 117,000.00
Acting Police Chief	\$ 40,000.00	\$ 105,000.00
Township Clerk/Registrar/Search Officer	\$ 25,000.00	\$ 62,000.00
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	\$ 14,000.00	\$ 50,000.00
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	\$ 45,000.00	\$ 94,000.00
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	\$ 22,000.00	\$ 45,000.00
Municipal Court Administrator (Night Court per session)	\$ 75.00	\$ 100.00
Deputy Court Clerk (per session)	\$ 50.00	\$ 100.00
Municipal Court Magistrate	\$ 13,000.00	\$ 39,000.00
Zoning Officer	\$ 5,000.00	\$ 30,000.00
Recycling Coordinator	\$ 1.00	\$ 3,000.00
Fire Official	\$ 8,734.00	\$ 13,734.00
Fire Prevention Inspector	\$ 5,154.00	\$ 10,154.00
Emergency Management Coordinator	\$ 2,000.00	\$ 8,500.00
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
Director of Public Works	\$ 28.00	\$ 37.00
Road Supervisor	\$ 24.25	\$ 28.00
Assistant Road Supervisor	\$ 24.00	\$ 27.00
Laborer/Driver	\$ 16.72	\$ 27.00
Seasonal Laborer/Driver	\$ 10.00	\$ 20.00
Laborer	\$ 14.00	\$ 18.00
Laborer with CDL	\$ 16.00	\$ 20.00
Custodian	\$ 14.00	\$ 16.00
Senior Clerk/Radio Dispatcher	\$ 8.00	\$ 23.00
Clerk/Radio Dispatcher	\$ 8.00	\$ 22.00
Radio Dispatcher	\$ 10.00	\$ 22.00
Plumbing Subcode Official	\$ 15.00	\$ 35.00
Electric Subcode Official	\$ 15.00	\$ 41.00
Building Inspector	\$ 15.00	\$ 31.00
Secretary/Administrative	\$ 10.00	\$ 19.00
Secretary/Clerical	\$ 8.00	\$ 15.00
Seasonal/Temporary/Clerical	\$ 7.15	\$ 12.00
Assistant to Recreation Director	\$ 8.00	\$ 14.50
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 Ross to approve Ordinance 2007-01 on second reading, seconded by Lasinski. All in favor. Motion carried.

NEW BUSINESS:

A. Salary Resolution – Acting Police Chief

BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages effective February 20, 2007 shall be paid as follows:

Position	Annual Salary
Acting Police Chief	\$95,000.00

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

B. Tax Collector Resolutions

RESOLUTION #01-07

WHEREAS, Theodore Hessler III of Block 20 Lot 21.08 also known as 148 Mountain Road, Hardyston had applied for a Veterans Deduction for the tax year 2006, and

WHEREAS, Mr. Hessler has been approved and his 2006 taxes were paid in full, a refund is due in the amount of \$ 250.00,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Mr. Hessler the amount of \$ 250.00 for A Veterans Deduction.

RESOLUTION #02-07

WHEREAS, Chase Home Finance mailed the February 1st tax quarterly payments, and

WHEREAS, a payment was received for Block 24 Lot 6 also known as 6 Fox Trail and posted in the amount of \$ 1973.15, and

WHEREAS, this payment was for 6 Fox Trail in Andover Township,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Chase Home Finance the amount of \$ 1973.15 for a payment received that did not belong to Hardyston Township.

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RESOLUTION #03-07

WHEREAS, Fortune Title Agency Inc paid February 1st quarterly taxes on Block 67.27 Lot 1.10 also known as 23 Indian Field Drive Hardyston, and

WHEREAS, Flagstar Bank had already paid the quarterly taxes for this property, and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Fortune Title Agency Inc the amount of \$ 1443.85 for an overpayment on the 1st quarterly taxes.

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

C. Proclamation – “Read Across America”

PROCLAMATION

WHEREAS, the citizens of Hardyston Township stand firmly committed to the promoting reading as the catalyst for our students’ future academic success, their preparation for America’s jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Hardyston Township has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principal that educational investment is the key to the community’s well-being and long-term quality of life; and

WHEREAS, NEA’s **Read Across America**, a national celebration of reading, will be conducted on March 2, 2007, which would have been the 103rd birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, **Read Across America-NJ** is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, and their local affiliates across the state to promote reading and adult involvement in the education of our community’s students;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Hardyston calls on the citizens of Hardyston Township to assure that every child is in a safe place reading together with a caring adult on March 2, 2007;

AND BE IT FURTHER RESOLVED that this body enthusiastically endorses NEA’s Read Across America and Read Across America-NJ, and recommits our community to engage in programs and activities to make America’s children the best readers in the world.

A motion was made by Hamilton to approve the Proclamation as presented, seconded by Lasinski. All in favor. Motion carried.

D. Resolution accepting a Letter of Credit in the amount of \$154,980.00 for Ridgefield Commons – Phase V and a Cash Bond in the amount of \$17,220.00

WHEREAS, the Hardyston Township Planning Board granted approval to Pottersville Properties Development, LLC for Ridgefield Commons – Phase V; and

WHEREAS, as a condition of said approval of Ridgefield Commons – Phase V, Pottersville Properties Development, LLC was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of \$172,200.00 and;

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WHEREAS, Pottersville Properties Development, LLC has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$154,980.00, and a cash bond in the amount of \$17,220.00; and

WHEREAS, the letter of credit has been reviewed and approved as to form by the Township Attorney and Township Engineer.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby accepts the above stated bonds from Pottersville Properties Development, LLC for Ridgefield Commons – Phase V as performance securities required by the Hardyston Township Planning Board.

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

- E. Resolution of support and concurrence to participate in the Paris Grant Program with the County of Sussex as the Lead Agency

WHEREAS, the Governing Body of Hardyston Township has agreed to participate in a PARIS grant with the County of Sussex; and

WHEREAS, the Governing Body of Hardyston Township is acknowledging and accepting the responsibility of participating in this grant; and

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

WHEREAS, the purpose of this grant is to accomplish a needs assessment and inventory of such records, provide membership and training to employees, implement e-filing and electronic recordation of selected Land Records Documents amongst the County Clerk, Tax Board and select municipalities, and explore opportunities for archival storage;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Hardyston that the Township of Hardyston in its collaboration with the County of Sussex does hereby support the County of Sussex for a PARIS Grant for the above cited purpose.

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

- F. 2007 Soil Removal License Renewal – Homes By Fredrick

A motion was made by Ross to approve the 2007 Soil Removal License Renewal under the terms and recommendations described in correspondence from Township Engineer, Robert P. Guerin and Township Attorney, Kevin D. Kelly on file in the Clerk's Office, seconded by Lasinski. All in favor. Motion carried.

- G. Resolution authorizing the execution of the following interlocal agreements:
 - 1. Franklin Borough – Tax Collection Services
 - 1. Franklin Borough – Finance Department Services

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

- 1. Franklin Borough – Tax Collection Services
- 2. Franklin Borough – Finance Department Services

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

H. Resolution authorizing the execution of the following:

1. NJDEP Treatment Works Application – SCMUA – Upper Wallkill Valley Water Pollution Control Facility Plant Expansion for Vernon Project

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

1. NJDEP Treatment Works Application – SCMUA – Upper Wallkill Valley Water Pollution Control Facility Plant Expansion for Vernon Project

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

I. Resolution Awarding Bid For One (1) New Current Model Toro Groundmaster 4000d 11' Wide Area Rotary Mower Or Equivalent

WHEREAS, bids for One (1) New Current Model Toro Groundmaster 4000d 11' Wide Area Rotary Mower Or Equivalent were advertised according to law in the New Jersey Herald; and

WHEREAS, bids for said purchase were opened at the Hardyston Township Municipal Building at 11:00 a.m. on Wednesday, February 7, 2007; and

WHEREAS, bids have been reviewed by the Department of Public Works and the Township Attorney; and

WHEREAS, Storr Tractor Co., Inc. submitted the low bid, in the amount of \$54,825.00; and

WHEREAS, the Township Treasurer has certified that adequate funds exist in the Reserve for Park Capital Account; and

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby awards the bid for One (1) New Current Model Toro Groundmaster 4000d 11' Wide Area Rotary Mower Or Equivalent to Storr Tractor Co., Inc. in the amount of \$54,825.00.

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

J. Resolution authorizing the execution of the following agreement:

1. HTMUA – Administrative Services

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

1. HTMUA – Administrative Services

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

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K. Resolution regarding school funding formulas

A motion was made by Hamilton to authorize the Township Manager to prepare the resolution, seconded by Lasinski. All in favor with Ross abstaining. Motion carried.

L. Appointment – Bret Alemy – Acting Police Chief

A motion was made by Ross to approve the appointment, seconded by Lasinski. All in favor. Motion carried. Mayor Kievit administered the Oath of Office.

M. Resolution authorizing the execution and submission of the Hardyston Township Landfill Closure Application

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

N. Correspondence

1. Borough of Hamburg
2. Township of Vernon
3. Franklin Borough
4. Township of Wantage
5. Township of Vernon
6. Township of Jefferson
7. County of Sussex
8. NJ State League of Municipalities
9. NJ State League of Municipalities
10. NJ State League of Municipalities
11. NJ State League of Municipalities
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32. NJ State League of Municipalities
33. NJ State League of Municipalities
34. State of NJ
35. State of NJ
36. State of NJ
37. State of NJ
38. State of NJ
39. Goldshore, Cash & Kalac, P.C.
40. Hardyston Heritage

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

BILLS TO BE PAID: A motion was made by Ross to approve the bill list as presented, seconded by Lasinski. 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.

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

Jane Bakalarczyk, RMC/CMC
Municipal Clerk