

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
FEBRUARY 21, 2006

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: Councilman Ross, Councilman Kievit, Councilman Lasinski, Manager Marianne Smith and Clerk Jane Bakalarczyk.

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 2006
2. Construction Official Report – January 2006
3. Tax Collector Report – January 2006
4. Finance Officer Report – December 2005
5. Municipal Court Report – January 2006
6. Zoning Board – Minutes/Resolutions
7. Planning Board – Minutes/Resolutions
8. Sparta Health Department – December 2005
9. EDC – Minutes of 1/9/06

Minutes:

1. Regular Minutes of 1/24/06
2. Workshop Minutes of 1/24/06
3. Executive Session Minutes of 1/24/06
4. Workshop Minutes of 2/14/06
5. Executive Session Minutes of 2/14/06

Licenses:

1. Raffle – Order of Eastern Star
2. 50/50 – Order of Eastern Star
3. Raffle – Order of Eastern Star
4. 50/50 – Order of Eastern Star
5. Raffle – Pass It Along
6. 50/50 – Pass It Along
7. Trailer License Renewal – Helen Tabaka
8. Trailer License Renewal – Elizabeth McDole
9. Trailer License Renewal – Eileen & Russell Post

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

OLD BUSINESS:

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ORDINANCES:

1st READING:

2006-01

ORDINANCE OF THE TOWNSHIP OF HARDYSTON
AMENDING CHAPTER 185 ENTITLED ZONING SECTION 185-26 ENTITLED
MIDD-5 MINIMUM IMPACT RESIDENTIAL DISTRICT MEDIUM IMPACT
DEVELOPMENT DISTRICT – MIDD-5, SECTION 185-27 ENTITLED “ZONING
REQUIREMENT” TO AUTHORIZE AN INCENTIVE OFF-SITE CLUSTER
PROVISION

NOW THEREFORE, be it ordained by the Township Council of the
Township of Hardyston, State of New Jersey as follows:

SECTION 1

Section 185-27. Entitled “Zoning Requirements” of the Medium Intensity
Development District – 5 (MIDD-5) is hereby amended to add a new Subsection
D authorizing incentive in offsite cluster which shall state as follows:

“Section 185-27D. Offsite cluster of residential units from
Block 63, Lots 26 and 27 located on Wheatsworth Road to
Block 72, Lots 5.01 and 21 located on Franek Road and
Route 94 is hereby authorized subject to the following
requirements.

- (1) The Applicant shall dedicate to the Township
of Hardyston at least 100 acres of open space
with driveway access to Wheatsworth Road on
Block 63, Lots 26 and 27.
- (2) The off-site clustering of residential units
shall be allowed provided the maximum number
of residential units located on Block 72, Lot 5.01
and 21 located on Franek Road shall not exceed
the maximum number allowed on the Franek Road
lots plus no more than one unit per five acres for the
land dedicated in Block 63, Lots 26 and 27 located
on Wheatsworth Road.

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NEW BUSINESS:

A. Resolution authorizing the Township Manager to execute the following contracts/
leases/ interlocal agreements/agreements:

1. Animal Control Services – Sparta Township
2. Health Services – Sparta Township
3. Commodity Resale Agreement – Franklin Borough

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

1. Animal Control Services – Sparta Township
2. Health Services – Sparta Township
3. Commodity Resale Agreement – Franklin Borough

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

B. Resolution of the Township Council of the Township of Hardyston Authorizing
the Township Manager to Execute a License Agreement with Saint Clare's
Hospital Regarding the Subject Property Located at Block 67, Lot 2.08

WHEREAS, The Township of Hardyston has expressed an interest in purchasing
property identified as Block 67, Lot 2.08 in the Township of Hardyston from Saint
Clare's Hospital; and

WHEREAS, in furtherance of the foregoing, the Township has requested a right
of access to the subject property for the purpose of conducting testing and inspections of
said property to determine whether said property is compatible for the Township's
intended use, and to determine value

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the
Township of Hardyston, that the Township Manager is hereby authorized to execute the
License Agreement attached hereto as Exhibit A to gain a right of access to the subject
property for the purposes set forth above.

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

A motion was made by Ross authorizing the Township Manager to enter into a contract
with an environmental engineer based on the recommendations of the Township Engineer
for professional services required for the property identified as Block 67, Lot 2.08,
seconded by Kievit. All in favor. Motion carried.

C. 2006 Junkyard/Auto Auction License Renewal – Central Auto Liquidators, Inc.

A motion was made by Ross to approve the 2006 Junkyard/Auto Auction License
Renewal for Central Auto Liquidators, Inc., seconded by Kievit. All in favor with
Lasinski abstaining. Motion carried.

D. 911 Coordinator Appointment – William Hickerson

A motion was made by Kievit to appoint William Hickerson as the 911 Coordinator,
seconded by Ross. All in favor. Motion carried.

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E. 2005 Appropriation Reserves Transfer Resolution

Now, Therefore be it resolved by the Township Council of the Township of Hardyston, State of New Jersey, That the following 2005 Budget Appropriation Reserves transfers be authorized:

Transfer From:		Transfer To:	
Admin S&W	1,300.00	Admin OE	1,300.00
Admin S&W	1,200.00	Tax Assessor OE	1,200.00
Construction S&W	9,400.00	Planning Board OE	9,400.00
Construction S&W	500.00	Fuel Oil	500.00
Construction S&W	861.00	Group Insurance	861.00
Admin Supplies OE	2,650.00	Group Insurance	2,650.00
Election OE	425.00	Other Insurance	425.00
Zoning Official OE	1,330.00	Other Insurance	1,330.00
Police Uniform OE	4,450.00	Police S&W	4,450.00
Police Uniform OE	125.00	Communication S&W	125.00
Police Car OE	3,325.00	Police OE	3,325.00
Solid Waste OE	1,330.00	Communication S&W	1,330.00
Solid Waste OE	2,175.00	Communication OE	2,175.00
Zoning OE	425.00	Communication OE	425.00
Prosecutor OE	850.00	Roads S&W	850.00
Senior Busing OE	650.00	Roads S&W	650.00
Senior Busing OE	1,350.00	Electrical	1,350.00
Computer Maintenance	2,175.00	Electrical	2,175.00
Computer Maintenance	825.00	Telephone	825.00
Legal OE	5,200.00	Telephone	5,200.00
Engineering OE	6,200.00	Telephone	6,200.00
Engineering Retainer	475.00	Telephone	475.00
Court S&W	670.00	Telephone	670.00
Social Security	525.00	Telephone	525.00
Social Security	225.00	Gasoline	225.00
Court OE	4,475.00	Gasoline	4,475.00
Littell Center OE	4,000.00	Gasoline	4,000.00
LOSAP	2,000.00	Gasoline	2,000.00
Summer Recreation S&W	2,598.00	Gasoline	2,598.00
Summer Recreation OE	741.00	Gasoline	741.00
Land Use S&W	383.00	Gasoline	383.00
Zoning OE	2,481.00	Gasoline	2,481.00
Zoning Official OE	77.00	Gasoline	77.00
Senior Busing OE	2,675.00	Gasoline	2,675.00
Accumulated Leave	4,150.00	Gasoline	4,150.00
Totals	72,221.00	Totals	72,221.00

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

F. Refuse Collection Truck Bid Award Resolution – Brown’s Hunterdon Mack

WHEREAS, bids for One Mack CV713 Truck or Equivalent with One 2006 Leach Model 2R111 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 Tuesday, February 7, 2006; and

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

WHEREAS, Brown's Hunterdon Mack Sales & Service submitted the low bid, in the amount of \$142,061.48; and

WHEREAS, the Township Treasurer has certified that adequate funds exist in the 2006 Capital Improvement Budget; and

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby awards the bid for One Mack CV713 Truck or Equivalent with One 2006 Leach Model 2Rlll or Equivalent to Brown's Hunterdon Mack Sales & Service of Bloomsbury, NJ in the amount of \$142,061.48.

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

- G. Resolution authorizing the Township Manager to execute professional services agreement with Cerenzio and Panaro, P.C. (C&P) for professional services related to engineering consulting services associated with the closure plan for the former Hardyston Township Landfill

WHEREAS, it is necessary that the Township prepare a Closure Plan for approval by the NJDEP for the purpose of providing a basis for closure of the former Hardyston Township Landfill as a "non-fair and open" contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Township requested a proposal from Cerenzio & Panaro, P.C. (C&P) for professional engineering services related to said project; and

WHEREAS, said proposal has been reviewed and accepted by the Township, and the Township desires to enter into a Professional Services Agreement with C&P for said professional services; and

WHEREAS, the Township's Manager has determined and certified in writing below that the value of the proposed contract will exceed \$17,500; and

WHEREAS, the local public contract law, N.J.S.A. 40A:11-1 et. seq., authorizes the award of a contract as a "professional service", without competitive bidding, since the services encompassed thereby must be rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and who requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction; and

WHEREAS, C&P has in its employ individuals possessing the requisite licensure, knowledge, and skills with which to perform the services encompassed by the proposed Agreement; and

WHEREAS, the Township of Hardyston's Treasurer has certified that funds for said services are available; and

WHEREAS, the Local Public Contracts Law requires that the Resolution authorizing the award of a contract for professional services without competitive bids, and the Agreement itself, must be available for public inspection; and

WHEREAS, C&P has completed and submitted a Chapter 19 Business Entity Disclosure Certification which certifies that C&P has not made any reportable contributions to a political party or candidate committee in the Township of Hardyston in the previous one year, and that the contract will prohibit C&P from making any reportable contributions through the term of the contract; and

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WHEREAS, C&P has submitted a Chapter 271 Political Contribution Disclosure form.

NOW, THEREFORE, it is hereby resolved by the Mayor and Council of the Township of Hardyston as follows:

1. That the Township Manager and the Clerk of the Township be hereby authorized to execute, on behalf of the Township, a Professional Services Agreement between the Township and C&P for professional services related to the Closure Plan of the former Hardyston Township Landfill.
2. Such contract is to be awarded as a professional service, exclusive of public bidding, pursuant to the provisions of N.J.S.A. 40A:11-5(1) (a) (i) since the work requires the services of individuals licensed by law to practice a recognized profession and who possess knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction.
3. That the Chapter 271 Political Contribution Disclosure, Chapter 19 Business Entity Disclosure Certification and the Determination of Value shall be placed on file with this resolution.
4. That the Township's staff shall cause to be published the appropriate notice in the New Jersey Herald with respect to the award of this contract as provided for in the Open Public Contracts Law, and that a copy of this resolution and the contract itself be kept on file at the Township municipal offices and be available for public inspection.

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

H. Resolution accepting a letter of credit in the amount of \$100,00.00 and a cash bond in the amount of \$25,880.00 from All County Fuel Oil Company

WHEREAS, the Hardyston Township Planning Board granted approval to All County Fuel Oil Company for Block 62, Lot 6; and

WHEREAS, a condition of the site plan approval for Block 62, Lot 6 required that All County Fuel Oil Company construct certain site improvements. Since there are miscellaneous site improvement requirements which have not been completed at this time, said improvements being noted in the Township Engineer's performance bond estimate dated February 10, 2006, the applicant is required to post a performance guarantee with the Township of Hardyston in the amount of \$125,880.00 to insure completion of these required site improvements; and

WHEREAS, All County Fuel Oil Company has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$100,000.00, and a cash bond in the amount of \$25,880.00; 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 All County Fuel Oil Company for Block 62, Lot 6 as performance securities required by the Hardyston Township Planning Board.

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

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- I. Resolution requesting registration renewal from Division of Local Government Services for Hardyston Commodity Resale System

WHEREAS, N.J.A.C. 5:34-7 authorizes contracting units to establish a Commodity Resale System; and

WHEREAS, the Hardyston Township Council authorized the establishment of a Commodity Resale System to provide gasoline and diesel fuel to the Borough of Franklin, Wallkill Valley Regional High School and the Hardyston Middle School; and

WHEREAS, the Commodity Resale System agreement will expire April 8, 2006; and

WHEREAS, the Hardyston Township Council has determined that it is in the best interest of the Township of Hardyston to renew said agreement.

NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that it hereby authorizes the renewal of a Commodity Resale System agreement with the Borough of Franklin, Wallkill Valley Regional High School and the Hardyston Middle School in accordance with the provisions of N.J.A.C. 5:34-7 and it authorizes the Township Manager to execute all required documents associated with the Commodity Resale System.

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

- J. Correspondence

1. Courter, Kobert & Cohen
2. Sills, Cummis, Epstein & Gross
3. Town of Newton
4. Township of Vernon
5. Township of Vernon
6. Township of Green
7. Township of Roxbury
8. Borough of Oakland
9. County of Sussex
10. County of Sussex
11. County of Sussex
12. NJ State League of Municipalities
13. NJ State League of Municipalities
14. State of NJ
15. State of NJ
16. State of NJ
17. State of NJ
18. State of NJ
19. State of NJ
20. State of NJ
21. Department of Labor - Employment & the Economy Newsletter
22. North Jersey Transportation Planning Authority, Inc. Newsletter
23. DEP Newsletter

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

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

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- 2006 Municipal Budget
- Municipal Building/Police Station Complex
- Silver Grove Road Resurfacing
- Fuel Station Security and Tracking System
- Fire Truck and Ambulance Purchases
- Planning Issues
- Digitization of Tax Maps
- Landfill Closure
- Future Meetings
- Programs In Progress

BILLS TO BE PAID: A motion was made by Kievit to approve the bill list as presented, seconded by Ross with Kievit abstaining on payment to DeVita. 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. Sue Stringfield, Garbage Program Coordinator for the Highland Lakes Bear Group mentioned that she has received a number of phone calls from residents regarding the dumpsters at local businesses attracting the bears. Ms. Stringfield asked if the Council could contact the local business to ask them to obtain bear-proof dumpsters.

A resident of Bunn Road asked for some clarification of Ordinance 2006-01. 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, seconded by Lasinski. All in favor. Motion carried.

Jane Bakalarczyk, RMC
Municipal Clerk