

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 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 Armstrong, Councilman Ross, Councilman Lasinski, Manager Marianne Smith, Clerk Jane Bakalarczyk., and Planning Board Attorney Thomas F. Collins, Jr.

SALUTE THE FLAG:

AWARD PRESENTATION: Mayor Kievit presented a plaque of appreciation to Acting Chief of Police Bret Alemy, Lieutenant Kenneth Brenzel, Patrolman Nicholas Calandra, Patrolman Scott Lobban and Custodian Helm Messner for their quick response and dedication on February 14, 2007 when flooding occurred in the Municipal Building due to a malfunction of the sprinkler system.

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 – February 2007
2. Construction Official Report – February 2007
3. Tax Collector Report – February 2007
4. Police Department Report – December 2006
5. Police Department Report – January 2007
6. Police Department Report – February 2007
7. HTMUA – Minutes of 1/10/07
8. Sparta Health Department – January 2007
9. Sparta Health Department – February 2007
10. Sparta Animal Control – February 2007

Minutes:

1. Workshop Minutes of 2/27/07
2. Executive Session Minutes of 2/27/07

Agreements/Licenses:

1. Microstrategies, Inc. – Maintenance Agreement – Dispatch Recorder
2. Warshauer Electric – Generator Service Contract
3. 2007 Kennel License Renewal – The Pet Spa & Resort
4. 2007 Kennel License Renewal – Raining Cats & Dogs
5. Raffle License – Lafayette Parent Teacher Organization
6. Raffle License - YMCA

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

OLD BUSINESS:

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ORDINANCES:

1st READING: 2007-05

**CALENDAR YEAR 2007
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2007 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$59,387.23 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Township of Hardyston, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2007 budget year, the final appropriations of the Township of Hardyston shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 59,387.23, and that the CY 2007 municipal budget for the Township of Hardyston be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

A motion was made by Lasinski to approve Ordinance 2007-05 on first reading, seconded by Hamiltoni. All in favor. Motion carried.

ORDINANCES:

2nd 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:

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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 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 2007-02 on second 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 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 2007-03 on second reading, seconded by Armstrong. All in favor. Motion carried.

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

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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 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 Lasinski to approve Ordinance 2007-04 on second reading, seconded by Ross. All in favor. Motion carried.

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NEW BUSINESS:

A. 2007 Salary Resolution

BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages effective January 1, 2007 shall be paid as follows:

Title	2007 Salary
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	<u>Annual Salary</u>
Township Council	\$ 4,000.00
Township Manager	\$ 118,059.00
Deputy Manager (Effective 4/1/07)	\$ 8,000.00
Municipal Clerk/Registrar/Search Officer	\$ 58,115.00
Acting Chief of Police	\$ 95,000.00
Public Works Director (Effective 4/1/07)	\$ 86,000.00
Zoning Officer	\$ 26,689.00
Tax Assessor	\$ 44,158.00
Land Use and Grants Administrator	\$ 43,681.00
Construction Official	\$ 89,205.00
Building Subcode Official	\$ 62,500.00
Recreation Program Director	\$ 43,000.00
Fire Official	\$ 11,217.00
Fire Prevention Inspector	\$ 7,476.00
Municipal Court Administrator	\$ 40,531.00
Municipal Court Administrator - Night Court	\$ 90.00
Municipal Court Magistrate	\$ 33,272.00
Deputy Court Clerk	
For first three hours of court session	\$ 83.00
For each hour of court session exceeding three hours	\$15.68/hour
Planning/Zoning Board Secretary/Land Use Admin./Twp. Clerk	
Meeting stipend for board meetings/EDC meetings/Twp. Council mtgs.	\$90/meeting
Emergency Management Coordinator	\$ 7,288.00
Summer Recreation Director	\$ 3,577.00
Assistant Summer Recreation Director	\$ 2,623.00
Summer Recreation Nurse	\$ 1,908.00
Summer Recreation Art Director	\$ 2,623.00

	<u>Hourly Salary</u>
Senior Clerk/Radio Dispatcher	\$ 21.52
Road Supervisor	\$ 26.45
Assistant Road Supervisor	\$ 25.60
Laborer Without CDL	\$ 14.00
Laborer With CDL	\$ 16.72
Water and Sewer Operator	\$ 29.13
Summer Seasonal Laborer/Driver	\$ 12.00
Winter Seasonal Laborer/Driver Without CDL	\$ 13.00
Winter Seasonal Laborer/Driver With CDL	\$ 15.00
Custodian	
Hired prior to 1/1/07	\$ 14.84
Secretary/Clerical	\$ 13.00
Secretary/Clerical Temporary	\$ 8.00
Secretary/Administration hired before 12/31/04	\$ 17.54
Secretary/Administration hired after 12/31/04	\$ 16.55

Hardyston Township 2007 Salary Resolution - page 2	Hourly Salary
Assistant to Recreation Program Director	
Hired before 1/01/05	\$ 13.38
Hired between 1/01/05 and 12/31/05	\$ 12.89
Hired after 12/31/05	\$ 10.42
Recreation On-Call Staff	\$ 9.97
Recreation Program Presenter Without Certificaton	\$ 15.00
Recreation Program Presenter With Certification	\$ 23.00
Electrical Subcode Official	\$ 39.06
Plumbing Subcode Official	\$ 32.59
Building Inspector	
Part-Time	\$ 26.04

<u>Step</u>	<u>Hourly Salary</u>
Driver/Laborer:	
Year One	\$ 18.26
Year Two	\$ 19.40
Year Three	\$ 20.54
Year Four	\$ 21.67
Year Five	\$ 23.39
Year Six	\$ 25.09

Dispatcher:	
Year One	\$ 15.61
Year Two	\$ 16.81
Year Three	\$ 17.90
Year Four	\$ 19.09
Year Five	\$ 20.71

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

B. 2006 Budget 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 2006 Budget Appropriation Reserves transfers be authorized:

Transfer From:	Transfer To:
Admin S&W 400.00	Engineering Retainer OE 400.00
Election OE 550.00	Engineer OE 550.00
Tax Assessor OE 500.00	Engineer OE 500.00
Legal OE 3,000.00	Engineer OE 3,000.00
Land Use S&W 100.00	Engineer OE 100.00
Zoning Official OE 825.00	Engineer OE 825.00
Construction OE 25.00	Engineer OE 25.00
Economic Dev OE 1,500.00	Planning OE 1,500.00
Economic Dev OE 1,500.00	Zoning Board OE 1,500.00
Construction S&W 1,352.00	Communication S&W 1,352.00
Construction OE 500.00	Street Lighting OE 500.00
Group Insurance 1,100.00	Animal Control 1,100.00
Police S&W 4,948.00	Police OE 4,948.00
Police Uniforms OE 455.00	Communication OE 455.00
Roads S&W 8,939.00	Roads OE 8,939.00
Senior Busing OE 660.00	Recreation OE 660.00
Senior Busing OE 1,100.00	Street Lighting OE 1,100.00
Electrical 2,299.00	Street Lighting OE 2,299.00
Summer Rec OE 2,140.00	Street Lighting OE 2,140.00
Municipal Court OE 1,800.00	Street Lighting OE 1,800.00

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Transfer From:		Transfer To:	
Group Insurance	611.00	Street Lighting OE	611.00
Computer Maint OE	179.00	Telephone	179.00
Tax Appeals	2,500.00	Telephone	2,500.00
Fuel Oil	331.00	Telephone	331.00
Fuel Oil	89.00	Natural Gas	89.00
Diesel Fuel	600.00	Natural Gas	600.00
Gasoline	46.00	Natural Gas	46.00
Gasoline	800.00	Social Security	800.00
Totals	38,849.00	Totals	38,849.00

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

C. Resolution authorizing the execution of the following interlocal agreements:

1. Franklin Borough – Recreation
2. Franklin Borough – Summer Recreation
3. Sparta Township – Animal Control Services

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

1. Franklin Borough – Recreation
2. Franklin Borough – Summer Recreation
3. Sparta Township – Animal Control Services

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

D. Resolution for provision by the County of Sussex of health services pursuant to the Local Health Services Act

WHEREAS, the Township of Hardyston previously contracted with the Township of Sparta for provision of health services pursuant to the Local Health Services Act (N.J.S.A. 26:3A2.1 *et seq.*); and

WHEREAS, the Township of Hardyston has determined and now petitions that all health services required under the laws and regulations of the State of New Jersey and/or the Hardyston Township Code, together with any other services that the parties may mutually agree upon, will be provided by the Sussex County Division of Health; and

WHEREAS, the County's provision of services to the Township of Hardyston will commence on April 1, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston that the provision of health services by the County of Sussex to the Township of Hardyston is authorized commencing April 1, 2007.

BE IT FURTHER RESOLVED as follows:

1. Hardyston Township may withdraw from this arrangement with Sussex County after not less than two years of participation per the Local Health Services Act. Thereafter, if the Hardyston Township Council determines to withdraw it shall adopt a Resolution and cause a certified copy to be forwarded to the County of Sussex not less than six months prior to the proposed withdrawal date. The withdrawal shall be effective on the date set forth in the Resolution.

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2. A certified copy of this authorizing Resolution shall be forwarded to the Sussex County Board of Chosen Freeholders.

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

E. Resolution authorizing the execution and submission of the following:

1. NJDEP Letter of Interpretation Application (LOI) – Block 75, Lot 55 (Landfill)

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

1. NJDEP Letter of Interpretation Application (LOI) – Block 75, Lot 55 (Landfill)

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

F. Developer's Agreement – Brecia Farms Subdivision (David Hook)

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

1. Developers Agreement:
 - a. Brecia Farms Subdivision – David Hook

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 Franklin
2. County of Sussex
3. NJ State League of Municipalities
4. NJ State League of Municipalities
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. State of NJ
16. State of NJ
17. State of NJ
18. State of NJ
19. State of NJ
20. Laddey, Clark & Ryan, LLP
21. NJ Clean Air Council
22. Periscope Newsletter
23. NJ State League of Municipalities

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A motion was made by Ross to approve a resolution per the Sample Resolution attached to the correspondence from the State of New Jersey, Item #19, designating the Month of March as “Women’s History Month”, seconded by Hamilton. All in favor. Motion carried. A motion was made by Ross to approve the correspondence as presented, seconded by Hamilton. All in favor. Motion carried.

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

- Highlands Preservation
- Security Grant
- 2007 Budget

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. Bohdan Senyszyn addressed the Council and Planning Board Attorney, Thomas F. Collins, Jr., regarding the Developer’s Agreement between David Hook and the Township of Hardyston for the Brecia Farms Subdivision. A resident of Crystal Springs asked questions regarding what services the town provided to the private communities. 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