

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 5, 2009

The meeting was called to order by Mayor Hamilton at approximately 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 Kula, Manager Marianne Smith, Clerk Jane Bakalarczyk, and Township Attorney Dominic DiYanni of Dorsey & Semrau. Councilman Armstrong was absent from this meeting.

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.

Agreements/Applications/Licenses:

1. Raffle – Wallkill Valley Booster Club
2. Raffle – Northeast Regional Early Intervention Collaborative, Inc. (Helpful Hands)
3. Raffle - General Judson Kilpatrick Knights of Columbus #5563
4. Trailer License – Elizabeth McDole

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

ORDINANCES:

1st READING:

2009-07

CALENDAR YEAR 2009

**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 Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2009 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 Township Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$68,330.72 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township 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 Township 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 2009 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 3.50%, amounting to \$239,157.52, and that the CY 2009 municipal budget for the Township of Hardyston be approved and adopted in accordance with this ordinance; and,

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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 Ross to approve Ordinance 2009-07 on first reading, seconded by Kievit. All in favor. Motion carried. Second reading and public hearing is scheduled for June 23, 2009.

ORDINANCES:

2nd READING: 2009-04

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING AND CHAPTER 185, ZONING, SECTION 185-54, PERSONAL RECREATIONAL FACILITIES IN RESIDENTIAL ZONES, OF THE REVISED GENERAL ORDINANCES

Township Manager stated that this ordinance is required to be forwarded to the Planning Board for consistency review prior to adoption. A motion was made and seconded to open the meeting to the public. No public comment. A motion was made and seconded to close the meeting to the public. A motion was made by Kievit to table this item to the May 19, 2009 meeting, seconded by Ross. All in favor. Motion carried.

2009-05

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CHAPTER 185, ZONING, SECTION 185-54, PERSONAL RECREATIONAL FACILITIES IN RESIDENTIAL ZONES, SUBSECTION (B) OF THE REVISED GENERAL ORDINANCES

Township Manager stated that this ordinance is required to be forwarded to the Planning Board for consistency review prior to adoption. A motion was made and seconded to open the meeting to the public. No public comment. A motion was made and seconded to close the meeting to the public. A motion was made by Kievit to table this item to the May 19, 2009 meeting, seconded by Ross. All in favor. Motion carried.

2009-06

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 172, VEHICLES AND TRAFFIC, SECTION 172-32, THE INDIAN FIELDS AT HARDYSTON (PHASE II), 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 172, Vehicles and Traffic, Section 172-32, The Indian Fields at Hardyston (Phase II), Section (A) General Parking, Subsection (2), of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

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§ 172-32. The Indian Fields at Hardyston (Phase II).

A. General parking.

(2) Restricted Parking.

a) No person shall stop or stand a vehicle upon any of the streets or parts of streets described below:

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
Forest Hill Way	Both	All	Entire length
Sundance Terrace	Both	All	Entire length

b) No person shall stop or stand a vehicle upon any of the below listed streets or parts of streets at any time, except in the areas described below:

<u>Name of Street</u>	<u>No Stopping/Standing Or Parking any time</u>	<u>On Street Parking Exception</u>
Wind Meadow	Both sides- Entire length	Six head-on marked spaces on North side of cul-de-sac
Sweetwater Ln.	Southbound side and in cul-de-sac	Seven marked parallel spaces on Northbound side
Pale Star Court	Both sides- Entire length	Two marked parallel Spaces within Cul-de-sac

SECTION 2. Chapter 172, Vehicles and Traffic, Section 172-32, The Indian Fields at Hardyston (Phase II), Section (E), Signage, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 172-32. The Indian Fields at Hardyston (Phase II).

E. Signage. All signs, posts or other necessary materials shall be installed, paid for and maintained by the owner. The signs shall be installed within thirty (30) days of approval of this section by the Township governing body. All signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

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 and seconded to open the meeting to the public. No public comment. A motion was made and seconded to close the meeting to the public. A motion was made by Kievit to approve Ordinance 2009-06 on second reading with minor amendments per the recommendation of the Township Engineer as noted by the Township Attorney, seconded by Ross. All in favor. Motion carried.

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NEW BUSINESS:

- A. Resolution authorizing Appraisal Systems, Inc. Revaluation Contract Rider

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

1. Appraisal Systems, Inc. – Revaluation Contract Rider

Township Manager stated that the tax maps and the contract have been approved by the State with a minor change in the contract. A motion was made by Ross to approve the resolution as presented, seconded by Kievit. All in favor. Motion carried.

- B. Resolution authorizing agreement between Crystal Springs Builders, LLC and Hardyston Township Municipal Utilities Authority and Township of Hardyston regarding a Second Amendment to the October 9, 2002 SCMUA/HTMUA Agreement for the Hamburg Regional Pumping Station Bypass Project

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

1. Agreement between Crystal Springs Builders, LLC and Hardyston Township Municipal Utilities Authority and Township of Hardyston regarding a Second Amendment to the October 9, 2002 SCMUA/HTMUA Agreement for the Hamburg Regional Pumping Station Bypass Project

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

- C. Resolution authorizing Eneractive Solutions proposal for submission of Energy Efficiency Block Grant Funding on behalf of the Township of Hardyston for proposed energy efficiency projects at the Hardyston Township Municipal Building

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

1. Eneractive Solutions proposal for submission of Energy Efficiency Block Grant Funding on behalf of the Township of Hardyston for proposed energy efficiency projects at the Hardyston Township Municipal Building

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

- D. Resolution opposing Governor Corzine's plan to transfer money from the Emergency Medical Technician ("EMT") Training Fund

WHEREAS, the Hardyston Township Volunteer First Aid Squad is a public service association comprised of volunteer members whose purpose is to provide pre-hospital emergency care to the sick and injured in our community;

WHEREAS, the Emergency Medical Technician ("EMT") Training Fund was created by New Jersey P.L. 1992, chapter 143 (N.J.S.A. 26:2K-54 et seq.) as a dedicated, non-lapsing, revolving fund, established to reimburse any private agency, organization or entity which is certified by the Commissioner of Health and Senior Services to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or recertification. The Fund has allowed thousands of Volunteer EMTs to earn and maintain their EMT certification without incurring out-of-pocket personal expense and without the need for funding from their volunteer squad or municipality; and

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WHEREAS, the EMT Training Fund is not supported through the use of any tax money, but rather is supported by a \$0.50 surcharge on each fine, penalty and forfeiture imposed and collected by the State of New Jersey for motor vehicle or traffic violations and is currently running at approximately a \$1,000,000 deficit per year; and

WHEREAS, on April 23, 2009 the Department of Health and Senior Services Office of OEMS informed the New Jersey State First Aid Council of Governor Corzine's intention to redirect \$4,000,000 from the dedicated EMT Training Fund to the general treasury of the State of New Jersey leaving only a proposed \$400,000 balance in the Fund; and,

WHEREAS, a \$400,000 balance in the EMT Training Fund is inadequate to meet the annual training needs of the Volunteer EMTs of this State and will result in severe cut-backs of state-paid EMT training for New Jersey's EMS Volunteer Community;

NOW, THEREFORE BE IT RESOLVED, that the Township of Hardyston opposes Governor Corzine's plan to transfer money from the EMT Training Fund, because of the detrimental effect this will have on the availability of EMT training for New Jersey's Volunteer EMS Community.

FURTHER RESOLVED, that the Township of Hardyston opposes the intended re-appropriation of monies from the dedicated EMT Training Fund, which would shift the cost of Volunteer EMT Training to the Hardyston Township Volunteer First Aid Squad, the municipality and its residents. During this time of economic hardship when squads continue to see a decrease in donations, contributions, and a short fall in fund raising, it is fundamentally unfair to ask those who already volunteer their time to attend training courses and answer emergency calls to pay for their own training when they already provide so much to their community. This will significantly impact the recruitment of new members as well as retention of existing members since many will not be able to pay for their training.

FURTHER RESOLVED, that the Governor and the Legislature of the State of New Jersey are requested not to remove any money from the EMT Training Fund and to return any money to the Fund that has already been removed for purposes other than those specified in New Jersey P.L. 1992, chapter 143.

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

E. 2009 Budget Introduction

Township Manager Marianne Smith gave a written and verbal presentation on the 2009 Municipal Budget. A motion was made by Ross to approve the 2009 Municipal Budget as introduced, seconded by Kievit. All in favor. Motion carried. Public hearing and adoption of the budget is scheduled for June 23, 2009.

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

PUBLIC PORTION: A Scenic Lakes resident addressed the Council with concerns regarding parking of vehicles in her neighborhood and the accumulation of debris. Township Manager stated that she would have the Zoning Officer perform an inspection to determine if there are any violations. A Lake Tamarack resident inquired as to the status of the Board of Health hearing scheduled for tonight regarding 30 Lake Shore Road N. Township Manager stated that the lienholder has come forward and has requested a postponement of this hearing so that they may perform a site inspection of the premises and investigate a possible amicable resolution to this matter.

ADJOURNMENT: At approximately 7:45 p.m. a motion was made by Ross to adjourn, seconded by Kievit. All in favor. Motion carried.

Municipal Clerk