

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
MAY 17, 2005

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, Councilman Armstrong, Manager Marianne Smith, and Clerk Jane Bakalarczyk

SALUTE THE FLAG:

PRESENTATION OF SENIOR CITIZEN OF THE YEAR AWARD:

Mayor Kievit presented Mrs. Dominick Markisello with a plaque honoring her late husband, Dominick Markisello, as "Senior Citizen of the Year".

PRESENTATION OF PROCLAMATION:

Mayor Kievit presented plaques to the Hardyston Cub Scouts Pack #298, The Bear Education and Resource Group and the Hardyston Township Department of Public Works in appreciation of their participation in the Township's bear-resistant garbage can program.

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 – April 2005
2. Tax Collector Report – April 2005
3. Construction Official Report – April 2005
4. Zoning Officer Report – as of 4/22/05
5. Zoning Officer Report – as of 5/10/05
6. Planning Board – Minutes/Resolutions
7. Finance Officer Report – April 2005
8. Sales Listing Report – 1/1/05 – 4/30/05
9. HTMUA – Minutes of 3/9/05
10. Sparta Health Department Report – March 2005

Minutes:

1. Regular Minutes of 4/19/05
2. Workshop Minutes of 4/26/05
3. Special Meeting Minutes of 4/26/05
4. Executive Session Minutes of 4/26/05
5. Workshop Minutes of 5/10/05
6. Executive Session Minutes of 5/10/05

Licenses:

1. 50/50 Raffle – Camp Acorn
2. Tricky Tray – Camp Acorn
3. Raffle – Childrens Specialized Hospital Foundation, Inc.
4. Trailer Court License – Russell and Eileen Post

A motion was made by Ross to approve the consent agenda as presented, seconded by Lasinski. All in favor with Armstrong abstaining on the minutes of 4/19/05 and Lasinski abstaining on all minutes of 4/26/05. Motion carried.

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OLD BUSINESS:

ORDINANCES:

1st READING: NONE

ORDINANCES:

2nd READING: 2005-07

**AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF PERSONAL
PROPERTY TO THE HARDYSTON TOWNSHIP BOARD OF EDUCATION**

WHEREAS, Hardyston Township owns a 1998 Chevrolet pick-up truck 2500 Series [VIN #1GCGK24RXWE183013] that was replaced this year as a capital improvement and is no longer needed by the Township for its public works; and

WHEREAS, the Hardyston Township Board of Education is in need of a replacement vehicle for a truck used at its facilities; and

WHEREAS, there is a decided benefit to the taxpayers of Hardyston Township for the pick-up truck to be transferred to the Board of Education for its use.

NOW. THEREFORE, BE IT ORDAINED by the Hardyston Township Council that the 1998 Chevrolet pick-up truck 2500 Series [VIN #1GCGK24RXWE183013] be sold at private sale to the Hardyston Township Board of Education for nominal consideration in accordance with N.J.S.A. 40A:12-13(b)(1).

Section 1. Severability

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 2. 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 Hamilton to approve Ordinance 2005-07 on second reading, seconded by Armstrong. All in favor with Ross abstaining. Motion carried.

NEW BUSINESS:

A. Resolution for Self Examination of Budget for Year 2005 Municipal Budget

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

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WHEREAS, pursuant to N.J.A.C. 5:30-7.2 THRU 7.5 the Township of Hardyston has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Hardyston meets the necessary conditions to participate in the program for the 2005 budget year, so now therefore

BE IT RESOLVED, by the Township Council of the Township of Hardyston that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated.
 - b. Items of appropriation are properly set forth.
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES.

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

B. Certification Resolution of Approved Budget

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

C. Resolution authorizing Change Order #4 and #5 for New Municipal Building Complex Project

BE IT RESOLVED by the Township Council of the Township of Hardyston that Change Order #4 and #5 for the Hardyston Municipal Building Complex project is hereby approved.

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

D. Resolution accepting Letter of Credit and Cash Bond from Crystal Springs Builders, LLC for the Inverness at Crystal Springs

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WHEREAS, the Hardyston Township Planning Board granted approval to Crystal Springs Builders, LLC for the Inverness at Crystal Springs; and

WHEREAS, as a condition of said approval of the Inverness at Crystal Springs, Crystal Springs Builders, LLC was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of \$1,112,558.40 and;

WHEREAS, Crystal Springs Builders, LLC has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$1,001,302.56, and a cash bond in the amount of \$111,255.84; 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 Crystal Springs Builders, LLC for the Inverness at Crystal Springs as performance securities required by the Hardyston Township Planning Board.

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

- E. Resolution accepting Letter of Credit and Cash Bond from Pottersville Properties Development, LLC for Ridgefield Commons, Phase II

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

WHEREAS, as a condition of said approval of Ridgefield Commons – Phase II, Pottersville Properties Development, LLC was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of \$104,880.00 and;

WHEREAS, Pottersville Properties Development, LLC has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$155,628.00, and a cash bond in the amount of \$10,488.00; 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 II 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 with Ross abstaining. Motion carried.

- F. Resolution rejecting bids for curbside collection and disposal of co-mingled recyclable materials, corrugated cardboard and news print

WHEREAS, bids for curbside collection and disposal of co-mingled recyclable materials, corrugated cardboard and news print 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 10:00 a.m. on Monday, April 18, 2005; and

WHEREAS, a single bid was submitted by Waste Management of NJ, Inc.; and

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WHEREAS, there are not sufficient funds to award bid.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby rejects bid for the curbside collection and disposal of co-mingled recyclable materials, corrugated cardboard and news print.

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

G. Resolution awarding bid for four-wheel drive articulated loader with accessories

WHEREAS, bids for the four-wheel drive articulated loader with accessories 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 10:00 a.m. on Tuesday, May 10, 2005; and

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

WHEREAS, G&H Service, Inc. submitted the low bid, in the amount of \$71,645.00; and

WHEREAS, the Township Treasurer has certified that adequate funds exist in the 2005 Municipal Budget ; and

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby awards the bid for the four-wheel drive articulated loader with accessories to G&H Service, Inc. of Newton, NJ in the amount of \$71,645.00.

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

H. Resolution authorizing the Township Manager to make an emergency purchase of a 1988 Garbage Truck from H & H Mack Sales, Inc.

BE IT RESOLVED by the Township Council of the Township of Hardyston that the Township Manager is hereby authorized to make an emergency purchase of a 1988 Garbage Truck from H & H Mack Sales, Inc.

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

I. Correspondence

1. Township of Lumberton
2. Township of Sparta
3. Township of Sparta
4. Hampton Township
5. Borough of Stanhope
6. Township of Cranford
7. Township of Green
8. County of Sussex
9. County of Sussex
10. County of Sussex
11. NJ State League of Municipalities
12. NJ State League of Municipalities
13. NJ State League of Municipalities

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14. NJ State League of Municipalities
15. NJ State League of Municipalities
16. NJ State League of Municipalities
17. NJ State League of Municipalities
18. NJ State League of Municipalities
19. NJ State League of Municipalities
20. NJ State League of Municipalities
21. NJ State League of Municipalities
22. NJ State League of Municipalities
23. NJ State League of Municipalities
24. NJ State League of Municipalities
25. NJ State League of Municipalities
26. NJ State League of Municipalities
27. NJ State League of Municipalities
28. State of NJ
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. New Jersey Highlands Council
38. Wachovia
39. New Jersey Army National Guard
40. Northern NJ Safekids Newsletter
41. New Jersey Future Newsletter
42. PEOSH News
43. Council On Affordable Housing Newsletter
44. NJ State League of Municipalities

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

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

- Municipal Building/Police Station Complex
- Programs
- Road Resurfacing
- Welcome to Hardyston Signs
- New Jersey Highlands Council
- Municipal Budget
- Programs In Progress

BILLS TO BE PAID: A motion was made by Ross to approve the bill list as presented, seconded by Armstrong. All in favor with Kievit abstaining on payment to Anthony DeVita. Motion carried.

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Residents of Walden Village voiced their concerns regarding construction activities in the adjoining development known as Ridgefield Commons. Resident John Cuzzo voiced his concerns about problems on his property on Sabine Lane. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

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EXECUTIVE SESSION: None.

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

Jane Bakalarczyk, RMC
Municipal Clerk