

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 23, 2009

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:, Deputy Mayor Kievit, Councilman Kula, Manager Marianne Smith, Clerk Jane Bakalarczyk. Councilman Ross and Councilman Armstrong were 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.

Monthly Reports:

1. Municipal Clerk Report – May 2009
2. Tax Collector Report – May 2009
3. Construction Certificate Activity Report – May 2009
4. Construction Permit Activity Report – Hardyston – April 2009
5. Construction Permit Activity Report – Hardyston – May 2009
6. Construction Permit Activity Report – Hamburg – April 2009
7. Construction Permit Activity Report – Hamburg – May 2009
8. Construction Permit Activity Report – Franklin – April 2009
9. Construction Permit Activity Report – Franklin – May 2009
10. HTMUA – Minutes of 5/4/09
11. Zoning Officer Report – April 2009
12. Zoning Officer Report – May 2009
13. Sussex County Public Health Nurse Activity – May 2009
14. Finance Officer Report – March 2009
15. Finance Officer Report – April 2009
16. Finance Officer Report – May 2009
17. Planning Board Report – May 2009
18. Police Department Report – May 2009

Agreements/Applications/Licenses:

1. Raffle License – Department for Persons with Disabilities

Minutes:

None

A motion was made by Kievit to approve the consent agenda as presented, seconded by Kula. 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. Township Manager stated for the record that there have been allegations and complaints of a garbage removal business being operated out of a residential property located at 40 Mountain Road by Northern Sanitation and Blue Jay Trucking. She stated that there have been ongoing investigations with respect to this property and stated that the limitations of the municipality relate to zoning. She stated that the Zoning Officer has issued a summons for multiple violations. She further stated that due process has been given and a trial date has been set for July 1, 2009. She also stated that the Township is in coordination with the Sussex County Health Department, and the Health Department has informed the Township that they have made several inspections and intend to make further periodic inspections. She stated that the DEP has been contacted and that the Health Department is also waiting for notifications from the DEP.

Phil Bacon of 52 Mountain Road read a statement that he and his neighbors prepared regarding their complaints and concerns with the operation that is being conducted on the property located at 40 Mountain Road. Linda Opt Hof of 54 Mountain Road asked the Council what the status

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was with the cease and desist order that she was told was to be issued. Township Manager stated that the Township Attorney is still proceeding along those lines, but this is a matter that cannot be publicly discussed since it is still an ongoing matter. Doris Yurchak residing at 82 Mountain Road asked why the case against Mr. Yurchak held the other night never went before the judge. Township Manager stated that this is a Municipal Court matter and not a Township Council matter. The Municipal Court is regulated by the State of New Jersey and not the municipality. Township Manager stated that the Township is doing everything within its authority to protect the citizens. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ORDINANCES:

1st READING: **None**

ORDINANCES:

2nd 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,

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.

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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 Kievit to adopt Ordinance 2009-07 on second reading, seconded by Kula. All in favor. Motion carried.

2009-09

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 152, SOLID WASTE, SUB-SECTIONS 152-1 THRU 152-4 ENTITLED "RECYCLING" OF THE REVISED GENERAL ORDINANCES

WHEREAS, the purpose of this ordinance is to amend the existing recycling ordinance of the Township Code to be in accordance with the New Jersey Department of Environmental Protection's New Recycling Regulations (N.J.A.C 7:26A-1 et seq.).

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 152, Solid Waste, Section 152-1 thru 152-4, Recycling of the aforesaid Revised General Ordinances is hereby repealed and replaced to read as follows:

§152-1 Definitions.

As used in this article, the following terms shall have the meanings indicated:

Commingled- means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling.

Designated recyclable materials- means those materials designated within the Sussex County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

(As defined by the Sussex County Solid Waste Management Plan - Residential Generators)

- 01- Aluminum Cans - Food and beverage containers made entirely of aluminum.
- 03- Computer Printout/White Ledger - All-computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue and note pad).
- 06- Corrugated - Containers, brown grocery bags, and similar paper items, usually used to transport supplies, equipment, parts or other merchandise.
- 07- Glass Containers - AU glass containers used for packaging food or beverages.
- 10- Leaves and Brush Leaves - brush and other yard trimmings, including grass clippings, from institutions, commercial or industrial sources
- 11- Magazine & Junk Mail magazine stock - white and colored paper and envelopes, telephone directories and books.
- 13- Mixed Office Paper - items listed in computer printout/white ledger category when mixed with envelopes, manila binders and color paper. Material is generated by commercial/institutional sources.
- 14- Newspaper - All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7 and #8-news).
- 15- Plastic containers - Containers such as polyethylene terephthalate (PETE -#1) soda bottles, high-density polyethylene (HDPE -#2) milk, and water or detergent bottles.
- 17- Steel Cans - Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint and a variety of other household and consumer products.
- 18- Stumps, Logs and Tree Parts - Unfinished wood from land clearing projects, storm damage or pruning activities.
- 19- Textiles - Textiles larger Than 15" x15" (e.g. clean clothing, drapes, curtains, sheets, towels, cloth, belt, shoes, handbags. and small stuffed animals).
- 20- Tires - Rubber-based scrip automotive and Truck tires.

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- 22- Used Motor Oil -A petroleum base or synthetic oil whose use - includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable in its original purpose due to the presence of impurities or loss of original properties.

(As defined by the Sussex County Solid Waste Management Plan - Non Residential Generators, Commercial and Institutional Sectors)

CLASS MATERIAL AND DEFINITION

- 01- Aluminum Cans - Food and beverage containers made entirely of aluminum.
- 02- Antifreeze - An automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.
- 03- Computer Printout/White Ledger - All-computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue and note pad).
- 04- Concrete, Asphalt and *Masonry/Paving* Material - Asphalt, concrete, brick, cinder block, "patio blocks", and other masonry and paving materials.
- 05- Consumer Batteries - Any type of button, coin, cylindrical, rectangular or other shaped, enclosed device or sealed container which is utilized as an energy source for commercial, industrial, medical, institutional, or household use. (Does not include lead-acid batteries from vehicles).
- 06- Corrugated - Containers, brown grocery bags, and similar paper items, usually used to transport supplies, equipment, parts or other merchandise.
- 07- Glass Containers - AU glass containers used for packaging food or beverages.
- 08- Heavy Iron - All structural steel or ferrous metal, cast iron components,
- 09- Lead-Acid - Batteries -Batteries from automobiles, trucks, other vehicles and machinery and equipment, which shall be stored in a manner that protects them from the elements to avoid corrosion and leakage.
- 10- Leaves and Brush Leaves - brush and other yard trimmings, including grass clippings, from institutions, commercial or industrial sources
- 11- Magazine & Junk Mail magazine stock - white and colored paper and envelopes, telephone directories and books.
- 12- Mercury Containing Devices - including fluorescent and compact tubes, High Intensity Discharge (HID) and neon lamps, electrical switches, thermostats, thermometers and any batteries containing mercury.
- 13- Mixed Office Paper - items listed in computer printout/white ledger category when mixed with envelopes, manila binders and color paper. Material is generated by commercial/institutional sources.
- 14- Newspaper - All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7 and #8-news).
- 15- Plastic containers - Containers such as polyethylene terephthalate (PETE -#1) soda bottles, high-density polyethylene (HDPE -#2) milk, and water or detergent bottles.
- 16- Scrap Autos - Crushed or shredded automobile or truck bodies, excluding auto shredder residue or "fluff".
- 17- Steel Cans - Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint and a variety of other household and consumer products.
- 18- Stumps, Logs and Tree Parts - Unfinished wood from land clearing projects, storm damage or pruning activities.
- 19- Textiles - Textiles larger Than 15" x15" (e.g. clean clothing, drapes, curtains, sheets, towels, cloth, belt, shoes, handbags. and small stuffed animals).
- 20- Tires - Rubber-based scrip automotive and Truck tires.
- 21- Used Consumer Electronics - Any appliance used in a business that includes circuitry. Includes components and subassemblies of the electrode products. Examples include computers & peripherals, printers, copiers, VCRs, televisions, cell phones and fax machines, etc.
- 22- Used Motor Oil -A petroleum base or synthetic oil whose use - includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable in its original purpose due to the presence of impurities or loss of original properties.
- 23- White Goods & Light Iron - All large appliances such as washers, dryers, refrigerators, etc., as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, and other non-structural ferrous scrap.

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24 - Wood Scrap -Unfinished lumber from construction or demolition projects including pallets. Unfinished shall mean non-chemically treated (not pressure treated, impregnated with preservatives, insecticides, fungicides, creosote, or other chemicals, and not painted, resin-coated or otherwise surface treated, and not laminated or bonded; and not similarly altered from its natural condition).

25 - Non-Ferrous and aluminum Scrap – All non-container aluminum, stainless steel, copper, zinc, brass, and other metals which generally do not rust;

Multifamily dwelling- means any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see NJSA 13:1E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the “Hotel and Multiple Dwelling Law,” P.L. 1967, c. 76 (C.55: 13A-1 et seq.);

Municipal Recycling Coordinator- means the person or persons appointed by the municipal governing body and who shall be authorized to, among other things; enforce the provisions of this Ordinance, and any rules and regulations which may be promulgated hereunder.

Municipal solid waste (MSW) stream- means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of Hardyston Township.

Recyclable material- means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

Source-separated recyclable materials- means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

Source separation- means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

§152-2 Source Separation Requirements.

Mandatory Source Separation: It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Township of Hardyston, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises. Designated recyclable materials generated by the owners, tenants, or occupants of residential premises shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by the regulations promulgated by the Township of Hardyston. Designated recyclable materials generated by the owners, tenants, or occupants of non-residential premises shall be separated from all other solid waste and placed in separate waste receptacles in a manner and on such days and times as provided by the regulations promulgated by Township or by the contract between generator and contracted hauling agent.

§152-3 Collection of Recyclable Materials.

The collection of recyclable material shall be in the manner prescribed as follows:

- A. All containers (Bagged Recyclables Not Excepted) containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be disposed of shall be placed as noted above anytime after 5:00 PM of the day

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immediately preceding the day of collection, but no later than 6:00 AM of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 PM of the day of collection.

§152-4 Recyclables Shall Become Township Property.

From the time of curbside placement during scheduled recycling pick up and/or bulky waste events, if permitted, all designated materials shall be and will become the property of the Township of Hardyston. It shall be a violation of this chapter for any person unauthorized by the Township of Hardyston to collect or pick up or cause to be collected or picked up any such recyclables or materials. Each such collection in violation hereof from one or more properties shall constitute a separate and distinct offense punishable as hereinafter provided.

§152-5 Residential Dwelling Compliance Requirements.

The owner of any property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the State of New Jersey and the Sussex County Solid Waste Plan. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

§152-6 Non-Residential Establishment Compliance Requirements.

- A. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this Ordinance.
- B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
- C. Every business, institution, or industrial facility shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.
- D. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

§152-7 New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c.)

- A. Any application to the planning board of the municipality of Hardyston Township, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or

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more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:

1. A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development. and
 2. Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator and/or municipal engineer.
- B. Prior to the issuance of a Certificate of Occupancy by the Township, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.
- C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.

§152-8 Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials.

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
- B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such un-separated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.
- C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

§152-9 Enforcement.

The Code Enforcement Official, the Recycling Coordinator or designee assigned by the Township of Hardyston are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

§152-10 Violations and Penalties.

- A. Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$100, nor more than \$1000 based on the penalty schedule listed below.

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First Violation	minimum penalty \$100
Second Violation	minimum penalty \$500
Third and/or Subsequent Violations	minimum penalty \$750

- B. Each day for which a violation of this Ordinance occurs shall be considered a separate offense.
- C. Any person who is convicted of violating any provision of this Ordinance within one year of the date of a previous violation of the same ordinance, and who was fined for the previous violation, may be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine, but shall be calculated separately from the fine imposed for the violation of the ordinance.

SECTION 2. 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 3. 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 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. 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. 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 Kievit to adopt Ordinance 2009-09 on second reading, seconded by Kula. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution - 2009-2010 Liquor License Renewals

WHEREAS, the following Liquor License is to be renewed effective July 1, 2009, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2009 for the following license holders.

1. Jackelise, Inc. - #1911-44-003-008
2. Gregory Gregory and Sons, LLC - #1911-33-001-003
3. Anthony Pignataro Corp. - #1911-33-004-006
4. Crystal Springs Beverages, Inc. - #1911-33-006-009
5. HGF, Inc. - #1911-33-005-009
6. Hamburg Golf Course Beverage, Inc. - #1911-33-002-010
7. Grand Cascades Lodge Liquor, LLC - #1911-36-007-001

Township Clerk stated that all of the paperwork is in order and all tax clearance certificates have been received. A motion was made by Kievit to approve the resolution as presented, seconded by Kula. All in favor. Motion carried.

- B. Resolution Adopting Personnel Policies and Procedures Manual

This item will be carried to the July 7, 2009 meeting.

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C. Resolution re-appointing Plumbing Sub-Code Official

WHEREAS, John B. Wyckoff was appointed to the position of Plumbing Sub-Code Official for the Township of Hardyston effective July 3, 2001; and

WHEREAS, he continues to be licensed and eligible for appointment as a sub-code official and has performed his duties to the satisfaction of the Hardyston Township Council.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston that John B. Wyckoff be re-appointed to the position of Plumbing Sub-Code Official for the term July 3, 2009 through July 2, 2013.

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

D. Resolution requesting permission for the Dedication by Rider for Uniform Fire Safety Act Penalty Monies Trust Fund

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJS 52:27D-192 et seq. allows municipalities to receive amounts for costs incurred for Uniform Fire Safety Act Penalty Monies, and

WHEREAS, N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, of the Township of Hardyston, County of Sussex, State of New Jersey as follows:

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Uniform Fire Safety Act Penalty Monies as per N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the Township of Hardyston is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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

E. Resolution Authorizing Release Of Performance Bond To Crystal Springs Resort Development, LLC For The Grand Cascades Subdivision - Phase I Monuments

WHEREAS, the Hardyston Township Planning Board granted approval to Crystal Springs Resort Development, LLC for the Grand Cascades Subdivision - Phase I installation of monuments; and

WHEREAS, as a condition of said approval Crystal Springs Resort Development, LLC was required to install monuments to delineate the property lines shown on the final plat or to post a performance guarantee with the Township of Hardyston in the amount of \$16,200.00 to guarantee that said monuments would be installed; and

WHEREAS, Crystal Springs Resort Development, LLC has now installed the required monuments and has requested a release of this bond due to completion of the installation of the monuments; and

WHEREAS, the Township Engineer has reviewed the request of Crystal Springs Resort Development, LLC, and the certification letter from Kenneth D. Dykstra, P.E., L.S. stating that all of the monuments associated with Final Plat No. 1383 AKA: Grand Cascades – Phase I have been installed, and has recommended release of this bond.

NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that the cash performance bond in the amount of \$16, 200.00 can be released to Crystal Springs Resort Development, LLC in accordance with the recommendation of the Township Engineer.

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

- F. A Resolution Of The Township Of Hardyston, County Of Sussex And State Of New Jersey Authorizing The Township Of Vernon To Provide All Municipal Services To The Property Designated As Block 260.15, Lot 1 In The Township Of Vernon And Block 11, Lot 1 In The Township Of Hardyston

WHEREAS, a certain lot exists within the Township of Hardyston which is identified as Block 11, Lot 1 on the Tax Map and is otherwise known as 1 Sandy Hill Road; and,

WHEREAS, the aforementioned lot is bisected by a municipal boundary line with a substantial portion of said lot being also within the municipal boundaries of the Township of Vernon, with the lot being identified as Block 260.15, Lot 1 on the Vernon Township Tax Map and otherwise known as 5 Greenhill Road; and

WHEREAS, as a result of the subject lot being located within the boundaries of two (2) municipalities, both the Township of Hardyston and the Township of Vernon must come to a mutual agreement of understanding as to which municipality will be responsible to provide their respective municipal services to the subject lot; and

WHEREAS, the Township of Hardyston and the Township of Vernon and their respective officials have reviewed this issue and both municipalities have come to a mutual understanding that the Township of Vernon will be the municipality responsible to provide such municipal services to the subject lot; and

WHEREAS, the Township of Hardyston desires to reflect such mutual agreement of understanding with the passage of this herein Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston, County of Sussex and State of New Jersey that it hereby recognizes the mutual agreement of understanding reached with the Township of Vernon; and

BE IT FURTHER RESOLVED that the Township of Hardyston hereby authorizes the Township of Vernon to be the municipality responsible to provide the subject lot, (Block 11, Lot 1 in the Township of Hardyston and Block 260.15, Lot 1 in the Township of Vernon) with all municipal services which shall include but not be limited to the following: All construction code inspections, issuance of permits, assessment of taxes, providing of police, fire and other emergency services, providing of educational services as well as any other municipal service required to be provided pursuant to local and state regulation and law; and

BE IT FURTHER RESOLVED that this Resolution shall not become effective until the Township of Vernon adopts a similar Resolution recognizing the mutual agreement of understanding reached between the municipalities and accepting the responsibility to provide all municipal services to the subject lot; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Township of Vernon for their information and consideration.

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

- G. Resolution amending Police Standard Operating Procedures in its entirety

BE IT RESOLVED by the Township Council of the Township of Hardyston that the Police Standard Operating Procedures – Selection Process for Testing be amended in its entirety.

Police Chief Bret Alemy stated that he has been working with the Township's labor law attorney to make some minor changes regarding the selection process for police new hires. A motion was made by Kievit to approve the resolution as presented, seconded by Kula. All in favor. Motion carried.

H. 2009 Budget Hearing/Adoption

Township Manager stated that the budget over the past year went up a total of \$177,000 which is 1.95 %. She stated that the tax levy went up 3 cents due to loss of revenue from investments and construction fees. Township Manager stated that we will proceed with the public hearing regarding the budget, but the Council cannot adopt the budget until approval has been received from the State. A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public was present. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

I. Resolution of the Township of Hardyston authorizing the award of a contract to Hammy's Clean-Ups for waste removal services to be performed at the 30 Lake Shore Road North property

WHEREAS, pursuant to N.J.S.A. 40:48-2.3, N.J.S.A. 40:48-2.5 and Chapter 104 of the Hardyston Township Municipal Code, the Township of Hardyston and, specifically, the Hardyston Township Board of Health is authorized to exercise its police powers to repair, close or demolish, or cause or require the repairing, closing or demolition of such building or buildings, or part thereof, which have been found to contain condition(s) rendering such building or buildings, or part thereof, unsafe or insanitary, or dangerous or detrimental to the health and safety or otherwise inimical to the welfare of the residents of the Township; and

WHEREAS, §104-7 of the Hardyston Township Municipal Code provides that whenever it appears to the Board of Health on its own motion that any dwelling is unfit for human habitation it shall, if its preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling a complaint stating the charges and containing a notice that a hearing shall be held before the Board of Health; and

WHEREAS, as a result of its own preliminary investigation, the Board of Health did issue and serve upon the owner of and the parties in interest of the dwelling located at 30 Lake Shore Road North, Stockholm, NJ, Block 84, Lot 33, a complaint and a notice of hearing seeking the abatement or demolition of the dwelling based upon its current condition and the findings of the Township under its preliminary investigation; and

WHEREAS, pursuant to such notice, a hearing was held before the Hardyston Township Board of Health on May 26, 2009 at approximately 7:00 p.m. whereby the Board of Health took testimony and received evidence regarding the investigation performed by Hardyston Township through its Construction Official, Keith Utter and the Sussex County Health Inspector, Joseph Farinella as well as evidence and testimony regarding the current condition of the property; and

WHEREAS, at the conclusion of the hearing it was established, by clear consensus, that the Board of Health had determined that the dwelling under consideration is unfit for human habitation, as defined by the New Jersey Housing Code, N.J.A.C. 5:28-1 et seq., and specifically, N.J.A.C. 5:28-1.10 and 5:28-1.12 and §104-8(A) of the Hardyston Township Municipal Code; and

WHEREAS, pursuant to a Resolution formally adopted by the Board of Health, it ordered that the property owner, within fifteen (15) days of receipt of the Order, provide a Plan of Action to repair, alter and/or improve the dwelling in accordance with the order of the Board pursuant to said Resolution; and

WHEREAS, the fifteen (15) day period has elapsed and the property owner has failed to provide the Township with the required Plan of Action to repair, alter and/or improve the dwelling in accordance with the Board of Health's order; and

WHEREAS, pursuant to §104-8(A)(2)(b) of the Township Code, the Board of Health shall cause such repair(s), alteration(s) and/or improvement(s) to be made with the cost thereof becoming a municipal lien against the subject real property; and

WHEREAS, the Township has performed its due diligence and has obtained three (3) estimates for the waste removal to be performed on the subject premises; and

WHEREAS, the Township wishes to retain the services of Hammy's Clean-ups, in accordance with its proposal, to provide such waste removal services associated with the subject dwelling, in an amount not to exceed \$2,500.00; and

WHEREAS, the Chief Financial Officer of the Township of Hardyston has certified that sufficient funds are available for this purpose; and

WHEREAS, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, as follows:

1. The Township of Hardyston hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Hammy's Clean-ups, 35 Kice Road, Branchville, NJ 07826, for waste removal services associated with the dwelling located at 30 Lake Shore Road North, Stockholm, NJ, Block 84, Lot 33 in an amount not to exceed \$2,500.00 and in accordance with the vendor's proposal.
2. The total fee authorized for this contract shall not exceed \$2,500.00 without the prior written approval of the Township Council.
3. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
4. This Resolution shall take effect immediately.

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

- J. Resolution of the Township of Hardyston authorizing the award of a contract to A-Dot Pest Control for rodent abatement services to be performed at the 30 Lake Shore Road North property

WHEREAS, pursuant to N.J.S.A. 40:48-2.3, N.J.S.A. 40:48-2.5 and Chapter 104 of the Hardyston Township Municipal Code, the Township of Hardyston and, specifically, the Hardyston Township Board of Health is authorized to exercise its police powers to repair, close or demolish, or cause or require the repairing, closing or demolition of such building or buildings, or part thereof, which have been found to contain condition(s) rendering such building or buildings, or part thereof, unsafe or insanitary, or dangerous or detrimental to the health and safety or otherwise inimical to the welfare of the residents of the Township; and

WHEREAS, §104-7 of the Hardyston Township Municipal Code provides that whenever it appears to the Board of Health on its own motion that any dwelling is unfit for human habitation it shall, if its preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling a complaint stating the charges and containing a notice that a hearing shall be held before the Board of Health; and

WHEREAS, as a result of its own preliminary investigation, the Board of Health did issue and serve upon the owner of and the parties in interest of the dwelling located at 30 Lake Shore Road North, Stockholm, NJ, Block 84, Lot 33, a complaint and a notice of hearing seeking the abatement or demolition of the dwelling based upon its current condition and the findings of the Township under its preliminary investigation; and

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 23, 2009

WHEREAS, pursuant to such notice, a hearing was held before the Hardyston Township Board of Health on May 26, 2009 at approximately 7:00 p.m. whereby the Board of Health took testimony and received evidence regarding the investigation performed by Hardyston Township through its Construction Official, Keith Utter and the Sussex County Health Inspector, Joseph Farinella as well as evidence and testimony regarding the current condition of the property; and

WHEREAS, at the conclusion of the hearing it was established, by clear consensus, that the Board of Health had determined that the dwelling under consideration is unfit for human habitation, as defined by the New Jersey Housing Code, N.J.A.C. 5:28-1 et seq., and specifically, N.J.A.C. 5:28-1.10 and 5:28-1.12 and §104-8(A) of the Hardyston Township Municipal Code; and

WHEREAS, pursuant to a Resolution formally adopted by the Board of Health, it ordered that the property owner, within fifteen (15) days of receipt of the Order, provide a Plan of Action to repair, alter and/or improve the dwelling in accordance with the order of the Board pursuant to said Resolution; and

WHEREAS, the fifteen (15) day period has elapsed and the property owner has failed to provide the Township with the required Plan of Action to repair, alter and/or improve the dwelling in accordance with the Board of Health's order; and

WHEREAS, pursuant to §104-8(A)(2)(b) of the Township Code, the Board of Health shall cause such repair(s), alteration(s) and/or improvement(s) to be made with the cost thereof becoming a municipal lien against the subject real property; and

WHEREAS, the Township has performed its due diligence and has obtained two (2) estimates for rodent abatement services to be performed on the subject premises; and

WHEREAS, the Township wishes to retain the services of A-Dot Pest Control, in accordance with its proposal, to provide such rodent abatement services associated with the subject dwelling, in an amount not to exceed \$295.00; and

WHEREAS, the Chief Financial Officer of the Township of Hardyston has certified that sufficient funds are available for this purpose; and

WHEREAS, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, as follows:

1. The Township of Hardyston hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with A-Dot Pest Control, 51 Hampton House Rd, Newton, NJ 07860, for rodent abatement services associated with the dwelling located at 30 Lake Shore Road North, Stockholm, NJ, Block 84, Lot 33 in an amount not to exceed \$295.00 and in accordance with the vendor's proposal.
2. The total fee authorized for this contract shall not exceed \$295.00 without the prior written approval of the Township Council.
3. This contract is awarded without competitive bidding as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
4. This Resolution shall take effect immediately.

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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 23, 2009

K. Correspondence

1. Township of Stillwater
2. Township of Green
3. Township of West Milford
4. Township of Sparta
5. Sandyston Township
6. Sandyston Township
7. Borough of Andover
8. Borough of Franklin
9. Township of West Milford
10. Borough of Franklin
11. Lafayette Township
12. Township of Byram
13. County of Sussex
14. County of Sussex
15. County of Sussex
16. County of Sussex
17. Sussex County 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
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37. NJ State League of Municipalities
38. NJ State League of Municipalities
39. NJ State League of Municipalities
40. State of NJ
41. State of NJ
42. State of NJ
43. State of NJ
44. State of NJ
45. State of NJ
46. State of NJ
47. State of NJ
48. State of NJ
49. NJ State League of Municipalities

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

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

Budget : The Township is awaiting State approval in order for the Council to be at liberty to formally adopt the budget. In the meantime, in the interest of maintaining cash flow and providing residents with information as soon as possible relative to 2009 taxes, estimated tax bills are being sent to residents presently. Actual tax bills should be able to be mailed in early August, provided that State approval is received in a timely manner.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 23, 2009

Waste Water Management Planning: The Township continues to work diligently through the HTMUA to work with developers to prepare TWA permits to preserve existing sewer service areas and with SCMUA to secure authorization to submit the applications to the DEP. The existing plan has received an extension of approval through November of this year. A significant TWA permit seeking approval to extend existing sewer lines into new sections of future development within the Crystal Springs development were delivered to the DEP last week. Additional application development continues for other pods of development within Crystal Springs and also for Indian Fields and High Ridge Properties. As a result of efforts to alert them that the development already has TWA approvals, the latest updated draft amended County sewer service area map from the DEP has been revised to include the Ridgefield Commons development in this latest draft as a sewer service area.

South Side DPW Facility Project: The Public Works Director is working to finalize the development of specifications for the project. We have received all necessary approvals from the NJDEP to proceed with the project. Bob Schultz, DPW Director, will be meeting with an architect later this week to finalize planning objectives and authorize him to prepare the plans in accordance with DEP standards for salt facilities in order to prepare to go out to bid.

Revaluation: We have been advised that the State has approved our maps and signed our contract with the revaluation company. It is expected that Appraisal Systems will begin ramping up their staff to begin the revaluation within the next 10 days. We continue to be on schedule to complete the revaluation within the necessary timeframes to have new municipal values for January 1, 2010.

Tax Appeals: Scott Holzhauer, Tax Assessor, accompanied by our municipal attorney, Fred Semrau, Esq. appeared before the County Tax Board to adjudicate all local appeals. The total tax liability to the Township amounted to \$24,819.00 all relating to recommendations by the assessor for reduction. The budgeted amount for tax appeals was \$25,000.00 and therefore, the established budget will be sufficient to cover the loss of revenue.

Solar Energy Generating Facility: Bids have been received and reviewed by the municipal attorney and energy consultant. A meeting will be held with our professionals to discuss some design details this week in preparation for a final recommendation to the Council at their meeting of July 7, 2009. All of the bids that were received are within the basic corridor of cost as projected in the consultant's solar energy analysis.

Replacement of Existing Tanker Truck: With the Council's direction, this item will be placed on the next workshop agenda for preliminary discussion. It was the general consensus of the Council that once the salt facility project and solar energy project were at a reasonable place of development, that this matter should be put on the agenda for discussion as the third item of the four capital projects contemplated under the recently adopted bond ordinance.

COPS Grant/Police Test: As per the Council's direction, preparations are being made to proceed with the necessary steps required to conduct a police officer test. It is expected that the test will be conducted in August. We have been advised that the Department of Justice is anticipating advising municipalities as to whether or not they will be receiving COPS funding by no later than September.

BILLS TO BE PAID: A motion was made by Kievit to approve the bill list as presented, seconded by Kula. 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 Kievit to adjourn at approximately 8:20 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk