

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 24, 2008

The meeting was called to order by Mayor Armstrong at 7:30 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, Councilwoman Hamilton, Councilman Lasinski, Manager Marianne Smith, Deputy Manager Robert F. Schultz, and Clerk Jane Bakalarczyk

SALUTE THE FLAG:

CONSENT AGENDA: ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

Monthly Reports:

1. Municipal Clerk Report – May 2008
2. Tax Collector Report – May 2008
3. Sussex County Health Department Report – May 2008
4. Sussex County Public Health Nurse Activity – May 2008
5. Police Department Report – May 2008
6. HTMUA – Minutes of 5/5/08
7. Finance Officer Report – May 2008
8. Planning Board - Minutes of 4/24/08
9. Zoning Officer Report – April 2008
10. Construction Certificate Activity Report – May 2008
11. Construction Permit Activity Report – Hardyston – May 2008
12. Construction Permit Activity Report – Hamburg – May 2008
13. EDC – Minutes of 3/10/08
14. Municipal Court Report – March, April, May 2008

Minutes:

1. Regular Minutes of 5/20/08
2. Executive Session Minutes of 5/20/08
3. Workshop Minutes of 5/27/08
4. Executive Session Minutes of 5/27/08

Agreements/Applications/Licenses:

1. Enforsys Police Systems, Inc. – Maintenance/Support Agreement for Computer Data System

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

OLD BUSINESS:

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: None

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NEW BUSINESS:

- A. Resolution authorizing submission of an application for the Franklin/Hardyston Municipal Drug Alliance grant for calendar year 2009 in the amount of \$13,300.00

WHEREAS, The Township Council of the Township of Hardyston, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all age; and,

WHEREAS, the Hardyston Township Council further recognizes that it is incumbent upon not only the public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Hardyston Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Hardyston, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of an application for the Franklin/Hardyston Alliance Coalition Municipal Alliance grant for calendar year 2009 in the amount of \$13,300.00
2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

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

- B. Resolution – Eastern Concrete Materials request for waiver from ordinance for hours of operation for a quarry should an emergency arise

WHEREAS, the Township Engineer has recently received correspondence from the General Manager of Eastern Concrete Materials dated June 12, 2008 requesting a waiver from the hours of operation requirements set forth in Township Ordinance Section 139-26; and

WHEREAS, such request for a waiver of the aforementioned provisions of Ordinance Section 139-26 is due to current contract Eastern Concrete Materials has entered into for the provision of materials for a gas pipeline project stretching from Pine Island to Monticello, New York; and

WHEREAS, said contract contains a provision requiring Eastern Concrete Materials to supply said project materials during hours which may exceed the Township of Hardyston's requirements set forth under the aforesaid section of the Ordinance should an emergency arise during the construction of the pipeline; and

WHEREAS, such clause in a materials supply contract is reasonable and consistent with industry practice when dealing with projects of this magnitude; and

WHEREAS, Eastern Concrete Materials was previously granted a similar waiver from the Township from the aforementioned Ordinance requirements based upon a similar construction project; and

WHEREAS, the Township Engineer has reviewed the request and has no objections to said request; and

WHEREAS, the Township of Hardyston is desirous of granting such request to Eastern Concrete Materials pursuant to the express conditions listed below.

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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 Council hereby grants the request of Eastern Concrete Materials for a waiver of the hours of operation requirements of Ordinance Section 139-26.
2. This waiver shall only be in effect until such time that the gas pipeline project from Pine Island to Monticello, New York, as referenced in Eastern Concrete Material's June 12, 2008 correspondence is completed or until December 31, 2008, whichever occurs sooner.
3. It is further understood that this waiver is granted with the express condition that such waiver shall apply only to permit loading and transporting of materials from the quarry site. Any blasting activities which occur at the quarry site are not included in this waiver.
4. The Township reserves the right to rescind this Resolution at any subsequent public meeting.
5. This resolution shall take effect immediately.

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

- C. Resolution authorizing the execution of an interlocal services agreement with the Borough of Hamburg for the provision of the Township Police Department's Mobile Data Terminal (MDT) services to the Hamburg Police Department

WHEREAS, the Township of Hardyston currently owns and operates a server to provide for Mobile Data Terminal (MDT) services for its Police Department; and

WHEREAS, the Borough of Hamburg is in need and desires to utilize the Township's current MDT system to provide such Mobile Data Terminal (MDT) services to the Borough of Hamburg Police Department; and

WHEREAS, the "Interlocal Services Act," N.J.S.A. 40:8A-1, et seq., permits municipalities to enter into interlocal agreements for services that either local entity could provide for itself; and

WHEREAS, the Township of Hardyston has the ability and is desirous of making its MDT services available to the Borough of Hamburg under the terms and conditions set forth in the attached Interlocal Services Agreement.

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 Manager and Township Clerk are hereby authorized and directed to execute an Interlocal Services Agreement, a copy of which is attached hereto, with the Borough of Hamburg for the provision of Mobile Data Terminal (MDT) services to the Borough Police Department.
2. This Resolution shall take effect immediately.

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

- D. Resolution – Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Big Spring Road Guiderail Replacement – Phase I Project

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WHEREAS, the Council of Hardyston Township recognizes that the wire rope guiderail is not in conformance with current design standards, and

WHEREAS, the Township Council wishes to replace the wire-rope guiderail with new steel beam guide rail.

NOW, THEREFORE, BE IT RESOLVED that the Council of Hardyston Township, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Township Manager and Clerk are hereby authorized to submit an electronic grant application identified as MA-2009-Hardyston Township-00353 to the New Jersey Department of Transportation on behalf of Hardyston Township.

BE IT FURTHER RESOLVED that the Township Manager and Clerk are hereby authorized to sign the grant agreement on behalf of Hardyston Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

E. 2008-2009 Liquor License Renewal Resolution

1. HGF, Inc.
2. Crystal Springs Beverages, Inc.

WHEREAS, the following Liquor License is to be renewed effective July 1, 2008, 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, 2008 for the following license holders.

1. HGF, Inc. - #1911-33-005-008
2. Crystal Springs Beverages, Inc. - #1911-33-006-008

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

F. Appointment – Fire Inspector

A motion was made by Hamilton to appoint Joseph Butto as Fire Inspector, seconded by Kievit. All in favor. Motion carried.

G. Correspondence

1. Borough of Ogdensburg
2. Borough of Franklin
3. Borough of Franklin
4. Borough of Franklin
5. Township of Lafayette
6. County of Sussex
7. County of Sussex
8. NJ State League of Municipalities
9. NJ State League of Municipalities
10. NJ State League of Municipalities
11. NJ State League of Municipalities

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12. NJ State League of Municipalities
13. NJ State League of Municipalities
14. NJ State League of Municipalities
15. NJ State League of Municipalities
16. NJ State League of Municipalities
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26. NJ State League of Municipalities
27. NJ State League of Municipalities
28. NJ State League of Municipalities
29. NJ State League of Municipalities
30. NJ State League of Municipalities
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. Azrak & Associates, LLC
38. Wander Ecological Consultants
39. NJ State League of Municipalities
40. Lafayette Township
41. State of NJ

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

BILLS TO BE PAID: A motion was made by Kievit 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. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

EXECUTIVE SESSION:

BE IT RESOLVED by the Township Council of the Township of Hardyston on the 24th day of June 2008, that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
2.
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.

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- () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege. (Former Township Attorney)
- () b. (8) Personnel matters.
- () b. (9) Deliberations after a public hearing that may result in penalties.

3. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Motion to adopt: Hamilton
 Seconded by: Lasinski
 Discussion: None

MOTION	YES	NO	ABSTAIN	ABSENT
Ross	_____	_____	_____	<u> x </u>
Kievit	<u> x </u>	_____	_____	_____
Lasinski	<u> x </u>	_____	_____	_____
Hamilton	<u> x </u>	_____	_____	_____
Armstrong	<u> x </u>	_____	_____	_____

Motion carried.

A motion was made by Lasinski to come out of Executive Session, seconded by Hamilton. All in favor. Motion carried.

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

 Jane Bakalarczyk, RMC/CMC
 Municipal Clerk

