

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 21, 2007**

The meeting was called to order by Mayor Kievit at 7:00 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Deputy Mayor Hamilton, Councilman Lasinski,, Councilman Ross, Councilman Armstrong, Manager Marianne Smith, 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 – July 2007
2. Finance Officer Report – July 2007
3. Police Department Report –July 2007
4. HTMUA – Minutes of 7/11/07
5. Planning Board – Minutes of 6/21/07
6. Planning Board – Minutes of 6/28/07
7. Zoning Board – Minutes of 7/5/07
8. Sparta Animal Control Report – June 2007
9. Construction Official Report – June 2007
10. Construction Official Report – July 2007
11. Smoke Detector & CO Alarm Inspection Report – 2<sup>nd</sup> Q 2007
12. Economic Development Commission – Minutes of 7/12/07
13. Zoning Official Report – as of 6/30/07
14. Zoning Official Report – as of 7/31/07

**Minutes:**

1. Regular Minutes of 7/17/07
2. Executive Session Minutes of 7/17/07
3. Workshop Meeting Minutes of 7/31/07
4. Special Meeting Minutes of 7/31/07
5. Executive Session Minutes of 7/31/07

**Agreements/Applications/Licenses:**

1. Raffle License – Tri-State Actors Theater, Inc.
2. Raffle License – Special Olympics New Jersey
3. Raffle License – Immaculate Conception HSA
4. Raffle License – Cedar Mountain SCA
5. Raffle License – St. John Vianney R.C. Church
6. Raffle License – NRA Foundation NJ State Fund Committee
7. Raffle License – Easter Seal Society of NJ
8. Recreation Dept. Vendor Agreement – Mobile Productions, Inc.
9. Recreation Dept. Vendor Agreement – Mark Ghia

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

**OLD BUSINESS:**

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**ORDINANCES:**

**1<sup>st</sup> READING:** None

**ORDINANCES:**

**2<sup>nd</sup> READING:** 2007-12

**AN ORDINANCE TO AMEND CHAPTER 172 OF THE CODE OF THE TOWNSHIP  
OF HARDYSTON ENTITLED VEHICLES AND TRAFFIC**

***NOW, THEREFORE, BE IT ORDAINED*** by the Mayor and Township Council of the Township of Hardyston that Section 16 of Chapter 172 of the Hardyston Township Code, entitled "Vehicles over designated weight excluded from certain streets" be amended as follows:

**Section 1.** §172-16. "Vehicles over designated weight excluded from certain streets"  
IS HEREBY AMENDED TO ADD THE FOLLOWING:

<b><i>Name of Street</i></b>	<b><i>Weight (tons)</i></b>	<b><i>Location</i></b>
Davis Road	4	Entire Length
Old Prospect School Road	4	Entire Length

**Section 2.** ***Severability.*** *If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Ordinance. Any ordinance or portion thereof that may be inconsistent with the ordinance is hereby repealed to the extent of the inconsistency.*

**Section 3.** ***Effective date.*** *This ordinance shall take effect in the time and manner prescribed by law.*

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Hamilton to approve Ordinance 2007-12 on second reading, seconded by Ross. All in favor. Motion carried.

**NEW BUSINESS:**

A. Tax Collector Resolutions

1. Interest Abatement for August 1, 2007 tax quarter until August 15, 2007
2. Disabled Veteran cancellation of taxes for remainder of 2007
3. Cancellation of 2007 taxes for Nextel of New York per cell tower lease agreement
4. Refund – Albert Shotmeyer

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**RESOLUTION #05-07**

WHEREAS, the Sussex County Tax Board approved the 2007 Tax Rate on June 29, 2007 for Hardyston Township, and

WHEREAS, the Tax Collector is unable to have the bills printed and mailed to the owners of record until July 18, 2007.

NOW THEREFORE BE IT RESOLVED that the Tax Collector recommends the interest be abated for the August 1, 2007 tax quarter until 25 days after the mailing per NJSA 54:5-64 which said due date will be August 15, 2007.

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

**RESOLUTION #06-07**

WHEREAS, William Kelly of 64 South Shore Drive, Hardyston also known as Block 60 Lot 17.AE was approved by the Tax Assessor, Scott Holzhauser for a Disabled Veteran of 100%, and

WHEREAS, this account was billed for August and November 2007 taxes in the amount of \$ 246.22,

NOW THEREFORE BE IT RESOLVED that the Tax Collector be authorized to cancel the taxes in the amount of \$ 246.22 for the balance of 2007 tax year.

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

**RESOLUTION #07-07**

WHEREAS, Hardyston Township needs to forgive taxes on Block 41 Lot 11 Qualification CELL2 also known as Nextel of New York, Inc for the tax year 2007 as per lease agreement,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector cancel the amount of \$ 4,659.85 for 2007 taxes.

A motion was made by Ross to approve the resolution as presented, seconded by Armstrong. All in favor with Lasinski voting "No". Motion carried.

**RESOLUTION #08-07**

WHEREAS, property located at 3291 Rout 94 and owned by Albert Shotmeyer also known as Block 72 Lot 9, and

WHEREAS, the building was demolished in August of 2006 and the building assessment was never removed from the 2007 tax list, and

WHEREAS, tax payments were made in 2007 in the amount of \$ 2,256.23 for the first (3) tax quarters on both land and improvements ,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Albert Shotmeyer the amount of \$ 959.78 and foregive taxes for the 4<sup>th</sup> qtr in the amount of 752.07.

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

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B. 2006 Audit Resolution

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT  
FORM OF RESOLUTION**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2006 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Township Council* of the Township of Hardyston, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

C. Animal Control Services Agreement with Wantage Township

A motion was made by Ross to authorize a "letter of intent" to be sent to Wantage Township and that final review of this agreement be placed on the next workshop agenda, seconded by Lasinski. All in favor. Motion carried.

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D. Correspondence

1. Township of Lafayette
2. Township of Monroe
3. Township of Jefferson
4. Township of Hamilton
5. Township of Vernon
6. Stillwater Township
7. Lafayette Township
8. Lafayette Township
9. Lafayette Township
10. Borough of Hamburg
11. Township of Wantage
12. Borough of Franklin
13. Borough of Franklin
14. County of Sussex
15. NJ League of Municipalities
16. NJ League of Municipalities
17. NJ League of Municipalities
18. NJ League of Municipalities
19. NJ League of Municipalities
20. NJ League of Municipalities
21. NJ League of Municipalities
22. NJ League of Municipalities
23. NJ League of Municipalities
24. NJ League of Municipalities
25. NJ League of Municipalities
26. NJ League of Municipalities
27. NJ League of Municipalities
28. NJ League of Municipalities
29. NJ League of Municipalities
30. NJ League of Municipalities
31. NJ League of Municipalities
32. NJ League of Municipalities
33. State of NJ
34. State of NJ
35. State of NJ
36. State of NJ
37. State of NJ
38. State of NJ
39. Elizabethtown Gas
40. "New Jersey Future" Newsletter
41. New Jersey Transit

A motion was made by Ross to approve the correspondence with the exception of #12, seconded by Hamilton. All in favor. Motion carried.

E. Presentation of Playground Donation to Hardyston Elementary School PTA

Mayor Kievit presented Rebecca Dorney and Kathy Murray of the Hardyston Elementary School PTA with a donation in the amount of \$36,625.75 to be used towards the Hardyston Elementary School Playground Improvement Project.

F. Resolution authorizing the release of \$25,000 of grant funds under the Housing Rehabilitation Program relating to Block 61, Lot 34.02

BE IT RESOLVED by the Township Council of the Township of Hardyston that the release of \$25,000 of grant funds under the Housing Rehabilitation Program relating to Block 61, Lot 34.02 is hereby authorized.

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

G. Oath of Office – Police Chief Bret Alemy

Mayor Kievit administered the Oath of Office to Bret Alemy for his appointment to Hardyston Township Chief of Police.

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

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Jane Bakalarczyk, RMC/CMC  
Municipal Clerk