

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 15, 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, Councilman Ross, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Dominic DiYanni of Dorsey & Semrau. Councilman Armstrong was absent from this meeting.

SALUTE THE FLAG:

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

Monthly Reports:

1. Municipal Clerk Report – July 2009
2. Municipal Clerk Report – August 2009
3. Tax Collector Report – July 2009
4. Tax Collector Report – August 2009
5. Finance Officer Report – June 2009
6. Finance Officer Report – July 2009
7. Construction Certificate Activity Report – July 2009
8. Construction Certificate Activity Report – August 2009
9. Construction Permit Activity Report – Hardyston – July 2009
10. Construction Permit Activity Report – Hamburg – July 2009
11. Construction Permit Activity Report – Franklin – July 2009
12. Construction Permit Activity Report – Hardyston – August 2009
13. Construction Permit Activity Report – Hamburg – August 2009
14. Construction Permit Activity Report – Franklin – August 2009
15. HTMUA – Minutes of 7/6/09
16. Sussex County Public Health Nurse Activity – August 2009
17. Zoning Officer Report – June 2009
18. Zoning Officer Report – July 2009
19. Zoning Officer Report – August 2009
20. Municipal Court Report – July 2009
21. Municipal Court Report – August 2009
22. Police Department Report – July 2009
23. Police Department Report – August 2009

Minutes:

1. Executive Minutes of 8/4/09

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

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: 2009-11

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF
NEW JERSEY AMENDING CHAPTER 41, POLICE DEPARTMENT, SECTION 41-5,
QUALIFICATIONS, OF THE REVISED GENERAL ORDINANCES**

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

SECTION 1. Chapter 41, Police Department, Section 41-5, Qualifications, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

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§ 41-5 Qualifications.

- A. Each applicant for membership in the Department shall be required to comply with all the laws of the State of New Jersey pertaining thereto. No person shall be given or accept a permanent appointment as a police officer in the Township unless he or she has first been given a probationary or temporary appointment to the office or position for a period of not longer than one year and has successfully completed a police training course at a school approved and authorized by the Police Training Commission in the Department of Law and Public Safety of the State of New Jersey, pursuant to the provisions of Chapter 56 of the Laws of 1959.
- B. No person shall be appointed to the Police Department as a regular or probationary member unless he or she is between the age of 21 and 35 years, except as provided by law in the case of veterans. The applicant shall be a citizen of the United States of America.

SECTION 2. The amendments reflected by this herein ordinance shall also be reflected in the Township Police Department's Standard Operating Procedures, specifically the SOP entitled, "Selection Process".

SECTION 3. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 5. This Ordinance may be renumbered for purposes of codification.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made and seconded to open the meeting to the public. 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 2009-11 on second reading, seconded by Ross. All in favor. Motion carried.

NEW BUSINESS:

- A. Tax Collector Resolutions
 - 1. Cancellation of taxes per cell tower lease agreement (Block 41, Lot 11) – Nextel of New York

RESOLUTION # 04-09

WHEREAS, Hardyston Township needs to foregive taxes on Block 41 Lot 11 Qualification CELL2 also known as Nextel of New York, Inc for the tax year 2009 as per lease agreement,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to cancel the amount of \$ 4,627.86 for 2009 taxes.

- 2. Refund of duplicate tax payment to Sussex Bank for taxes paid on Block 84, Lot 2, Smart Start Child Care & Learning

RESOLUTION # 05-09

WHEREAS, Sussex Bank mailed tax payments in for the August quarterly taxes, and

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WHEREAS, a duplicate payment was sent in for Block 84 Lot 2 also known as Smart Start Child Care & Learning at 2841 Route 23, Hardyston

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Sussex Bank the duplicate payment in the amount of \$ 2,046.39 for the August quarterly tax.

3. Tax judgement refund – ARC WBSTHNJ001, LLC, 2735 Route 23, Block 60, Lot 7.01

RESOLUTION # 06-09

WHEREAS, ARC WBSTHNJ001, LLC Block 60 Lot 7.01 also known as 2735 Route 23, Hardyston was granted a successful County Tax Judgment on this property, and

WHEREAS, the owners have requested a refund instead of a credit on their account,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund ARC WBSTHNJ001, LLC the amount of \$ 4,492.68 for a tax judgment.

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

B. Resolution – Drug Alliance

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 **2010** in the amount of **\$12,474.00**
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 Ross. All in favor. Motion carried.

C. Correspondence

1. Vernon Township
2. Byram Township
3. Lafayette Township
4. County of Sussex
5. NJ League of Municipalities
6. NJ League of Municipalities
7. NJ League of Municipalities
8. NJ League of Municipalities
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10. NJ League of Municipalities

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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. State of NJ
38. Azrak & Associates, LLC
39. NJ Transit
40. JCP&L
41. State of NJ
42. NJ 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:

Preparedness Planning: Township Manager stated that she and Emergency Management Coordinator, Bill Hickerson and Deputy Manager, Bob Schultz have attended several emergency preparedness meetings sponsored by the County Health Department and Office of Emergency Management relative to preparedness planning for seasonal flu and H1N1 flu viruses.

She stated that it would be important to invest time in developing a continuity plan for municipal government, emergency service delivery and maintenance. She also stated that in view of the fact that it is emergency preparedness month, it is suggested that the Township send out a mailing to all residents outlining how the Township would communicate to residents; where the approved shelter locations are; what items are recommended by FEMA for individual households to have on hand in case of an emergency; and distribution of a "Vial for Life" type package to assist first responders in case of an emergency. She stated that Hardyston OEM will be meeting to further brainstorm the particulars and will present a draft letter to the Council for mailing. She stated that continuity planning will also be a topic of discussion at that meeting.

Capital Improvement Projects:

1. Solar Energy Facility – Township Manager stated that draft design documents have been submitted to the project manager who will be meeting with key municipal staff to review. She stated that this project is still on schedule for completion by December 1, 2009.

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2. South Side Salt Shed – Township Manager stated that the architectural specifications have been reviewed and will be finalized by week's end. She stated that draft specs have been forwarded to the Township Attorney to begin preparing the bid documents. She further stated that it is anticipated that the project will be completed by the end of the year.
3. Tanker Truck Replacement – Township Manager stated that the Township Attorney and the Fire Department have finalized all details and the full bid package will be forwarded to the Municipal Clerk for advertising.
4. North Church Road DPW Facility Upgrades – Township Manager stated that the architect has been directed, as per the Council's authorization, to begin the development of plans and specs for the project.
5. Revaluation – Township Manager stated that this project continues to progress on schedule.
6. Surveillance Cameras at Park & DPW – Township Manager stated that the vendor has been advised of our intention to proceed. Funding is in place and scheduling is being done to facilitate conduit installation.
7. Radio Communications Equipment – Township Manager stated that recommendations will be formally made by the OEM Coordinator as a result of various meetings of the Manager, Police Chief, radio consultant and various representatives of our emergency response agencies relative to needed upgrades to our antennas, repeaters and transmission systems. She stated that currently equipment within the dispatch center is adequate, however, other components outside of the building and throughout the Township need consideration for upgrades. She stated that OEM Coordinator, William Hickerson, will be making his presentation and recommendations at the September 22, 2009 workshop meeting.

BILLS TO BE PAID: A motion was made by Kievit to approve the bill list as presented, seconded by Ross. 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 Ross to adjourn at approximately 7:30 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk