

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON SEPTEMBER 19, 2006**

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 Armstrong, Councilman Lasinski, Councilman Ross, 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 – August 2006
2. Construction Official Report – August 2006
3. Tax Collector Report – August 2006
4. Zoning Board – Minutes of 7/6/06
5. Planning Board – Minutes of 7/27/06
6. Finance Officer Report – July 2006
7. Municipal Court Report – August 2006
8. HTMUA – Minutes of 7/12/06
9. Zoning Officer Report – as of 7/31/06
10. Sparta Health Department – July 2006
11. Sparta Health Department – August 2006

### **Minutes:**

1. Regular Minutes of 8/15/06
2. Executive Session Minutes of 8/15/06
3. Workshop Minutes of 9/12//06
4. Executive Session Minutes of 9/12/06

### **Licenses:**

1. On-Premise 50/50 Raffle – Wallkill Valley Booster Club
2. Raffle – Wallkill Valley Booster Club
3. Off-Premise Raffle – St. John Vianney R.C. Church
4. Tricky Tray – St. John Vianney R.C. Church
5. On-Premise 50/50 Raffle – Hamburg PTA
6. Tricky Tray – Hamburg PTA
7. On-Premise 50/50 Raffle – Knights Of Columbus
8. Tricky Tray – Knights Of Columbus
9. On-Premise 50/50 Raffle – Easter Seal Society of NJ, Inc.
10. Tricky Tray – Easter Seal Society of NJ, Inc.
11. Raffle – Easter Seal Society of NJ, Inc.
12. On-Premise 50/50 – Wallkill Valley Regional High School
13. Tricky Tray – Wallkill Valley Regional High School

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

### **OLD BUSINESS:**

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**ORDINANCES:**

**1<sup>st</sup> READING: 2006-18**

**AN ORDINANCE TO AMEND THE ESTABLISHED MINIMUM AND MAXIMUM SALARIES FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HARDYSTON TO PROVIDE THE METHOD FOR THE PAYMENT OF ANNUAL SALARY INCREMENTS IN THE DISCRETION OF THE TOWNSHIP COUNCIL**

BE IT ORDAINED by the Township Council of the Township of Hardyston that Section 1 and Section 2 be amended to include the following:

Section 1. The minimum and maximum salary range for officers or employees of the Township of Hardyston who are employed on an annual salary basis shall be and is hereby fixed as follows:

POSITION	MINIMUM	MAXIMUM
Summer Recreation Art Director	\$1,000	\$3,500

Section 2. The minimum and maximum rates of compensation for each employee or class of employees who are employed on an hourly basis shall be and are hereby fixed as follows:

POSITION	MINIMUM HOURLY	MAXIMUM HOURLY
Recreation Program Presenter	\$12.00	\$28.00

A motion was made by Ross to approve Ordinance 2006-18 on first reading, seconded by Lasinski. All in favor. Motion carried.

**2006-19**

**AN ORDINANCE AMENDING CHAPTER 3 ENTITLED “ADMINISTRATION OF GOVERNMENT” TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING HARDYSTON TOWNSHIP’S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.**

**BE IT ORDAINED** by the Mayor and Township Council of Hardyston Township in the County of Sussex and State of New Jersey that the following amendments be made to the Code of the Township of Hardyston.

**Section 1. Purpose.**

The purpose of this article is to create the administrative mechanisms needed for the execution of Hardyston Township’s responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

**Section 2. Municipal Housing Liaison and Administration**

Article 3 entitled “Administration of Government” is hereby amended to add a new section 3-49 entitled Municipal Housing Liaison and Administration which shall read as follows:

**“§3-49 Municipal Housing Liaison and Administration**

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**A. Definitions.**

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

**MUNICIPAL HOUSING LIAISON** – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Hardyston Township.

**ADMINISTRATIVE AGENT** - The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Hardyston Township to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low-and moderate-income households.

**B. Establishment of Municipal Housing Liaison Position and Compensation; Powers and Duties.**

1. Establishment of position of Municipal Housing Liaison. There is hereby Established the position of Municipal Housing Liaison for Hardyston Township.
2. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Hardyston Township, including the following responsibilities which may not be contracted out:
  - (a) Serving as Hardyston Township's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
  - (b) Monitoring the status of all restricted units in Hardyston Township's Fair Share Plan;
  - (c) Compiling, verifying and submitting annual reports as required by COAH;
  - (d) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
  - (e) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
  - (f) If applicable, serving as the Administrative Agent for some or all of the restricted units in Hardyston Township as described in F. below.
4. Subject to approval by COAH, Hardyston Township may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of Hardyston Township. If Hardyston Township contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.

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5. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
6. Administrative powers and duties assigned to the Municipal Housing Liaison.”

**Section 4. Severability.**

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

**Section 5. Inconsistent Ordinances Repealed.**

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

**Section 6. Effective Date.**

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Originally Ordinance 2006-17 which was approved on first reading on August 15, 2006 and reintroduced as Ordinance 2006-19 due to amendments. A motion was made by Armstrong to approve Ordinance 2006-19 on first reading, seconded by Ross. All in favor with Lasinski voting “No”. Motion carried.

**ORDINANCES:**

**2<sup>nd</sup> READING:**                      **None.**

**NEW BUSINESS:**

- A. Tax Collector Resolution

**RESOLUTION # 05-06**

WHEREAS, Block 17.04 Lots 53 and 54 also known as 108 and 2 Briar Court in Hardyston, and

WHEREAS after speaking to Scott Holzhauser these parcels were created as open lots and should not have been assessed and or billed for 2006, and

WHEREAS, Briar Crest at Crystal Springs have paid the February and may 1<sup>st</sup> tax quarters in the amount of \$ 822.50

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Briar Crest at Crystal Springs the amount of \$ 822.50 payments made in error.

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

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B. Resolution authorizing the execution of NJDOT Rt. 94 Jurisdictional Agreement

WHEREAS, the State of New Jersey Department of Transportation has requested that an Agreement be entered between the Township of Hardyston and the State of New Jersey, which would allocate the Jurisdictional responsibilities for highway maintenance and control between the Township of Hardyston and the State of New Jersey with reference to certain intersections of Route 94 and streets within the Township of Hardyston; and

WHEREAS, maps outlining the jurisdictional limits of each have been reviewed and approved by the Township of Hardyston.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Hardyston that the Mayor, Leslie G. Hamilton and Clerk, Jane Bakalarczyk, are hereby authorized to execute the Agreement between the Township of Hardyston and the State of New Jersey.

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

C. Resolution accepting a Letter of Credit in the amount of \$229,230.00 and a Cash Bond in the amount of \$25,470.00 from Pottersville Properties Development, LLC for Ridgefield Commons Phase IV

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

WHEREAS, as a condition of said approval of Ridgefield Commons – Phase IV, Pottersville Properties Development, LLC was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of \$254,700.00.00 and;

WHEREAS, Pottersville Properties Development, LLC has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$229,230.00, and a cash bond in the amount of \$25,470.00; 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 IV as performance securities required by the Hardyston Township Planning Board.

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

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D. Resolution authorizing the execution of an amendment to the Pottersville Properties Development, LLC Developer's Agreement

BE IT RESOLVED by the Township Council of the Township of Hardyston that the Mayor is hereby authorized to execute the following contracts, leases and/or agreements:

1. Pottersville Properties Development, LLC – Amendment to Developer's Agreement

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

E. Resolution establishing a Change Fund for the Recreation Department

WHEREAS, the Littell Community Center of the Township of Hardyston, County of Sussex has determined that there is a need to have a change fund of \$100.00 to run their various recreational and community events,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that a change fund in the amount of \$100.00 be established for the Littell Community Center.

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

F. Chapter 159 Resolution – “You Drink You Drive You Lose” Statewide Crackdown Grant

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

**SECTION I.**

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2006, in the sum of \$3,000.00, which is, now available as a revenue from The Department of Law and Public Safety, Division of Highway Safety, You Drink You Drive You Lose Statewide Crackdown Grant pursuant to the provision of Statute, and

**SECTION II.**

BE IT FURTHER RESOLVED, that a like sum of \$3,000.00 and the name is hereby appropriated under the caption the Department of Law and Public Safety, Division of Highway Safety, You Drink You Drive You Lose Statewide Crackdown Grant Other Expenses \$3,000.00.

**SECTION III.**

BE IT FURTHER RESOLVED, that the above is a result of the Department of Law and Public Safety, Division of Highway Safety, You Drink You Drive You Lose Statewide Crackdown Grant, and /or/ has been anticipated as a revenue from the Department of Law and Public Safety, Division of Highway Safety, You Drink You Drive You Lose Statewide Crackdown Grant, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

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BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with 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.

G. Resolution authorizing the Township Manager to execute the following:

- Interlocal Agreement – HTMUA Secretarial/Billing Services

The above agenda item, “G”, was carried to the next regular meeting in October.

H. Correspondence

1. Borough of Franklin
2. Township of Vernon
3. Borough of Franklin
4. Township of Andover
5. Township of Vernon
6. Township of Vernon
7. Borough of Ogdensburg
8. Township of Wantage
9. County of Sussex
10. NJ State League of Municipalities
11. NJ State League of Municipalities
12. NJ State League of Municipalities
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15. NJ State League of Municipalities
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34. State of NJ
35. State of NJ
36. State of NJ
37. State of NJ
38. State of NJ
39. State of NJ
40. State of NJ
41. State of NJ
42. State of NJ
43. State of NJ
44. Jersey Central Power & Light
45. Laddey, Clark & Ryan, LLP

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46. Schoor DePalma

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

**BILLS TO BE PAID:** A motion was made by Ross 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:** WHEREAS, NJSA 10:4-12 allows for a Public body to go into closed session during a Public meeting, and

WHEREAS, the Township Council of the Township of Hardyston has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public.

WHEREAS the regular meeting of this council will reconvene.

NOW THEREFORE BE IT RESOLVED, that the Township Council of Hardyston Township will go into closed session for the following reason as outlined in NJSA 10:4-12:

X  Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose right could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

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

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

Motion carried.

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

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 Jane Bakalarczyk, RMC/CMC  
 Municipal Clerk