

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 20, 2005

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 Ross, Councilman Lasinski, Councilman Armstrong, Manager Marianne Smith, and Clerk Jane Bakalarczyk

SALUTE THE FLAG:

PROCLAMATION: A motion was made by Hamilton to present a Proclamation to Judge James J. McGovern at his retirement dinner on September 29, 2005, seconded by Lasinski. All in favor. Motion carried.

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 2005
2. Tax Collector Report – August 2005
3. Construction Official Report – August 2005
4. Zoning Officer Report – as of 8/12/05
5. Sales Report Listing – 1/1/05 – 8/31/05
6. EDC – Minutes of 8/8/05
7. HTMUA – Minutes of 7/13/05
8. Planning Board – Minutes/Resolutions
9. Zoning Board – Minutes/Resolutions
10. Planning Board – Minutes/Resolutions
11. Sparta Health Dept. Report – July 2005
12. Sparta Health Dept. Report – August 2005

Minutes:

1. Regular Minutes of 8/16/05
2. Executive Session Minutes of 8/16/05
3. Special Workshop Minutes of 9/6/05
4. Special Meeting Minutes of 9/6/05
5. Executive Session Minutes of 9/6/05
6. Workshop Minutes of 9/13/05
7. Special Meeting Minutes of 9/13/05

Licenses:

1. 50/50 – Wallkill Valley Booster Club
2. Raffle – Wallkill Valley Booster Club
3. Off-Premise Raffle – St. John Vianney R.C. Church
4. 50/50 – Easter Seal Society of NJ, Inc.
5. Raffle – Easter Seal Society of NJ, Inc.

A motion was made by Hamilton to approve the consent agenda as presented, seconded by Ross. All in favor with Lasinski abstaining on the Minutes of 9/13/05. Motion carried.

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OLD BUSINESS:

ORDINANCES:

1st READING: 2005-11

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 2 be amended to include the following:

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 HOURLY	MINIMUM HOURLY	MAXIMUM
Custodian	\$14.00	\$16.00

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

ORDINANCES:

2nd READING: None

NEW BUSINESS:

A. Resolution canceling outstanding check balances

Whereas, Certain Accounts within the Township of Hardyston, with outstanding check balances from checks not returned or unclaimed; and

Whereas, It is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective account balance or credited to surplus;

Now, Therefore, be it resolved, by the Mayor and Council of the Township of Hardyston, that the following outstanding check balances within the following checking accounts be canceled:

Check #	Fund Name	Amount
2078	Clearing Account	\$ 700.00
5065	Clearing Account	\$ 100.00
5139	Clearing Account	\$ 69.65
20551	Payroll Account	\$ 27.85
20937	Payroll Account	\$ 33.02
21415	Payroll Account	\$ 30.20
21486	Payroll Account	\$ 400.13
21503	Payroll Account	\$ 22.54
21541	Payroll Account	\$ 22.54
22126	Payroll Account	\$ 148.20

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

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B. 2004 Audit 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 2004 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 Lasinski. All in favor. Motion carried.

C. Resolution amending the Hardyston Township Personnel Policy and Procedures Manual to amend Article VIII, Miscellaneous, Section 1, Personal Telephone Calls

WHEREAS, on June 18, 1996 the Hardyston Township Council adopted a Personnel Policies and Procedures Manual; and

WHEREAS, there exists a need to establish rules and regulations regarding personal telephone calls;

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NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that Article VIII, Miscellaneous, Section 1, Personal Telephone Calls, is hereby amended to establish the following rules and regulations that are attached to and made part of this resolution.

A motion was made by Lasinski to approve the resolution as presented, seconded by Ross. All in favor. Motion carried. A copy of the resolution and attachment are on file in the Clerk's Office.

- D. Resolution authorizing Hardyston Township to act as co-borrower for a NJDEP Loan regarding Lake Stockholm Dam

WHEREAS, Lake Stockholm Country Club & Community Association, a New Jersey corporation, will make application for a loan from the State of New Jersey in an amount not to exceed \$520,000.00 to fund the dredging and restoration of Lake Stockholm and related repairs, upgrades and improvements; and

WHEREAS, state statutes and regulations require municipal participation for a private lake owner to apply for a loan under the "Dam, Lake, Stream, Flood Control, Water Resources and Wastewater Treatment Project Bond of 2003"; and

WHEREAS, the Township Council of the Township of Hardyston desires to further the public interest by consenting to be co-applicant with Lake Stockholm Country Club & Community Association for a loan for dredging and restoration of Lake Stockholm upon certain terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Hardyston Township Council that the Township of Hardyston agrees to serve solely as co-applicant with Lake Stockholm Country Club & Community Association for a loan for dredging and restoration of Lake Stockholm. The consent of the Township of Hardyston is contingent upon there being a suitable Co-Borrowers Agreement between the Township and Lake Stockholm Country Club & Community Association, and the Township further reserves the right to revoke its consent if the parties are not able to enter into such an agreement for repayment of the loan and related financial and administrative matters. Hardyston Township further reserves the right to review the loan documents prior to execution and revoke its consent to be co-applicant if the documents are not acceptable to the Township.

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

- E. Resolution authorizing the Township Manager to execute a Hold Harmless and Indemnification Agreement between Hardyston Township and Crystal Springs Development LLC

WHEREAS, Crystal Springs Development, LLC has received the Amended Preliminary Site Plan and Final Site Plan approval for the parking garage in accordance with the attached Planning Board resolution, which is attached hereto and incorporated herein by reference; and

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WHEREAS, Crystal Springs Development, LLC, pursuant to the Planning Board resolution has signed and delivered the attached Hold Harmless and Indemnification Agreement to the Township, which is attached hereto and incorporated herein by reference; and

WHEREAS, by way of this resolution, the Council hereby approves and ratifies this agreement and authorizes the Township Manager and Clerk to sign the same;

NOW THEREFORE BE IT RESOLVED by the Mayor and Township Council of the Township of Hardyston that the attached Agreement is hereby approved and the Township Manager and Clerk are authorized to sign the same and return a copy to Crystal Spring Development, LLC.

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

A motion was also made by Kievit to adopt a resolution opposing making changes to the "Salute to the Flag", seconded by Hamilton. All in favor. Motion carried.

F. Correspondence

1. Township of Wantage
2. Township of Bernards
3. Borough of Stanhope
4. Township of Mansfield
5. West Amwell Township
6. West Amwell Township
7. Township of Warren
8. Borough of Bogota
9. NJ State League of Municipalities
10. NJ State League of Municipalities
11. NJ State League of Municipalities
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
17. NJ State 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
22. NJ State League of Municipalities
23. NJ State League of Municipalities
24. NJ State League of Municipalities
25. State of NJ
26. State of NJ
27. State of NJ
28. State of NJ
29. State of NJ
30. State of NJ
31. State of NJ
32. State of NJ
33. Laddey, Clark & Ryan, LLP
34. Schoor DePalma
35. NJ DEP – Commissioner's Update Newsletter
36. Northeastern Economic Developers Association Newsletter
37. COAH Newsletter

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- 38. NJ State League of Municipalities
- 39. Borough of Franklin
- 40. Borough of Franklin

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

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

- Municipal Building/Police Station Complex
- Landfill
- Fireman's Parade
- Ambulance Bid
- Planning Issues
- Department of Public Works
- Programs In Progress

BILLS TO BE PAID: A motion was made by Hamilton to approve the bill list as presented, seconded by Ross. All in favor with Kievit abstaining on payment to DeVita. 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.

 X 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: Lasinski
Discussion: None

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MOTION	YES	NO	ABSTAIN	ABSENT
Ross	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Kievit	<u> x </u>	<u> </u>	<u> </u>	<u> </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 Lasinski. All in favor. Motion carried.

Jane Bakalarczyk, RMC
Municipal Clerk