

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 17, 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 Kievit, 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 – September 2006
2. Construction Official Report – September 2006
3. Tax Collector Report – September 2006
4. Planning Board – Minutes of 8/24/06
5. Finance Officer Report – August 2006
6. Municipal Court Report – September 2006
7. HTMUA – Minutes of 8/9/06
8. Zoning Officer Report – as of 8/31/06
9. Planning Board Attendance Report – as of 9/28/06
10. Sales Listing Report – 1/1/06 – 9/29/06
11. Smoke Detector/CO Alarm Inspection Report – 3rd Q 2006

Minutes:

1. Regular Minutes of 9/19/06
2. Executive Session Minutes of 9/19/06
3. Workshop Minutes of 9/26//06
4. Executive Session Minutes of 9/26/06
5. Workshop Minutes of 10/10/06
6. Executive Session Minutes of 10/10/06

Licenses:

1. Calendar Raffle – Wallkill Valley Booster Club
2. On-Premise 50/50 Raffle – High Point Football Club
3. On-Premise 50/50 Raffle – Order of Eastern Star
4. Tricky Tray – Order of Eastern Star
5. Amusement Device License Renewal – Beaver Hill Campground
6. On-Premise 50/50 Raffle – Immaculate Conception School H.S.A.
7. Tricky Tray – Immaculate Conception School H.S.A.

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

OLD BUSINESS:

ORDINANCES:

1st READING:

None.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 17, 2006**

ORDINANCES:

2nd 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 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 approve Ordinance 2006-18 on second reading, seconded by Hamilton. 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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 17, 2006**

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.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 17, 2006**

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.

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 approve Ordinance 2006-19 on second reading, seconded by Armstrong. All in favor. Motion carried.

NEW BUSINESS:

- A. Discussion with Nicholas Rizzo d/b/a Carlton Village

Nicholas Rizzo d/b/a Carlton Village, Attorney for Mr. Rizzo, Barry Mandelbaum and Tony Gallerano of Harbor Consultants presented their concept plan for COAH units at Carlton Village. Robert Guerin, Township Engineer and Thomas Collins, Township Attorney were also present. Mr. Guerin presented the representatives of Carlton Village and the Council with a written report of his concerns regarding the plan. After some discussion, it was mutually agreed upon that Mr. Guerin's concerns be addressed in writing by the representatives of Carlton Village. A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. A Wallkill Valley Regional High School student asked how this plan would impact property taxes and would it create a need for more teachers due to more students attending the schools. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

- B. Salary Amendment Resolution

BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages effective January 1, 2006 shall be paid as follows:

Position	Annual Salary
Summer Recreation Art Director	\$2,510.00

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 17, 2006**

Position	Hourly Salary
Recreation Program Presenter	
Without Certification	\$15.00
With Certification	\$23.00

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

C. Resolution Appointing Municipal Housing Liaison

WHEREAS, the Governing Body of the Township of Hardyston petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on November 7, 2001.

WHEREAS, Hardyston Township's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., Hardyston Township is required to appoint a Municipal Housing Liaison for the administration of Hardyston's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.,

WHEREAS, Hardyston Township has amended its Ordinances to provide for the appointment of a Municipal Housing Liaison to administer Hardyston Township's affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Hardyston Township in the County of Sussex, and the State of New Jersey that Marianne Smith is hereby appointed by the Governing Body of Hardyston Township as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Section 3 –49 of the Code of the Township of Hardyston entitled Municipal Housing Liaison Ordinance of the Hardyston Township Administration Code of Government.

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

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

1. Interlocal Agreement – HTMUA Secretarial/Billing Services

The above item "D" was carried to a future meeting.

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

1. NJDEP Treatment Works Application – Vernon Regional Force Main

BE IT RESOLVED by the Township Council of the Township of Hardyston that the Township Manager is hereby authorized to execute the following:

- NJDEP Treatment Works Application – Vernon Regional Force Main

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 17, 2006**

- F. Resolution approving the Bylaws of the North Jersey Municipal Employee Benefits Fund

WHEREAS, Hardyston Township is a member of the North Jersey Municipal Employee Benefits Fund, hereinafter the "FUND" and;

WHEREAS, recent changes in the state regulations and Fund practices require the FUND's bylaws to be revised; and

WHEREAS, after a public hearing conducted on September 22, 2006 the Board of Commissioners of the FUND recommends revised bylaws to the membership; and

WHEREAS, these revised bylaws must be ratified by at least three fourths of the members before they can become effective.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of Hardyston Township that the revised bylaws are hereby ratified.

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

- G. Resolution authorizing Change Order for New Municipal Building Complex Project

BE IT RESOLVED by the Township Council of the Township of Hardyston that Change Order #13 for the Hardyston Municipal Building Complex project is hereby approved.

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

- H. Resolution of the Township of Hardyston making application to the Local Finance Board

WHEREAS, the Township of Hardyston desires to make application to the Local Finance Board for its review and/or approval of nonconforming bond principal payments; and

WHEREAS, the Township of Hardyston believes:

- a. it is in the public interest to accomplish such purpose;
- b. said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;
- c. the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- d. the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW, THEREFORE, BE IT RESOLVED by the Township Council as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Bond Counsel, and Financial Advisor, along with other representatives of the Township of Hardyston, are hereby authorized to prepare such application and to represent the Township of Hardyston in matters pertaining thereto.

Section 2. The Clerk of the Township of Hardyston is hereby directed to prepare and file a copy of the proposed financing with the Local Finance Board as part of such application.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 17, 2006**

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and approval as provided by the applicable New Jersey Statute.

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

- I. Resolution authorizing the refund of Developer’s Fees to Pottersville Properties Development, LLC

WHEREAS, Developer’s Fees were paid for certain properties owned by Pottersville Properties Development, LLC; and

WHEREAS, the properties are covered by Growth Share Contributions rather than a Developer’s Fee.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Developer’s Fees be refunded to Pottersville Properties Development, LLC for the following properties for payments collected in error.

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount of Refund</u>
67.19	19	1 Highview Knoll	\$ 500
67.19	20	3 Highview Knoll	\$ 500
67.19	21	5 Highview Knoll	\$ 500
67.19	22	7 Highview Knoll	\$ 500
67.19	23	9 Highview Knoll	\$ 500
67.19	24	11 Highview Knoll	\$ 500
67.24	18	2 Mulberry Lane	\$ 500
67.24	17	4 Mulberry Lane	\$ 500
67.24	16	6 Mulberry Lane	\$ 500
67.24	15	8 Mulberry Lane	\$ 500
67.24	14	10 Mulberry Lane	<u>\$ 500</u>
Total Refund			\$5,500

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

- J. Resolution of the Governing Body of the Township of Hardyston requesting its legislators to amend Title 59 requiring the State to provide a defense and indemnification for County or Municipal employees involved in law enforcement activities who are sued as a result of those activities

WHEREAS, from time to time, the Prosecutor of the County of Sussex, who is the Chief Law Enforcement Officer of the County, calls upon municipalities to provide additional manpower in order to properly conduct what is commonly referred to as Task Force investigations; and

WHEREAS, the Township of Hardyston (hereinafter “Township”) has become aware, through a current situation in Morris County affecting co-members of the Municipal Joint Insurance Fund, that under existing law, although the Prosecutor is clearly carrying out a State function when seeking support from local law enforcement agencies, the State does not provide either a defense or indemnification to municipal police officers, assigned to a County Task Force, if a municipal police officer is named as a defendant in litigation as a result of those activities; and

WHEREAS, the Township believes that the State’s position is inappropriate for a number of reasons, specifically, that a municipality should not be called upon to subsidize the State in carrying out State functions and that when a municipality or an employee of the municipality’s law enforcement agency is sued in connection with said function, the State should provide a

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 17, 2006**

defense and indemnification, rather than forcing the cost of the defense and indemnification upon the municipality; and

WHEREAS, the law appears to be an anomaly in that if a State employee is part of a Task Force, the State will provide a defense and indemnification, however, if a municipal police officer is part of the same Task Force carrying out a State function, the State will not provide a defense or indemnification; and

WHEREAS, the Township feels that from a public policy standpoint, this is totally inappropriate, especially based upon the fact that law enforcement is very much a regional undertaking in which Municipal, County and/or State Officers must coordinate their activities in order to be successful; and

WHEREAS, the Township believes that this matter needs to be addressed by the Legislature by way of an amendment to N.J.S.A. 59:10A-1 so that it includes the obligation of the State to provide a defense and indemnification for Municipal and County employees involved in law enforcement.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Hardyston that the Legislators representing the Township of Hardyston seek an amendment to N.J.S.A. 59:10A-1 so that the statute, which requires the State to provide a defense and indemnification to State employees, include Municipal and County employees involved in law enforcement activities on behalf of the State.

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

- K. Resolution authorizing the Township Manager to execute contract with Security Design Group, L.L.C. for the security design and project management services for the COPS Secure Our Schools Project Grant

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

1. Security Design Group, L.L.C. – COPS Secure Our Schools Grant Project

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

- L. Resolution of the Township of Hardyston requesting written verification that the Township's sewer service area approval will not be modified in any manner as a result of the Highlands Master Plan without the consent of the Municipal Governing Body

WHEREAS, The Highlands Water Protection and Planning Act was signed into law as P.L. 2004, C. 120 on August 10, 2004; and

WHEREAS, the Act established a Highlands areas comprised of 88 municipalities located in 7 counties; and

WHEREAS, the Act divides the Highlands into a Preservation Area and a Planning area; and

WHEREAS, the Act establishes a Highlands Planning Council responsible for developing a master plan for the preservation and development of lands within the Highlands; and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 17, 2006**

WHEREAS, the Act establishes that local governments shall conform to the Highlands Master Plan with respect to the Preservation area but that compliance with the Highlands Master Plan within the Planning Area shall be strictly voluntary on an opt-in basis with no penalty for those local governments choosing not to opt-in; and

WHEREAS, over the past several weeks the Highlands Planning Council has released certain scientific findings and policy recommendations with respect to Riparian Corridors, Natural Areas, Wastewater Treatment, Water Availability, Forests, Steep Slopes, Groundwater Recharge, Scenic Resources, Historic Preservation and Economic Development; and

WHEREAS, each of the above referenced policy recommendations includes a section on “Coordination and Consistency”, which recommends that New Jersey Department of Environmental Protection actions with respect to permits, land acquisition, and public lands management be consistent with the Highlands Master Plan; and

WHEREAS, the regulations promulgated by the New Jersey Department of Environmental Protection based on the Highlands Master Plan and that are “blind to the line” will not be constrained by the Highlands Act “opt-in” provision for local governments in the Planning Area; and

WHEREAS, the Township of Hardyston is partially located in the Highlands Preservation Area and has recently received approval of its Sewer Service Area located in the Planning Area by the NJDEP at significant cost to local taxpayers and under the laws and regulations in place at the time of approval; and

WHEREAS, The Township of Hardyston seeks assurances from the Highlands Planning Council, the New Jersey Department of Environmental Protection and the New Jersey State Legislature that its current Sewer Service Area approval will remain in place and not be altered in any fashion by the recommendations of the Highlands Master Plan until and unless the Township of Hardyston determines to “opt-in” to the Highlands Plan; and

WHEREAS, the Township Council of the Township of Hardyston believes that any changes to the Sewer Service approvals within the Highlands Planning Area without the consent of the municipal governing body would be contrary to the intent of the Highlands Act and would undermine prior approvals and credibility of the New Jersey Department of Environmental Protection.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that the Council hereby requests written verification from the New Jersey Department of Environmental Protection, the Highlands Planning Council and the New Jersey State Planning Commission that the Township’s Sewer Service Area approvals that are located within the Highlands Planning Area will not be modified in any manner as a result of the Highlands Master Plan without the consent of the municipal governing body; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Honorable Jon Corzine, Governor of the State of New Jersey, the Honorable Robert E. Littell, the Honorable Guy Gregg, the Honorable Alison McHose, NJDEP Commissioner Lisa Jackson, John Weingart, Chairman – Highlands Planning Council, Christine Foglio, Chairman – New Jersey State Planning Commission, the Sussex County Board of Chosen Freeholders, all 88 Highlands Municipalities and all Sussex County Municipalities.

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 17, 2006**

M. 2005 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 2005 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 Kievit. All in favor. Motion carried.

N. Resolution Opposing Forced Consolidation

A motion was made by Armstrong to authorize the Township Manager to prepare and submit a resolution opposing forced consolidation, seconded by Kievit. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 17, 2006**

O. Correspondence

1. Township of Wantage
2. Lafayette Township
3. Lafayette Township
4. Township of Jefferson
5. Township of Vernon
6. Township of Vernon
7. Township of Green
8. Lafayette Township
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. NJ State League of Municipalities
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 New Jersey - DEP
32. State of New Jersey - DEP
33. State of New Jersey - DEP
34. State of New Jersey - DEP

A motion was made by Ross to approve the correspondence as presented with the exception of Item #7, seconded by Armstrong. All in favor. Motion carried.

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

- 2007 Budget Preparations/Development of Strategic Plan
- Highlands Legislation and Adoption of Master Plan
- Shared Services and Consolidation
- Planning Issues
- Facility Planning
- Future Meetings/Events
- Programs In Progress

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.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 17, 2006**

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: Kievit
 Discussion: None

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 Armstrong. All in favor. Motion carried.

 Jane Bakalarczyk, RMC/CMC
 Municipal Clerk