

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 20, 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 – September 2009
2. Tax Collector Report – September 2009
3. Finance Officer Report – August 2009
4. Construction Certificate Activity Report – September 2009
5. Construction Permit Activity Report – Hardyston – September 2009
6. Construction Permit Activity Report – Hamburg – September 2009
7. Construction Permit Activity Report – Franklin – September 2009
8. HTMUA – Minutes of 8/3/09
9. HTMUA – Minutes of 9/14/09
10. Sussex County Public Health Nurse Activity – September 2009
11. Zoning Officer Report – September 2009
12. Smoke Detector & CO Alarm Compliance Inspections – 3rd Q 2009
13. Police Department Report – September 2009

Agreements/Applications/Licenses:

1. Raffle – Wallkill Valley Booster Club
2. Raffle – High Point Regional High School Booster Club

Minutes:

1. Executive Minutes of 9/1/09
2. Regular Minutes of 10/6/09

A motion was made by Kievit to approve the consent agenda as presented, seconded by Ross. All in favor with Hamilton abstaining on the minutes of 10/6/09. Motion carried.

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: 2009-12

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$217,006.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Township of Hardyston, County of Sussex, New Jersey, as follows:

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Section 1: The sum of Two hundred seventeen thousand six dollars (\$217,006.00) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purpose:

For Various Capital Improvements or Purposes for the Township of Hardyston.

Section 2: In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 hereof is not a Current Expense and is an improvement, which the Township of Hardyston may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed on to the extent of their inconsistency:

Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided 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 2009-12 on second reading, seconded by Ross. All in favor. Motion carried.

2009-13

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 172, VEHICLES AND
TRAFFIC, SECTION 172-27, SPEED LIMITS, 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 172, Vehicles and Traffic, Section 172-27, Speed Limits, of the aforesaid Revised General Ordinances is hereby amended and supplemented with the addition of the following roadways:

§ 172-27. Speed Limits

<u>Name of Street</u>	<u>Direction</u>	<u>Speed Limit</u>	<u>Location</u>
Holland Mountain Road	Both	40	Entire Length
Rock Lodge Road	Both	35	Entire Length
Scenic Lake Road	Both	35	Entire Length
Scenic Drive (Public Section)	Both	25	Entire Length
Bunn Road	Both	25	Entire Length
Big Spring Road	Both	35	Entire Length
Davis Road	Both	25	Entire Length

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Franek Road	Both	25	Entire Length
Crystal Springs Road (Public Section)	Both	25	Entire Length

SECTION 2. 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 3. 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 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Township Attorney stated that he recommends a minor revision to the wording in Section 1. He stated that the new wording will clarify that the named streets are in addition to what already exists in the Hardyston code book. 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 Ross to adopt Ordinance 2009-13 on second reading with the minor amendment suggested by the Township Attorney, seconded by Kievit. All in favor. Motion carried.

2009-14

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 172, VEHICLES AND TRAFFIC, SECTION 172-27, SPEED LIMITS, OF THE REVISED GENERAL ORDINANCES REGARDING THE SPEED LIMIT ON PORTIONS OF LAKE STOCKHOLM TERRACE

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

SECTION 1. Chapter 172, Vehicles and Traffic, Section 172-27, Speed Limits, of the aforesaid Revised General Ordinances is hereby amended and supplemented with respect to the speed limit on Lake Stockholm Terrace to read as follows:

§ 172-27. Speed Limits

<u>Name of Street</u>	<u>Direction</u>	<u>Speed Limit</u>	<u>Location</u>
Lake Stockholm Terrace	Both Zone 1	15mph	From the intersection of Glen Avenue to the intersection with Rock Lodge Road.
	Both Zone 2	25mph	Remainder of roadway not in Zone 1

SECTION 2. 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 3. 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 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Resident Frank Lacatena asked the Council why the speed limit from the intersection of Glen Avenue to the intersection with Rock Lodge Road was being lowered to 15 miles per hour. The Council explained that this was the recommendation given by various township officials. A motion was made by Kievit to carry Ordinance 2009-14 to the next meeting for further discussion, and to have the Safety Officer present to explain this recommendation, seconded by Ross. All in favor. Motion carried. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

2009-15

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND
STATE OF NEW JERSEY MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39
WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO CARLTON VILLAGE AND
REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING
LOTS BY MOTOR VEHICLES**

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

SECTION 1. The roadways contained within Carlton Village are Township roadways and, thus, the Township desires to place the following traffic regulations on such roadways located in the Township of Hardyston, County of Sussex, State of New Jersey and cause such regulations to become enforceable:

REGULATIONS:

1. Through Streets and Stop Intersections:

A. Through Streets:

The following streets or parts of streets are hereby designated as Through Streets. Stop signs shall be installed on the near right side of each street intersecting the through street.

<u>Name of Street</u>	<u>Limits</u>
Wits End Road	Entire length
Shady Lane	Entire length

B. Stop Intersections:

The following described intersections are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein.

<u>Intersection</u>	<u>Stop Sign(s) on:</u>
Shady Lane & Shady Lane Extension (both ends)	Shady Lane Extension (both ends)
Shady Lane & Ridgefield Drive	Ridgefield Drive
Wits End Road/Ridgefield Rd/YMCA Drive	Three-way Stop. Stop signs On Southbound Wits End, Ridgefield Rd and Exit from YMCA

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2. Speed Limits:

A. The speed limit for both directions of travel on the following roadways are:

<u>Name of Roadway</u>	<u>M.P.H.</u>	<u>Limits</u>
Wits End Road	25	Entire length (both sides)
Shady Lane	25	Entire length (both sides)
Shady Lane Extension	15	Entire length (both sides)
Overlook Lane	15	Entire length (both sides)

B. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation.

Recommendations:

That all signs, posts, or other necessary materials be installed and paid for by the Township as the roadways are Township roadways. All signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

Unless another penalty is expressly provided for by the New Jersey Statute, every person convicted of a violation of this ordinance or any supplement thereto shall be liable to a penalty of not more than \$50.00 dollars or imprisonment for a term not exceeding (15) days or both.

SECTION 2. 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 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect upon publication and as required by law and upon the posting of appropriate signs.

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 2009-15 on second reading, seconded by Ross. All in favor. Motion carried.

2009-16

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 172, VEHICLES AND
TRAFFIC, SECTION 172-34, WALDEN VILLAGE II, 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 172, Vehicles and Traffic, Section 172-34, Walden Village II, Section (C) Speed Limits, Subsection (1), of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 172-34. Walden Village II

C. Speed Limits.

(1) The speed limit for both directions of travel on the following roadways is:

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<u>Name of Roadway</u>	<u>Speed Limit (M.P.H.)</u>	<u>Limits</u>
Beechmont Terrace	15	Entire length
Cotton Court	15	Entire length
Druid Lane	15	Entire length
Fox Chase Lane	15	Entire length
Magnolia Lane	15	Entire length
Meadow Lane and Meadow Lane East	15	Entire length
Moss Court	15	Entire length
Rolling Brook Way	25	Entire length
Spruce Run	15	Entire length
Woodmere Court	15	Entire length

SECTION 2. 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 3. 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 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. 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 2009-16 on second reading, seconded by Ross. All in favor. Motion carried.

2009-17

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING A PORTION OF CHAPTER 172,
VEHICLES AND TRAFFIC, SECTION 172-30, THE INDIAN FIELDS AT HARDYSTON AND
SECTION 172-35, THE INDIAN FIELDS AT HARDYSTON (PHASE III), 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 172, Vehicles and Traffic, Section 172-30, The Indian Fields at Hardyston, Section (C) Restricted Parking, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 172-30. The Indian Fields at Hardyston.

C. Restricted Parking.

No person shall stop or stand a vehicle upon any of the streets or parts of streets except as described below:

- (1) Twenty-six (26) marked parallel parking spaces on straightaway across from intersection with Bitter Root Trail.

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SECTION 2. Chapter 172, Vehicles and Traffic, Section 172-35, The Indian Fields at Hardyston (Phase III), Section (A), General Parking, Subsection (2), of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 172-32. The Indian Fields at Hardyston (Phase III).

A. General parking.

(2) No person shall stop or stand a vehicle upon any of the streets or parts of streets except as described below:

(a) Sixteen (16) marked parallel parking spaces on the straightaway east of Lodge Pole Lane.

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 2009-17 on second reading, seconded by Kula. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution – Special Item of Revenue – Over the Limit Under Arrest 2009 Statewide Crackdown

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 2009, in the sum of \$5,516.55, which is, now available as a revenue from The Department of Law and Public Safety, Division of Highway Safety, Over the Limit Under Arrest 2009 Impaired Driving Crackdown pursuant to the provision of Statute, and

SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$5,000.00 and the name is hereby appropriated under the caption the Department of Law and Public Safety, Division of Highway Safety, Over the Limit Under Arrest 2008 Statewide Crackdown Other Expenses \$5,516.55.

SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of the Department of Law and Public Safety, Division of Highway Safety, Over the Limit Under Arrest 2009 Statewide Crackdown Grant, and /or/ has been anticipated as a revenue from the Department of Law and Public Safety, Division of Highway Safety, Over the Limit Under Arrest 2009 Statewide Crackdown, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

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 Kievit. All in favor. Motion carried.

B. Correspondence

1. Lafayette Township
2. Vernon Township
3. NJ State League of Municipalities
4. Hampton Township
5. Franklin Borough
6. County of Sussex
7. NJ Highlands Coalition
8. NJ State League of Municipalities
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. State of NJ
21. State of NJ
22. State of NJ
23. State of NJ
24. NJ State League of Municipalities
25. NJ State 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 work is continuing on continuity planning. Materials have been ordered and should be delivered within 14 days so that the mailers/inserts to go out to residents regarding medical information in emergencies and overall preparedness planning can be prepared. She stated that OEM, Fire, First Aid, PBA and other volunteers will be helping with this task. She stated that the goal is to have the mailing out before the end of November.

DOT Grant for Guiderail: Township Manager stated that the Township has been notified that we have been awarded a grant for \$200,000 for guiderail replacement along Big Spring Road.

Capital Improvement Projects:

1. **Solar Energy Facility** – Township Manager stated that final plans and the building permit application have been submitted to the Construction Department. She further stated that it is anticipated that construction should begin before the first of November. She stated that this project is still on schedule for completion by December 1, 2009.

2. **South Side Salt Shed** – Township Manager stated that the project is out to bid and the bid opening date is October 30, 2009. She stated that recommendations for contract authorizations will be presented to the Council at their November 10, 2009 meeting.
3. **Tanker Truck Replacement** – Township Manager stated that the truck and equipment are out to bid with a bid opening date of October 30, 2009. She stated that recommendations for contract authorizations will be presented to the Council at their November 10, 2009 meeting.
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.

Revaluation – Township Manager stated that this project continues to progress on schedule.

2010 Budget Preparations and 2009 Closeout – Township Manager stated that Budget request forms have been distributed to department heads and are due to the Manager by October 30, 2009.

Energy Efficiency Efforts: Township Manager stated that more information will be discussed at the next workshop meeting; however, it is likely that a recommendation will be made to the council to adopt a resolution authorizing the Township to participate in the Middlesex Regional Educational Service Commission's co-op specifically to take advantage of purchasing electricity through the co-op at a savings of approximately .025 cents per kilowatt. She stated that this savings could translate into a savings of approximately \$7,000 - \$10,000 per year, based on current energy usage, which will be somewhat reduced as a result of solar energy production.

Township Manager stated that the Township is also preparing to implement modifications to a few windows within the building to reduce heat loss. She also stated that a proposal is being sought to conduct an energy audit relative to heating costs at the Firehouse.

Radio Communications Equipment – Township Manager stated that a follow-up meeting of the radio communications committee has been scheduled for later this week to further discuss options.

BILLS TO BE PAID: A motion was made by Ross to approve the bill list as presented, seconded by Kievit. 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. Resident Frank Lacatena asked the Council again to look into why the speed limit from the intersection of Glen Avenue to the intersection with Rock Lodge Road was being lowered to 15 miles per hour and if 20 miles per hour was considered. The Council again stated that they will follow up with the Safety Officer. A student asked the Council what the "Correspondence" page of the agenda was. The Council explained that it is a list of correspondence received by the municipality for the Council to review. The Council further explained that if the Council had any questions or needed further clarification of any piece of correspondence on the list, it could be pulled and discussed as a separate agenda item. 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 7:45 p.m., seconded by Kievit. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk