

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
NOVEMBER 21, 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: Councilman Kievit, Councilman Lasinski,, Manager Marianne Smith and Clerk Jane Bakalarczyk. Councilman Ross arrived at 7:10 p.m.

SALUTE THE FLAG:

PROCLAMATION: Patrick McFadden – Eagle Scout Achievement

Mayor Hamilton read a Proclamation from the Mayor and Township Council honoring Patrick McFadden for his achievement of earning the designation of Eagle Scout and declaring November 25, 2006 as Patrick McFadden Day.

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 – October 2006
2. Construction Official Report – October 2006
3. Tax Collector Report – October 2006
4. Planning Board – Minutes of 9/21/06
5. Finance Officer Report – September 2006
6. Municipal Court Report – October 2006
7. HTMUA – Minutes of 9/13/06
8. HTMUA – Minutes of 10/11/06
9. Sales Listing Report – 1/1/06 – 10/31/06
10. Police Department Report – September 2006
11. Zoning Board – Minutes of 9/7/06
12. Sparta Health Department – September 2006
13. Zoning Officer Report – as of 9/30/06
14. Zoning Officer Report – as of 10/31/06

Minutes:

1. Regular Minutes of 10/17/06
2. Executive Session Minutes of 10/17/06
3. Workshop Minutes of 10/24/06
4. Executive Session Minutes of 10/24/06

Licenses:

1. On-Premise 50/50 Raffle (3) – Hardyston Township PTA
2. Amusement Device License Renewal – Anthony Pignataro (Tony's Pizza)

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

OLD BUSINESS:

ORDINANCES:

1st READING: None.

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ORDINANCES:

2nd READING: **None.**

NEW BUSINESS:

A. Tax Collector Resolutions

RESOLUTION # 06-06

WHEREAS, the Tax Department received the 2005 NJ Saver Rebate Check, and

WHEREAS, the following parcels have been sold prior to receiving the check and refunds are due to the previous owners,

Block 6, Lot 6	16 Forest Trail	Melinda Corkum	\$350.00
Block 62, Lot 18.17 Bldg	176 North Church Rd	Dave Bolsman	\$101.43
Block 75, Lot 51	15-33 Lasinski Rd	David Toye	\$250.00

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund NJ Saver rebate payments in the amount of \$701.43.

RESOLUTION # 07-06

WHEREAS, the properties listed below should have been granted "Farmland Assessment" for the 2006 tax year, and

WHEREAS, inadvertently no change was made to the Tax Book, and no appeal was filed. The oversight was brought to the Tax Assessor's attention in connection with the filing of the farmland application for tax year 2007, and

WHEREAS, the owners have paid their 2006 taxes in full, refunds are in order to the following taxpayers.

Block 17 Lot 5.01	James & Patricia Theiller	4355 Rudetown Rd	\$1,242.85
Block 69 Lot 2.02	George & Marian Sykes	93 Big Spring Rd	\$1,018.40

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund the above amounts to the property owners.

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

B. Resolution for relief from the Municipal Cap Law

WHEREAS, since their institution in 1977 as part of the package of bills establishing the Property Tax Relief Fund, funded by New Jersey's first Income Tax, the artificial limits on local budgetary discretion contained in the local government cap law have, repeatedly, proved to be unworkable and in need of amendment in times of fiscal stress; and

WHEREAS, the latest amendments to the cap law were enacted in 2004 as part of Governor McGreevey's FAIR Plan, which was supposed to provide short term property tax relief and

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produce long term property tax reform, the cap amendments being a part of the short term relief component; and

WHEREAS, those 2004 amendments drastically lowered the cap, eliminated important exceptions to the cap and severely limited the use of ‘cap banking,’ which is crucial to municipal intermediate range budgetary planning; and

WHEREAS, despite the recommendations of the Governor’s Blue Ribbon Property Tax Convention Task Force and despite the energetic efforts of a core of concerned and committed legislators and the outspoken support of a large and growing coalition of citizens’ public interest groups, the Legislature has, to date, failed to advance the cause of property tax reform, continuing decades of inattention to a problem that a majority of our fellow citizens consistently identify as their greatest public policy concern; and

WHEREAS, instead, State policy makers have consistently under-funded, cut and eliminated crucial municipal property tax relief programs, thereby exacerbating the property tax crisis and making it increasingly difficult for municipal budget makers to meet the needs and honor the wishes of local property taxpayers and to deal with current fiscal stresses over which they have no control; and

WHEREAS, in recognition of these serious issues, legislation has been introduced to provide appropriate flexibility to help local budget makers better meet citizen needs for high quality public programs and services; and

WHEREAS, in order to do so, the bills (A-3444/S-2183) would: first, make permanent the temporary cap exception for costs of domestic security preparedness and responses to incidents and threats to domestic security; second, make permanent the temporary cap exception for liability insurance, workers' compensation insurance and employee group insurance; and finally, provide an exception from the county and municipal local budget cap for appropriations for the costs of goods and services, including wage and salary increases that are required under contracts entered into prior to July 7, 2004, the effective date of P.L.2004, c.74, the statute that reduced the local budget cap limits to the lesser of 2.5% or the consumer price index; and

WHEREAS, while extremely beneficial for rational effective budgetary planning, the ‘cap banking’ problems created by the 2004 amendments will pose lasting and growing problems for municipalities trying to prepare for unanticipated exigencies and immanent needs; now therefore be it

BE IT RESOLVED, that the governing body of the Township of Hardyston does fully support and urge swift and favorable action on A-3444/S-2183.

BE IT FURTHER RESOLVED, that we do respectfully request an amendment to the bill to restore ‘cap banking’ to its previous status, as it existed prior to the 2004 amendments.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to our State Legislative Delegation, to the New Jersey League of Municipalities and all Sussex County Municipalities.

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

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

1. Interlocal Agreement – HTMUA Secretarial/Billing Services

The above item “C” was carried to the next meeting and replaced with the following item:

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

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1. Interlocal Agreement Addendum – HTMUA Water & Sewer Operations

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

E. Appointment – Planning Board Class II Member

A motion was made by Ross to appoint Robert F. Schultz to fill the vacancy of the Class II Member position on the Planning Board with a term expiring 12/31/06, seconded by Kievit. All in favor. Motion carried.

F. Correspondence

1. Lafayette Township
2. Township of Jefferson
3. Borough of Hamburg
4. Township of Vernon
5. Township of Green
6. County of Sussex
7. NJ State League of Municipalities
8. NJ State League of Municipalities
9. NJ State League of Municipalities
10. NJ State League of Municipalities
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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. State of NJ
23. State of NJ
24. State of NJ
25. State of NJ
26. State of NJ
27. Conspectus Newsletter

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

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

- Highlands Legislation and Adoption of Master Plan
- Shared Services and Consolidation

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. William Hickerson, Emergency Management Coordinator and Fire Chief approached the Council with a request to consider obtaining one of the First Aid Squad vehicles that is no longer in use and converting it for use by OEM. The Council agreed to discuss this at the next workshop meeting. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

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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> </u>	<u> </u>	<u> </u>	<u> x </u>

Motion carried.

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

 Jane Bakalarczyk, RMC/CMC
 Municipal Clerk