

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
NOVEMBER 25, 2003.

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, Councilman Kievit, 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 – October 2003
2. Tax Assessor Report – Sales Listing Report 1/1/03 – 10/31/03
3. Construction Official Report – October 2003
4. Police Department Report – October 2003
5. Finance Officer Report – September 2003
6. Finance Officer Report – October 2003
7. HTMUA – Minutes of 9/10/03
8. HTMUA – Minutes of 10/8/03
9. Planning Board – Minutes/Resolutions
10. Planning Board – Minutes/Resolutions
11. Zoning Board – Minutes/Resolutions
12. Sparta Health Department Report – September 2003
13. Zoning Officer Report – as of 11/13/03

Minutes:

1. Regular Minutes of 10/21/03
2. Workshop Minutes of 10/28/03
3. Executive Session Minutes of 10/28/03

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

OLD BUSINESS:

PRESENTATION: Mark Coan of USA Architects presented a virtual walk through of the proposed new municipal complex.

ORDINANCES:

1st READING: NONE

ORDINANCES:

2nd READING: NONE

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NEW BUSINESS:

- A. Tax Collector Resolutions

RESOLUTION # 14-03

WHEREAS, Jon & Linda Andresen redeemed Tax Sale Certificate #03-03 on Block 16.07 Lot 1.03 Qual C1102 on October 21, 2003, and

WHEREAS, WACHOVIA BANK NA COLLATERAL AGENT FOR SASS has complied with the provisions of N.J.S.A. 54-5-60 et seq: and

WHEREAS, the amount to be reimbursed to the lien purchaser is \$ 1,297.38 and a premium in the amount of \$2,000.00,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that WACHOVIA BANK NA COLLATERAL AGENT FOR SASS MUNI IV DEBTOR of 123 South Broad Street, PA 1328S Philadelphia, PA 19109 be reimbursed in the amount of \$ 1,297.38 and a premium amount of \$ 2,000.00 for redemption of Tax Sale Certificate #03-03.

RESOLUTION # 15-03

WHEREAS, Richard Headley C/O K Wilson redeemed Tax Sale Certificate #00-01 on Block 10 Lot 16 on November 7, 2003, and

WHEREAS, JEFFREY R. JERMAN has complied with the provisions of N.J.S.A. 54-5-60 et seq: and

WHEREAS, the amount to be reimbursed to the lien purchaser is \$ 5,723.11,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that JEFFREY R. JERMAN of PO Box 355 Monmouth Beach, New Jersey 07750 be reimbursed in the amount of \$ 5,723.11 for redemption of Tax Sale Certificate #00-01.

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

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B. Appointment to Sussex County Solid Waste Advisory Committee

A motion was made by Ross to appoint Robert F. Schultz to the Sussex County Solid Waste Advisory Committee, seconded by Kievit. All in favor. Motion carried.

C. Resolution establishing Hardyston Township's policy regarding mortgage subordination requests relating to the affordable housing program

WHEREAS, the Township of Hardyston has mortgages to secure several hundred thousand dollars in loans made to local residents through the affordable housing programs; and

WHEREAS, the terms of said mortgages stipulate that no interest or monthly payments are required of the recipient. Moreover the terms specifically allow the recipients of these loans to defer payment until such time ownership of their property is changed; and

WHEREAS, the Township of Hardyston may consider subordinating its mortgage should a homeowner decide to refinance their first mortgage after the Township's mortgage has been filed; and

WHEREAS, there continues to be a need to provide additional low to moderate income homeowners with housing rehabilitation assistance to mitigate code deficiencies; and

WHEREAS, all monies received by the Township as a result of prior housing rehabilitation participants paying off their mortgages are utilized to assist additional eligible needy homeowners; and

WHEREAS, it continues to be the focus and goal of the Township of Hardyston to provide funding to assist homeowners to mitigate code deficiencies and protect and preserve the community's low to moderate income housing stock for future generations; and

WHEREAS, the Township must take steps to protect its investment in properties that have previously benefited from its Affordable Housing Program; and

WHEREAS, if the amount of equity is reduced through a refinance and, either the value of the asset depreciate or the homeowner file for bankruptcy, the Township's lien interest in the property could be significantly compromised; and

WHEREAS, funding sources for continuation of the affordable housing program are limited and the program depends on the future availability of funds collected from existing loans being paid off; and

WHEREAS, the processing of said subordination requests require administrative and legal review services in order to adequately process said request.

NOW THEREFORE, the Township Council of the Township of Hardyston hereby adopts the following policy with respect to requests relating to subordination of mortgage where the mortgagor wishes to refinance the original first mortgage:

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1. Homeowner must submit a written request for subordination to the Township. At minimum, the request must include the following information and documentation:
 - a. A current appraisal of the property
 - b. A copy of the mortgage being refinanced
 - c. Verification from the new lender as to the amount of the new mortgage loan.
 - d. A formal subordination document prepared for signature by the municipality.
 - e. \$100 administrative fee
2. Mortgage subordination requests will be reviewed within 14 days of receipt and formally answered within 21 days of the request based on the following criteria:
 - a. The principal amount of refinanced mortgage cannot exceed the amount of the original mortgage, except for in the case of a documented medical necessity. In which case the municipality will only subordinate to the higher new mortgage if the additional equity being taken from the asset is used specifically for medical bills or needs that have arisen out of the medical emergency.
 - b. In all other cases, the existing loan from the Township must be paid in full.
3. The decision as to the subordination request will be at the discretion of the municipality's Director of Planning and Community Development.
4. Funds to pay off a loan must be provided to the Township in the form of an attorney's trust account or cashier's check for the full loan amount, together with a recordable document to cancel the mortgage (prepared by their professionals). Once the Township is in receipt of said payoff, the mortgage cancellation document shall be signed by the appropriate authorities and returned to the mortgagor within 14 days of receipt of same.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Council of the Township of Hardyston, that all funds received in satisfaction of existing loans relative to the Affordable Housing Program shall be utilized for housing rehabilitation and administrative costs associated with the affordable housing program.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Council of the Township of Hardyston, that this is the official policy of the Township regarding mortgage subordination requests relating to loans given under the Township's Affordable Housing Program.

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

- D. Resolution amending the Hardyston Township Personnel Policy and Procedures Manual to amend Article VI, Rules and Regulations, to establish Section 3-B, Policy to Regulate Operation of Vehicles by Township Employees and Contractors

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

WHEREAS, there exists a need to establish a policy to regulate operation of vehicles by Township employees and contractors.

NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that Article VI, Rules and Regulations, is hereby amended to establish Section 3-B,

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Policy to Regulate Operation of Vehicles by Township employees and contractors
attached to and made part of this resolution.

**POLICY TO REGULATE OPERATION OF VEHICLES
BY TOWNSHIP EMPLOYEES AND CONTRACTORS**

The Township of Hardyston hereby establishes the following mandatory
restrictions and requirements regarding operation of motor vehicles by its employees and
contractors.

1. This policy applies to all employees and contractors of the Township, including those actively engaged in duties related to flooding, snow removal, adverse weather conditions, traffic accidents and other events affecting mobility and/or public health, safety and welfare.
2. This policy applies to the operation of motor vehicles.
3. No employee/contractor may operate a motor vehicle for the Township if twenty-two (22) consecutive hours have elapsed since he/she last woke up.
4. The Township shall maintain a master log at each work site. Each employee/contractor must write his/her time of arrival and when he/she last woke up and sign the log book upon arrival at a work site.
5. The waking and resting period for each employee/contractor will be tracked in the master log(s).
6. Using the information put into the master log, an eighteen (18) hour period will be calculated for each employee/contractor based on when he/she has last woke up.
7. Employees/contractors will be separated based upon the eighteen (18) hour period. As the eighteen (18) hour mark is reached, some employees/contractors will be required to take a mandatory sleep/rest period while the others continue to work for up to four (4) additional hours.
8. Four (4) hours is an appropriate sleep/rest time to "restart" the twenty-four (24) hour time period.
9. The beginning and ending of the rest period for each employee/contractor will likewise be recorded in the master log.
10. Employees/contractors must sleep or quietly rest during the four (4) hour rest period and will be compensated for that time.
11. In the alternative, the Township may send employees home for a minimum of four (4) hours to rest and/or opt to shut down operations for a four (4) hour mandatory rest period.
12. Conclusion of a four (4) hour rest period "restarts" the twenty-four (24) hour clock. The requirement to record all waking and rest periods in the master log would continue.
13. The Township will provide cots and blankets in the workplace or at another location for its employees.
14. Contractors must comply with all provisions of this policy.
15. This policy and information regarding the restrictions of *N.J.S.A.2:11-5(a)* will be provided to each employee and contractor.
16. Each individual employee/contractor will be responsible to manage his/her schedule to comply with the restrictions of *N.J.S.A.2C:11-5(a)*.

A motion was made by Kievit to approve a resolution adopting a policy to regulate operation of vehicles by Township employees and contractors (Maggie's Law), seconded by Armstrong. All in favor. Motion carried.

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- E. Resolution supporting the continuation of the COPS and Local Law Enforcement Block Grants

RESOLUTION OF THE TOWNSHIP COUNCIL OF HARDYSTON TOWNSHIP
RELATING TO FY2004 FUNDING FOR COMMUNITY-ORIENTED POLICING
SERVICES (COPS) LOCAL LAW ENFORCEMENT BLOCK GRANTS (LLEBG)
AND EMERGENCY MANAGEMENT COMMUNICATIONS FUNDING

WHEREAS, local municipal police departments provide a wide-variety of essential services to community; and

WHEREAS, in light of new mandates and issues relating to terrorism and national security, the duties of local law enforcement agencies continue to expand and in many cases require the hiring of additional officers to keep up with ever increasing demands, tasks and programs designed to provide local and national security; and

WHEREAS, in view of diminished Federal and State aid to municipalities, local governments face an unprecedented struggle to provide appropriate levels of service to local residents without significant raises in local property taxes; and

WHEREAS, several initiatives are being considered to reduce funding of local law enforcement assistance program, including reducing the Local Law Enforcement Block Grant (LLEBG) from \$400 million to \$150 million with \$80 million earmarked for non-law enforcement agencies; and

WHEREAS, local and state law enforcement agencies and first responders face barriers with communications equipment and other incompatible technologies that operate on different radio frequencies.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that they urge the members of the United States Senate to remove the restriction from the COPS hiring program requiring that the \$200 million appropriation be used for the sole purpose of hiring school resource officers to be expanded to include under the hiring of officers under the COPS Universal Hiring Program guidelines in addition to the hiring of school resource officers; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Hardyston that they urge the members of the United States Senate to restore funding to the Local Law Enforcement Block Grant program to \$400 million; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Hardyston that they urge the members of the United States Senate to support the Appropriations Committee's recommendation to appropriate \$140 million for interoperable emergency communications systems under the COPS program.

BE IT FURTHER RESOLVED by the Township Council of the Township of Hardyston that a copy of this resolution be sent to all Sussex County municipalities, United States Senator Frank Lautenberg and United States Congressman Scott E. Garrett.

A motion was made by Ross to approve the resolution supporting the continuation of the COPS and Local Law Enforcement Block Grants, seconded by Kievit. All in favor. Motion carried.

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F. Resolution amending Salary Ordinance for Seasonal Snow Plow Operators

BE IT RESOLVED by the Hardyston Township Council that the hourly salaries and wages effective November 25, 2003 shall be paid as follows:

Seasonal Laborer/Driver (w/o CDL License)	\$12.00/hour
Seasonal Laborer/Driver (with CDL License)	\$15.00/hour

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

G. Correspondence

1. Borough of Franklin
2. Township of Jefferson
3. Greenwich Township
4. Township of Morris
5. Sandyston Township
6. Township of Lumberton
7. Township of West Milford
8. Township of West Milford
9. Township of West Milford
10. Township of West Milford
11. Township of Green
12. Borough of Hamburg
13. County of Sussex
14. County of Sussex
15. NJ League of Municipalities
16. NJ League of Municipalities
17. State of NJ
18. State of NJ
19. State of NJ
20. State of NJ
21. State of NJ
22. State of NJ
23. NJ Economic Development Authority
24. State of NJ – DCA -Council On Affordable Housing

A motion was made by Kievit to approve the correspondence as presented with the exception of #1, seconded by Ross. All in favor. Motion carried.

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

- Land Use Planning Issues
- Internal Planning
- Facilities Planning
- 2004 Inter-Local Contract Negotiations
- Leaf and Christmas Tree Pick-up

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.

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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: Lasinski
Discussion: None

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

Motion carried.

A motion was made by Ross to appoint Mark Diana, Esq. of Stanton, Hughes, Diana, Mariani & Margello as Special Labor Counsel, seconded by Kievit. All in favor. Motion carried.

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

Jane Bakalarczyk, RMC
Municipal Clerk

(All items discussed above may be heard in full on the tapes of the meeting on file in the Clerks Office.)