

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 18, 2007**

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, 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 – November 2007
2. Tax Collector Report – November 2007
3. Finance Officer Report – October 2007
4. Construction Department Report – November 2007
5. Zoning Officer Report – October 2007
6. Sussex County Health Department Report – October & November 2007
7. Police Department Report – October & November 2007
8. Planning Board – Special Meeting Minutes of 10/23/07
9. Planning Board – Minutes of 10/25/07
10. Zoning Board – Minutes of 11/1/07
11. Finance Officer Report – November 2007

Minutes:

1. Special Meeting Minutes of 12/04/07

Agreements/Applications/Licenses:

1. Raffle – St. Clare’s Hospital Auxiliary Sussex

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

OLD BUSINESS:

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: 2007-19

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN INTERLOCAL
SERVICES AGREEMENT BETWEEN
THE TOWNSHIP OF HARDYSTON AND THE BOROUGH OF HAMBURG FOR CODE
ADMINISTRATION AND ENFORCEMENT SERVICES PURSUANT TO THE UNIFORM
CONSTRUCTION CODE**

WHEREAS, the Township of Hardyston currently provides its residents with Uniform Construction Code Administration and Enforcement services; and

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WHEREAS, the Borough of Hamburg is desirous of entering into an agreement with the Township for the use of the Township's Uniform Construction Code Administration and Enforcement services; and

WHEREAS, it has been determined that the most expeditious and cost-effective way to proceed with the utilization of such services would be for both municipalities to enter into an Interlocal Services Agreement whereby the Township of Hardyston would supply the Uniform Construction Code Administration and Enforcement services to the Borough of Hamburg, in a manner as specifically set forth in the attached agreement; and

WHEREAS, it is the purpose of said agreement to set forth the various duties, responsibilities and obligations of the parties hereto; and

WHEREAS, the Interlocal Service Act (N.J.S.A. 40:8A-1, et seq.) authorizes and empowers the Township and the Borough to enter into this Agreement for the purposes of having the Township of Hardyston provide services contemplated by this Agreement to the Borough of Hamburg.

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

1. The Township of Hardyston hereby authorizes the entering in of an Interlocal Service Agreement with the Borough of Hamburg for the providing of Uniform Construction Code Administration and Enforcement services.
2. The Mayor is hereby authorized to execute and the Township Clerk to witness, an Interlocal Services Agreement between the Township of Hardyston and the Borough of Hamburg.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.
6. A copy of this ordinance, upon final adoption, along with the executed agreement, shall be provided to the Borough of Hamburg and the Department of Community Affairs for their information and guidance.

A motion was made by Ross and seconded by Lasinski to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made by Ross and seconded by Lasinski to close the meeting to the public. All in favor. Motion carried. A motion was made by Ross to approve Ordinance 2007-19 on second reading, seconded by Lasinski. All in favor. Motion carried.

2007-20

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 94, FIRE
PREVENTION, WITH THE ADDITION OF ARTICLE II, FIRE LANES**

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

SECTION 1. Chapter 94, Fire Prevention, of the aforesaid Revised General Ordinances is hereby amended and supplemented to establish newly created Article II, "Fire Lanes" to read as follows:

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§ 94-11. Purpose.

It is determined that the operation and parking of motor vehicles in close proximity to buildings and areas devoted for public uses, including shopping centers, malls, banks, restaurants, stables, bars, gas stations, theaters and other places of public assembly, nursing homes, hospitals, schools, public buildings, churches and similar uses, fire hydrants, cisterns, and other fire department connection and suction points, constitute a danger to public health, safety and welfare in that the approach, operation and departure of fire equipment and other emergency vehicles are impeded by such operation and parking of motor vehicles.

§ 94-12. Authority to establish fire lanes.

- A. The Fire Prevention Bureau is hereby authorized, subject to approval by resolution adopted by the Township Council, to establish fire lanes on properties in the Township devoted to public uses, including but not limited to those uses described in § 94-11, where the operation and parking of motor vehicles in close proximity to buildings and designated areas located on such properties would prevent adequate ingress, egress, and operation of fire equipment and other emergency vehicles.
- B. The fire lanes to be established pursuant to this section shall be designated in such areas of such properties as will ensure fire equipment and other emergency vehicles unobstructed means of ingress, egress and operation to such properties in the event of fire or other emergency.

§ 94-13. Factors for determination of fire lanes.

The number and location of such fire lanes shall be determined by the Fire Prevention Bureau, subject to approval by resolution adopted by the Township Council. Such determination and approval shall be based upon the size, type of construction and location of the building, buildings or suction point involved; the use to which the property, building or buildings is put; the number of motor vehicles operated or parked upon the property; the number of persons using and occupying the property, building or buildings; the total area of the property, including the size of the parking lot; and all other factors which are relevant to the public health, safety and welfare of the inhabitants of the Township. The actual dimensions of the fire lanes shall be the measurements established pursuant to Section F-311.0 of the New Jersey State Fire Prevention Code, which is adopted and enforced by the Borough in accordance with § 94-1 and § 94-2.

§ 94-14. Establishment in front of hydrants, cistern and other fire department connections.

Fire lanes are to be established and maintained in front of any fire hydrant, cistern or other fire department connection located on both public and private property.

§ 94-15. Posting of signs; Marking of fire lanes.

All fire lanes within the Township of Hardyston shall be striped and signs posted in the following manner:

A. Signs.

- (1) All signs shall be 12 inches by 18 inches in size.
- (2) Light-reflective material shall be used for the sign background and lettering.
- (3) All signs, whether wall- or post-mounted, shall be placed 100 feet apart, center to center. Whenever the fire lane changes angle or direction more than 60°, a sign is to be placed at the point of change, and a sign is required at the beginning and end of the lane. In all circumstances, a sign shall be visible from another sign. Additional signs may be required at the discretion of the Fire Prevention Bureau.

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(4) The sign shall be placed at a height of seven feet, as measured from the ground surface to the bottom of the sign at an angle of 45° facing the direction of the flow of traffic.

(5) The fire lane sign shall state "NO PARKING FIRE LANE".

B. Striping.

(1) Stripes shall be three inches wide.

(2) All fire lanes shall be striped at a width of four feet, as specified by the Fire Prevention Bureau.

(3) The lettering "NO PARKING FIRE LANE" shall be placed within the striped outer boundary lines of the fire lane at a minimum of one-hundred-foot intervals.

(4) The letters shall be 18 inches in height and shall be placed within the center of the fire lane.

(5) Paint for all letters and striping shall be yellow in color and be of a reflective-type material.

C. Upon the designation of any such area as a fire lane, the Chief of the Fire Prevention Bureau shall promptly notify the owner of the premises of such designation. Within 30 days of his receipt of such notification, the owner of the premises shall cause to be erected on the premises, at such location or locations as shall be designated by the Chief of the Fire Prevention Bureau, signs indicating that parking is not permitted in said fire lanes.

§ 94-16. Erection of signs by Township.

In the event the owner or owners of property fail or refuse to erect signs in accordance with the directions and specifications of the Township as expressed in § 94-15(A), the Township shall be permitted to enter onto the property and erect such signs and bill the property owner for the cost of the work. Failure of the property owner to pay to the Township the full amount due within 10 days from a demand by the Township shall be considered a violation of this chapter.

§ 94-17. Enforcement.

The Bureau of Fire Prevention and the Township Police Department shall have concurrent jurisdiction to enforce the provisions of this section.

§ 94-18. Parking in or obstructing fire lanes.

No person shall at any time park or leave unattended a motor vehicle in any area designated as a fire lane, nor shall any person, firm or corporation place or construct any structure in a designated fire lane nor place any obstruction thereon which will impair the free passage and access of fire-fighting vehicles, apparatus or firemen or impair the free use of an exit or exit discharge from any building. This shall not apply to emergency vehicles or firemen while engaged in the actual performance of official duties.

§ 94-19. Violations and penalties.

Any person, firm or corporation violating this article shall be assessed a fine of \$100.00 per occurrence.

§ 94-20. Removal of vehicle as additional penalty.

In addition to the penalty provided in § 94-19, when any motor vehicle shall be found to be improperly parked within any fire lane in violation of this article, any enforcing officer, in addition to any other remedies provided herein, may order the motor vehicle to be removed by a towing service. The owner of the vehicle, in addition to any other

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responsibilities incurred herein, shall be responsible for all towing and storage charges incurred.

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 immediately upon final passage, approval, and publication as required by law.

A motion was made by Ross and seconded by Lasinski to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made by Ross and seconded by Lasinski to close the meeting to the public. All in favor. Motion carried. A motion was made by Ross to approve Ordinance 2007-20 on second reading, seconded by Lasinski. All in favor. Motion carried.

NEW BUSINESS:

A. Tax Collector Resolutions

1. Cancellation of taxes – Hardyston Township MUA – 33 Briar Court

RESOLUTION #14-07

WHEREAS, Block 17.05 Lot 17 also known as 33 Briar Court, Hardyston was purchased by the Hardyston Township MUA on April 3, 2007, and

WHEREAS, the Township shall forgive the balance of the 2007 taxes in the amount of \$ 418.76 for this public utility parcel,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to cancel taxes in the amount of \$ 418.76 for Block 17.05 Lot 17 also known as 33 Briar Court.

2. Veteran Deduction Refund – Anthony Fronzaglia

RESOLUTION #15-07

WHEREAS, Block 67.09 Lot 1.05 also known as 34 Black Bear Ct, Hardyston and owned by Anthony Fronzaglia, and

WHEREAS, Mr. Fronzaglia applied for a Veterans Deduction for the tax year 2007 in the amount of \$ 250.00 and was granted this deduction,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Mr. Fronzaglia the amount of \$ 250.00 for a Veterans Deduction as his taxes were paid current for the year.

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3. Overpayment Refund – Mr. John Crammond, Esq.

RESOLUTION #16-07

WHEREAS, Block 17.05 Lot 6 also known as 55 Briar Ct, Hamburg and owned by Novin D’Edward, and

WHEREAS, this parcel was sold on November 1, 2007 and double payments were received from both the mortgage company First American and the attorney John Crammond for the November 1st taxes,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Mr. John Crammond Attorney the amount of \$ 2,395.25 for payment made in error.

4. Overpayment Refund – Wells Fargo Real Estate Tax Service, LLC

RESOLUTION #17-07

WHEREAS, Christopher Songer of Block 60, Lot 30 also known as 3037 Route 23 in Hardyston has paid his mortgage in full for this parcel, and

WHEREAS, Wells Fargo Real Estate Tax Service paid the November 1, 2007 quarterly taxes in the amount of \$ 920.41 as well as the homeowners, and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to issue a refund to Wells Fargo Real Estate Tax Service LLC in the amount of \$ 920.41 for a tax overpayment.

5. 2006 Homestead Rebate Refund – Ernest Kluchar

RESOLUTION #18-07

WHEREAS, Block 60 Lot 35 also known as 24 Laceytown Road, Hardyston and owned by Ernest Kluchar, and

WHEREAS, Mr. Kluchar on October 17, 2007 paid his 2007 taxes in full, and

WHEREAS, the State of New Jersey has mailed Mr. Kluchar’s 2006 Homestead rebate to the tax office,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Mr. Kluchar of 24 Laceytown Road in 2006 Homestead Rebate sent to the Township after his property taxes were paid in the amount of \$ 765.14.

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

B. Budget Transfer Resolution

Now, Therefore be it resolved by the Mayor and Council of the Township of Hardyston, State of New Jersey, That the following 2007 Budget Appropriation transfers be authorized:

Transfer From:		Transfer To:	
Group Insurance	12,000.00	Admin S&W	12,000.00
Election OE.	800.00	Admin OE	800.00
Finance OE	350.00	Tax Collector OE	350.00

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Planning Board OE	2,000.00	Land Use S&W	2,000.00
Planning Board OE	1,500.00	Zoning Board OE	1,500.00
Zoning Official OE	10.00	Zoning Official S&W	10.00
Group Insurance	1,600.00	Other Insurance OE	1,600.00
Group Insurance	300.00	Unemployment Ins	300.00
Group Insurance	17,000.00	Streets & Roads S&W	17,000.00
Group Insurance	17,000.00	Social Security	17,000.00
Police OE	2,200.00	Police Uniforms	2,200.00
Police OE	3,000.00	Police S & W	3,000.00
Communication S&W	7,000.00	Police S & W	7,000.00
Communication OE	10,000.00	Police S& W	10,000.00
Emergency Mgt OE	350.00	Emergency Mgt. S & W	350.00
Summer Rec S&W	1,937.00	Littell Center Rec S&W	1,937.00
Streets & Roads OE	3,000.00	Fuel Oil	3,000.00
Streets & Roads OE	8,000.00	Gasoline	8,000.00
Streets & Roads OE	16,000.00	Diesel Fuel	16,000.00
Natural Gas	15,000.00	Electricity	15,000.00
Construction S&W	5,000.00	Streets & Roads S&W	5,000.00
Total	124,047.00	Total	124,047.00

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

- C. Approval of verbiage for historic sign to be located on Route 515 in the Stockholm section of Hardyston Township

A motion was made by Ross to approve the verbiage received from the Heritage Society for the historic sign to be located on Route 515 in the Stockholm section of Hardyston Township as presented, seconded by Lasinski. All in favor. Motion carried.

- D. Correspondence

1. Township of West Milford
2. Township of West Milford
3. Borough of Hamburg
4. County of Sussex
5. Franklin Borough
6. NJ State League of Municipalities
7. NJ State League of Municipalities
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. State of NJ

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- 20. State of NJ
- 21. State of NJ
- 22. State of NJ
- 23. State of NJ
- 24. State of NJ
- 25. State of NJ
- 26. William R. Sparkes, Sommers Point, NJ
- 27. Association of NJ Environmental Commissions

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

MANAGERS REPORT: Manager Marianne Smith gave a written and verbal report on some of the accomplishments achieved by the municipality in 2007.

BILLS TO BE PAID: A motion was made by Ross to approve the bill list as presented, seconded by Lasinski. 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.

EXECUTIVE SESSION:

BE IT RESOLVED by the Township Council of the Township of Hardyston on the 18th day of December 2007, that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
2.
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
3. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Motion to adopt: Hamilton
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> </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

