

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING
HELD ON JULY 2, 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 Armstrong, Manager Marianne Smith and Clerk Jane Bakalarczyk

SALUTE THE FLAG:

OATH OF OFFICE: Mayor Kievit administered the Oath of Office to the two new police officers, Joseph Isaacson and Michael C. Peterschack

ORDINANCES:

2nd READING: 2007-09

AN ORDINANCE OF THE COUNCIL OF THE TOWNSHIP OF HARDYSTON AMENDING VARIOUS CHAPTERS OF THE CODE OF THE TOWNSHIP OF HARDYSTON INCLUDING, BUT NOT LIMITED TO CHAPTER 185 ENTITLED "ZONING" TO ADD COMMERCIAL RECREATION VILLAGE CENTER PLANNED DEVELOPMENT PROVISIONS AMENDING THE COMMERCIAL RECREATION ZONE STANDARDS AND VARIOUS OTHER PROVISIONS OF THE CODE TO FULFILL AFFORDABLE HOUSING REQUIREMENTS OF COAH AND TO PROMOTE "SMART GROWTH" AND "SMART PLANNING" CONSISTENT WITH THE HARDYSTON TOWNSHIP MASTER PLAN, THE SUSSEX COUNTY STRATEGIC GROWTH PLAN AND THE STATE PLAN.

Due to a conflict of interest, Mayor Kievit left the Council chambers before the discussion and vote. 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 approve Ordinance 2007-09 on second reading, seconded by Armstrong. All in favor. Motion carried. A full copy of Ordinance 2007-09 is available for review in the Clerk's Office.

2007-10

AN ORDINANCE TO MODIFY CHAPTER 94 OF THE HARDYSTON TOWNSHIP CODE ENTITLED "FIRE PREVENTION"

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Hardyston that Chapter 94 of the Hardyston Township Code, entitled "Fire Prevention" be and is hereby modified as follows:

Section 1. §94-10 is deleted and replaced:

A. All inspection and permit provisions in the Uniform Fire Code (N.J.A.C. 5:70) are adopted by reference and incorporated, without change, as if set forth at length herein.

B. Each non-residential use that is not classified as a life hazard use under N.J.A.C. 5:70-2.4 shall be registered with the Hardyston Township Fire Prevention Bureau. The owner of the premises and/or operator of the non-life hazard use shall submit a completed registration form and pay the \$25.00 fee prior to commencing

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operation of the non-life hazard use. A \$100.00 penalty shall accrue, in addition to the registration fee, if a non-life hazard use is not so registered prior to commencing operation. The non-life hazard use shall thereafter be registered annually during the month of January. In addition to the registration fee (\$25.00 annually), a \$50.00 late registration penalty shall accrue on February 1st.

Section 2. Severability and Repealer. If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the ordinance. Any ordinance previously adopted, or portion thereof, that may be inconsistent with this ordinance is hereby repealed to the extent of the inconsistency.

Section 3. Effective Date. This ordinance shall take effect in the time and 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 Ross to approve Ordinance 2007-10 on second reading, seconded by Hamilton. All in favor. Motion carried.

2007-11

**AN ORDINANCE TO AUTHORIZE THE SALE OF REAL PROPERTY
NOT NEEDED FOR PUBLIC USE [BLOCK 60.03, LOT 8]**

WHEREAS, the Township of Hardyston is the owner of real property designated as Lot 8 in Block 60.03 on the official tax map and located on Autumn Lane (“the property”); and

WHEREAS, the governing body has determined that the property is not needed for public use and shall be sold pursuant to the Local Lands and Buildings Law; and

WHEREAS, the governing body has further determined that the property, which consists of some 7,650SF, is undersized and without any capital improvement and shall first be offered for sale to a contiguous property owner pursuant to N.J.S.A. 40A:12-13(b)(5); and

WHEREAS, the Township Tax Assessor has advised that the minimum sales price set forth herein is a reasonable and just fair market value, taking all factors into consideration.

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

1.Pursuant to N.J.S.A. 40A:12-13(b)(5) the Township of Hardyston shall sell Block 60.03, Lot 8 to the highest bidder from among the owners of contiguous real property, a list of which is attached as **Schedule A** and incorporated by reference;

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2. Following its adoption, the Township Clerk shall mail a copy of this ordinance to the property owners listed in **Schedule A** and advise of the date, time and location for the submission of bids.

3. The minimum sales price shall be Seven Thousand Five Hundred Dollars (\$7,500.00).

4. Said property shall be sold subject to the following terms and conditions:

- A. The Township does not warrant or certify title to the property. The Township will not be liable to the purchaser-successful bidder if title to the property is found to be unmarketable for any reason and the purchaser-successful bidder waives any right to damages or by way of liens against the Township. It shall be the obligation of the purchaser-successful bidder to examine title to the property prior to bidding. The Township will not bear any responsibility in the event of closing and a title defect is later found, and shall not refund money, correct any defect nor be held liable for damages.
- B. Acceptance of the highest offer received shall constitute a binding agreement of sale and the purchaser-successful bidder must comply with the terms hereof.
- C. At the time of sale, the purchaser-successful bidder will be required to pay a deposit of ten percent (10%) of the accepted bid price, in cash or by check.
- D. A Bargain and Sale Deed without covenants will be delivered at the Office of the Hardyston Township Clerk on or before ten (10) days after the sale date, at which time the balance of the purchase price must be paid in cash or by certified check. The Mayor and Clerk are hereby authorized to execute a deed and any other document(s) needed to complete the sale.
- E. The deed of conveyance will be subject to all matters of record that may affect title, such state of facts as an accurate survey may reveal, the ordinances of the Township of Hardyston, and shall reserve an easement for natural or constructed drainage systems or waterways on the property and the perpetual right of maintenance and flow.
- F. At closing the purchaser-successful bidder shall also pay to the Township of Hardyston the cost of preparation of the deed of conveyance, the cost of advertisement, and other charges and costs directly related to the sale.
- G. The property will be sold subject to current year taxes, *pro rated* to the date of sale.

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- H. The governing body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to reject any and all bids, or to waive any informality in relation thereto.
- 5. This ordinance shall take effect after final passage and publication according to law.

SCHEDULE A

Block 60.03, Lot 6 & 7	Christopher & Heidi Coscia 14 Autumn Lane Stockholm NJ 07460
Block 60, Lot 3.02	State of NJDEP Green Acres PO Box 412 Trenton NJ 08625
Block 60, Lot 4	Newark Watershed CDC 40 Clinton Street, 4 th Floor Newark NJ 07102

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 approve Ordinance 2007-11 on second reading, seconded by Armstrong. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution accepting a Letter of Credit in the amount of \$561, 816.00 and a cash bond in the amount of \$62,424.00 from Pottersville Properties Development, LLC for Ridgefield Commons Phase 6

WHEREAS, the Hardyston Township Planning Board granted approval to Pottersville Properties Development, LLC for Ridgefield Commons – Phase VI; and

WHEREAS, as a condition of said approval of Ridgefield Commons – Phase VI, Pottersville Properties Development, LLC was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of \$624,240.00 and;

WHEREAS, Pottersville Properties Development, LLC has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$561,816.00, and a cash bond in the amount of \$62,424.00; and

WHEREAS, the letter of credit has been reviewed and approved as to form by the Township Attorney and Township Engineer.

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NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby accepts the above stated bonds from Pottersville Properties Development, LLC for Ridgefield Commons – Phase VI as performance securities required by the Hardyston Township Planning Board.

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

- B. Resolution authorizing the public display of fireworks by Crystal Springs Builders, LLC on July 14, 2007

WHEREAS, Crystal Springs Builders, L.L.C. has submitted an application to the Hardyston Township Council for permission for the public display of fireworks on July 14, 2007 in conjunction with the grand opening of its Grand Cascades Lodge; and

WHEREAS, Crystal Springs Builders, L.L.C has also submitted proof of proper insurance coverage.

NOW, THEREFORE, BE IT RESOLVED by the Hardyston Township Council, in accordance with Chapter 94 of the Hardyston Township Code regarding “Fire Prevention” and the Uniform Fire Code, that permission is hereby granted to Crystal Springs Builders, L.L.C for the public display of fireworks on July 14, 2007; and

BE IT FURTHER RESOLVED that Crystal Springs Builders, L.L.C must obtain a permit from the Hardyston Township Fire Official and comply with all requirements imposed by the Hardyston Township Fire Official. Failure to obtain a permit or adhere to all of the said requirements will render this permission null and void and subject to Crystal Springs Builders, L.L.C to enforcement proceedings, fines and penalties as permitted by law. A certified copy of this Resolution shall be provided to the Hardyston Township Fire Official.

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

- C. Resolution awarding bid for CCTV System to T & R Alarm Systems, Inc.

WHEREAS, bids for a CCTV and Access Control System were advertised according to law in the New Jersey Herald; and

WHEREAS, bids for said purchase were opened at the Hardyston Township Municipal Building at 10:00 a.m. on Friday, June 29, 2007; and

WHEREAS, T & R Alarm Systems, Inc. of Clifton, NJ submitted the low bid in the amount of \$64,887.00 as follows;

Base Bid	\$103,528.00
Alternate #1:	- 11,579.00
Alternate #2:	<u>- 27,062.00</u>
Total Bid Price:	\$ 64,887.00

WHEREAS, bids have been reviewed by the Township Attorney; and

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WHEREAS, the Township Attorney has determined T & R Alarm Systems, Inc. to be the lowest responsible bidder; and

WHEREAS, the Township Treasurer has certified that adequate funds exist for bid award.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby awards the bid for the CCTV System to T & R Alarm Systems, Inc. of Clifton, NJ in the amount of \$64,887.00.

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

- D. Resolution of the Council of the Township of Hardyston approving the Affordable Housing Developer's Agreement with Crystal Springs Builders, LLC

WHEREAS, The Township Council of the Township of Hardyston intends to enter into the attached Affordable Housing Developer's Agreement with Crystal Springs Builders, LLC in order to achieve compliance with the requirements of the regulations of the New Jersey Council on Affordable Housing (COAH) and the principles of the Mt. Laurel II Supreme Court decisions; and

WHEREAS, the attached Developer's Agreement will achieve substantial compliance with Affordable Housing requirements and assist the Township in meeting its Affordable Housing requirements; and

NOW, THEREFORE, be it resolved by the Council of the Township of Hardyston, County of Sussex, State of New Jersey that the Township Clerk is hereby authorized and directed to sign the attached Affordable Housing Developer's Agreement with Crystal Springs Builders, LLC.

Due to a conflict of interest, Mayor Kievit left the Council chambers before the discussion and vote. A motion was made by Ross to approve the resolution as presented, seconded by Armstrong. All in favor. Motion carried.

- E. Resolution authorizing the execution of the following lease agreements between the Township of Hardyston and the City of Newark:
1. Helipad Site
 2. Old Municipal Building – 29 Stockholm-Vernon Road

BE IT RESOLVED by the Township Council of the Township of Hardyston that the execution of the following leases between the Township of Hardyston and the City of Newark are hereby authorized:

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1. Helipad Site
2. Old Municipal Building – 29 Stockholm-Vernon Road

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

- F. Resolution readopting the Joint Affordable Housing Program Policies and Procedures Manual with amendments

WHEREAS, on April 6, 1999 the Hardyston Township Council adopted the Hardyston/Franklin Affordable Housing Program Policy and Procedures Manual; and

WHEREAS, said Manual was further revised and readopted on August 21, 2001, to include references to an additional inter-local partner, Hamburg Borough and other incidental changes; and

WHEREAS, the Township has available funds resulting from prior loans being paid off by previous participants in various Hardyston Township housing rehabilitation programs and Hardyston Township is in the position from time to time to assist current resident families where a housing rehabilitation emergency exists with housing rehabilitation loan assistance; and

WHEREAS, prior Program Policies and Procedures Manuals related to the programs run and administered by Hardyston Township on behalf of itself Franklin Borough and Hamburg Borough; and

WHEREAS, it is the intent of the Township of Hardyston to establish a manual that will govern the management of recaptured loan funds exclusively under the control of Hardyston Township (resulting from loans being paid off by Hardyston Township residents previously enrolled in the program), removing the references to other municipalities in the manual; and

WHEREAS, it is not the intention that this manual will supersede the joint manual adopted by Hardyston/Franklin and Hamburg in 2001 for any funds recaptured under their collective program, but that this manual will serve as policy for independent deferred payment loans for housing rehabilitation from Hardyston Township specifically; and

WHEREAS, the cost of housing rehabilitation materials and supplies have risen due to the passage of time since 1999, when the maximum loan threshold was originally established at \$10,000.00; and

WHEREAS, it is the intent of the Township of Hardyston to increase the maximum deferred loan amount available per household to \$20,000, with a provision to allow applicants to apply for a hardship waiver of up to a maximum of \$25,000; and

WHEREAS, it is the intent of the Township of Hardyston to include as an eligible “certifiable emergency”, housing repairs or replacement required by a home damaged by fire, which is owned and occupied by an income eligible family within the Township of Hardyston; and

WHEREAS, it is further the intent of the Township of Hardyston to name the Hardyston Township Manager, the Hardyston Township Chief Financial Officer and the Mayor of the Township of Hardyston as the Affordable Housing Program Steering Committee called for in the Policy and Procedures Manual; and

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NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that the Housing Program Policies and Procedures Manual adopted on August 21, 2001, which also governs recaptured housing rehabilitation loan funds is hereby amended and re-adopted so as to reflect the amendments referred to in the within resolution.

A motion was made by Ross to approve the resolution as presented, seconded by Hamilton. 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: 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: Hamilton
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> </u>	<u> </u>	<u> </u>	<u> x </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 Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk