

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING HELD ON OCTOBER 30, 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, 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.

Minutes:

1. Special Meeting Minutes of 10/9/07
2. Workshop Minutes of 10/9/07
3. Executive Session Minutes of 10/9/07
4. Regular Minutes of 10/16/07

Licenses:

1. Amusement License – Tony’s Pizza
2. Amusement License – Skylands Ice World
3. Raffle License – Paradise Knoll PTA

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

ORDINANCES

1st READING:

2007-18

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON TO ACCEPT THE DEDICATION OF PARK DRIVE AS A PUBLIC STREET

WHEREAS, the Planning Board of the Township of Hardyston approved a subdivision of Block 62, Lots 18 and 22 as shown on a map entitled “Final Plat North Church Technical Center,” filed in the Office of the Sussex County Clerk on June 30, 1988 as Map No. 941, together with Final Plats for Phases I & II also filed in the Office of the Sussex County Clerk; and

WHEREAS, by virtue of the filing of said map(s) any and all of the road right-of-way and other required easements were dedicated to public use; and

WHEREAS, the road right-of-way was described in metes and bounds by William E. Beardslee, P.E., P.L.S. of Beardslee Engineering Associates and has been or will be dedicated to the Township together with other necessary rights, easements and restrictions by to be filed in the office of the Sussex County Clerk; and

WHEREAS, the Township Engineer, has certified that the street known as Park Drive was constructed and improved in accordance with the approved plans and Township ordinances; and

WHEREAS, the Township Council of the Township of Hardyston deems it advisable and in the best interests of the Township to accept the street and interests so dedicated.

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NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston as follows:

SECTION 1. The street and road designated and dedicated on the map entitled “Final Plat North Church Technical Center,” filed in the Office of the Sussex County Clerk on June 30, 1988 as Map No. 941, and designated as Park Drive is hereby accepted as a public street of the Township of Hardyston pursuant to the deed from Riverdale Quarry Co., Inc. to be recorded in the office of the Sussex County Clerk within sixty (60) days and the original filed with the Hardyston Township Clerk.

Hardyston Township does not accept the sanitary sewer or water systems to be or previously dedicated to other entities, nor the detention basins/drainage facilities on Lot 18.10/18.11 and/or Lot 18.16.

SECTION 2. This ordinance shall take effect in the time and manner according to law.

A motion was made by Ross to approve Ordinance 2007-18 on first reading, seconded by Lasinski. All in favor. Motion carried.

ORDINANCES

2nd READING: 2007-16

ORDINANCE AMENDING FEES, RATES AND CHARGES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY

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

SECTION 1. Fees, Rates and Charges of the aforesaid Revised Ordinances for the Township of Hardyston are hereby amended and established to read as follows (proposed changes are underlined):

SECTION	SERVICE	FEE
44-3	Copying by person requesting documents	<u>This section shall be repealed.</u>
88-8	Miscellaneous Fees.	
	A. Copying.	
	(1) <u>Single copies.</u>	<u>\$0.10 per page</u>
	(a) One to 10 pages, per page:	<u>This section shall be repealed.</u>
	(b) Eleven to 20 pages, per page:	<u>This section shall be repealed.</u>
	(c) Over 20 pages, per page:	<u>This section shall be repealed.</u>
	(2) Use of Xerox Machine; per copy	<u>This section shall be repealed.</u>
	(3) Copying by person requesting documents, using his own copying machine	<u>This section shall be repealed.</u>
	B. Township Code Books	<u>\$189.80</u>
	C. Yearly Supplement to Code Books	<u>This section shall be repealed.</u>
	D. Zoning Ordinance (map included)	<u>\$20.44</u>
	E. Yearly supplement to zoning book	No Charge
	F. Zoning Map	\$5.00
	G. (Reserved) <i>EN(1)</i>	

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H. <u>Duplication of Meeting Compact Discs:</u>	<u>\$0.40</u>
(1) First tape	<u>This section shall be repealed.</u>
(2) Additional tapes	<u>This section shall be repealed.</u>
I. Archival search fee	<u>This section shall be repealed.</u>
J. Return Check fee	<u>\$35.00</u>
K. (Reserved) ^{EN(2)}	
L. (Reserved) ^{EN(3)}	
M. Summer Recreation day camp registration fee:	
(1) First child for one session	\$60.00
(2) Each additional child per session	\$50.00
(3) First child for two sessions	\$115.00
(4) Each additional child for two sessions	\$95.00
N. Master Plan (Color Copy)	\$100.00
O. Master Plan (CD) (<u>Electronic Version</u>)	<u>\$0.40</u>

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 shall take effect upon final passage and approval in accordance with 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 Hamilton to approve Ordinance 2007-16 on second reading, seconded by Ross. All in favor. Motion carried.

2007-17

**AN ORDINANCE TO AMEND CHAPTER 88,
SECTION 2, OF THE CODE OF THE TOWNSHIP OF HARDYSTON,
CONSTRUCTION CODE FEES**

BE IT ORDAINED by the Township Council of the Township of Hardyston that Chapter 88, Section 2, of the Code of the Township of Hardyston is hereby amended as follows:

A. Construction permit fees (88.2)

The fee for a construction permit shall be the sum of all subcode applications, plus all administrative and miscellaneous fees listed in 1 through 11 below. All fees will be rounded to the nearest dollar and shall be paid before the permits are issued, unless otherwise stated. The minimum construction permit fee shall be \$50.00.

Building Subcode fees are as follows:

1. For new construction for buildings of Use Groups F and S the fee shall be *\$0.022* per cubic foot and *\$0.032* per cubic foot for all other Use Groups provided that the minimum fee shall be \$50.00. The fee for new commercial farm structures as per N.J.A.C. 5:23-3.2(d) shall be 0.0005 per cubic foot. For pre-manufactured construction, in addition to applicable cubic footage, fees shall be computed at a rate of \$35.00 per \$1,000.00 of the estimated cost of onsite construction associated with completion of the structure.

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2. ***Renovations***, alterations, and repairs are based on the estimated cost of the work. The fee shall be ***\$25.00 per \$1000 provided that the minimum fee shall be \$50.00.***
3. The fee for open decks, porches and raised platforms shall be \$.25 per square foot provided that the minimum fee shall be \$50.00.
4. Fees for combination renovations and additions shall be the sum of the fees computed separately in accordance with (1), (2) and (3) above.
5. The fee for a permit to re-roof ***or re-side*** an existing structure ***of use group R-3, R-4 or R-5*** shall be ***\$50.00***
6. ***Reserved.***
7. Fees for retaining walls shall be as follows:
 - a. The fee for a retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be \$150.00.
 - b. The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall be \$75.00.
 - c. The fee for a newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of the construction as per #2 above.
8. The fee for temporary structures and structures for which volume cannot be computed, such as aboveground swimming pools and open structural towers, shall be \$125.00. The fee for an in-ground swimming pool shall be \$175.00. These fees shall include all required pool enclosures.

The fee for inspection of pre-existing pools requiring inspection for compliance with the barrier requirements as defined in the building subcode shall be \$50.00

9. The fee for fencing exceeding six feet in height shall be \$50.00.
10. The fee for a permit to construct a sign shall be \$1.00 per square foot computed on one side only for single or double-faced signs provided that the minimum fee shall be \$50.00.
11. Reserved.
12. The fee for installation or replacement of storage systems of flammable and combustible liquids shall be ***\$50.00.***
13. The fee for a demolition permit issued for the removal of underground storage tanks for flammable and combustible liquids shall be \$50.00.
14. The fee for a permit to demolish a building or structure shall be as follows: Use Groups R-3 and R-5 shall be \$50.00; buildings and structures incidental to Use Groups R-3 and R-5 shall be \$25.00 and all other Use Groups shall be \$100.00.
15. The fee for mechanical inspection in a Use Group R-3 or R-5 structure by a mechanical inspector shall be \$50.00 for the first device and \$10.00 for each additional device. No separate fee shall be charged for gas, fuel oil, or water piping connections associated with the mechanical equipment inspected.

Plumbing Subcode fees are as follows:

1. The fee for each fixture, stack or appliance connected to the plumbing system shall be ***\$16.00***.
2. The fee for each special device including grease traps, oil separators, air conditioning or refrigeration units, water and sewer connections, flammable and combustible liquid storage tanks, backflow preventers, steam or hot water boilers, gas piping, active solar systems, sewer pumps, interceptors and fuel oil piping shall be ***\$50.00***
3. The minimum permit fee for work including the plumbing subcode shall be \$50.00.

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Fire Protection Subcode fees are as follows:

1. Wet or dry sprinkler suppression systems as per the following numbers of heads:

1 - 50	\$ 50.00
51 - 100.....	100.00
101 - 400.....	150.00
401 - 1000.....	400.00
Over 1000	650.00

2. Fee for each standpipe..... \$150.00

3. Fee for each gas or oil fired appliance not connected to the plumbing system... .. ***\$50.00***

4. Commercial kitchen exhaust system, each \$ 50.00

5. ***Independent***Pre-engineered suppression systems, each..... ***\$100.00***

6. Fuel storage tanks (underground or above ground, installation only) each:

1 to 1000 gallons.....	\$ 25.00
1001 to 4000 gallons	50.00
Over 4000 gallons	100.00

7. Smoke or heat detectors:

1 - 20	\$35.00
21 - 100.....	50.00
101 - 200.....	100.00
201 - 400.....	150.00
401 - 1000.....	250.00
Over 1000	350.00

8. Manual or automatic alarm systems..... \$ 50.00

9. Central control system..... \$ 50.00

The fire protection subcode fee shall be a minimum of ***\$50.00*** for single-family dwellings; and \$75.00 for all other structures.

Electrical Subcode fees are as follows:

1. The fees for electrical receptacles, fixtures and devices are as follows:
 - a. For the first block consisting of one to 50 receptacles, fixtures, or devices \$50.00
 - b. For each additional block consisting of up to 25 receptacles, fixtures, or devices..... ***\$10.00***

2. The fees for electrical devices/generators/transformers, motors, or air conditioner feeders and disconnects are as follows:
 - a. For each electrical device/generator/transformer or motor rated up to 10 kw or 10 hp;..... ***\$20.00***

 - b. For each electrical device/generator/transformer rated over 10 kw to 45 kw; ***\$45.00***
 For each motor rated over 10 hp to 50 hp; or

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- c. For each electrical device/generator/transformer rated over 45 kw to...\$ 85.00
112.5 kw;
For each motor rated over 50 hp to 100 hp; or
For each air conditioner feeder and disconnect, Commercial: 51 hp or over, plus unit
 - d. For each electrical device/generator/transformer rated over 112.5 kw \$420.00
 - e. For each motor over 100 hp \$420.00
3. The fees for service panels/service entrances/sub panels are as follows:
- a. For each service panel/service entrance/sub panel from 0 to 200 amps...***\$50.00***
 - b. For each service entrance/sub panel over 200 to 1,000 amps.....***\$100***
 - c. For each service panel/service entrance/sub panel over 1,000 amps ..***\$450.00***

The fee charged for electrical work for each permanently installed private swimming pool, spa, hot tub or fountain as defined in the building subcode shall be a flat fee of ***\$65.00*** which shall include any required bonding, and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles, and heaters, etc., excepting panel boards and under-water lighting fixtures. For public swimming pools, the fee shall be charged on the basis of number of electrical fixtures and rating of electrical devices involved in accordance with 1 through 3 above. ***The fee for annual inspections for public swimming pools shall be \$50.00***

- 5. The fees for pool permit, with UW lights..... \$ 5.00
- 6. The fees for storable pool/spa/hot tub.....\$ 5.00
- 7. The fees for signs..... \$ 5.00
- 8. The fees for light standards..... \$ 5.00

The minimum permit fee for work including the Electrical subcode shall be \$50.00.

Administrative and Miscellaneous Fees:

- 1. The fee for plan review shall be twenty percent (20%) of the amount to be charged for the construction permit and shall be paid before the plans are reviewed. This fee shall be credited toward the amount of the construction permit fee.
- 2. The fee to process an application for a variance pursuant to N.J.A.C. 5:23-2.10 shall be as follows:
 - a. Class I Structure.....\$100.00
Resubmission.....\$ 50.00
 - b. Class II Structure.....\$ 50.00
Resubmission..... \$ 25.00
 - c. Class III Structure.....\$ 30.00
Resubmission..... \$ 15.00
- 3. An administrative surcharge fee of fifteen percent (15%) shall be charged on each subcode application issued by any third party agency contracted by the Township of Hardyston.

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4. The fee for the reinstatement of a lapsed permit shall be twenty percent (20%) of the original fee calculated per subcode application; provided that the minimum fee shall be as per subcode.
5. The fee for each construction permit and certificate of occupancy issued for an asbestos hazard abatement project shall be as set forth in N.J.A.C. 5:23-8.10, 1 and 2.
6. The fee for a permit for lead hazard abatement work shall be \$125.00. The fee for a lead hazard abatement clearance certificate shall be \$25.00.
7. The fees for certificates of occupancy are as follows:
 - a. Certificate of occupancy for one and two family dwellings..... \$ 50.00
 - b. Certificate of occupancy for accessory buildings to one and two family dwellings..... \$ 20.00
 - c. Certificate of occupancy for buildings or structures of all other Use Groups.....\$ 75.00
 - d. Certificate of occupancy for accessory buildings of all other Use Groups.....\$ 35.00
 - e. Multiple certificates of occupancy for all Use Groups, per unit..... \$ 50.00
 - f. Certificates of occupancy for Change of Use Group only..... \$100.00
 - g. Certificates of Continued Use or occupancy..... \$150.00
 - h. The fee for first issuance or renewal of a Temporary Certificate of Occupancy shall be..... \$ 30.00
8. Certificates of Compliance as required by N.J.A.C. 5:23-2.23*(1)* are as follows:
 - a. High pressure boilers (12 months)..... \$ 50.00
 - b. Refrigeration systems (12 months)..... \$ 25.00
 - c. Pressure vessels (12 months)..... \$ 50.00
 - d. Cross connections and backflow preventers (12 months)..... \$ 50.00
9. State of New Jersey permit fee shall be in the amount of \$0.00265 per cubic foot of volume of all new construction and \$1.35 per \$1,000.00 of estimated cost for alterations and repairs or as currently posted in the regulations. These fees are set by and shall be accounted for and forwarded to the Bureau of Regulatory Affairs as per N.J.A.C. 5:23-4.19(C)1.
10. The fee for a change of contractor shall be.....\$ 15.00
11. The fee for a letter stating that no certificate of continued occupancy is required shall be..... \$ 20.00
12. * **There shall be an hourly fee of \$45.00 for review of any amendment or change to a plan that has already been released. For all other purposes, the hourly cost of operations shall be certified by the Chief Financial Officer using a formula of total expenditures plus 12% for indirect costs divided by employees weekly hours.**

The above ordinance shall take effect on January 1, 2008.

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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 Hamilton to approve Ordinance 2007-17 on second reading, seconded by Ross. All in favor. Motion carried.

NEW BUSINESS:

A. 2007 Salary Resolution

BE IT RESOLVED by the Hardyston Township Council that the salaries and wages effective June 8, 2007 shall be paid as follows:

Position	Salary
Mayor/Deputy Mayor - Stipend for Performing Marriage/ Civil Union Ceremonies	
Residents	\$ 50.00/ceremony
Non-Residents	\$200.00/ceremony

A motion was made by Ross to approve the resolution as presented, seconded by Hamilton. All in favor with Armstrong voting “No”. Motion carried.

B. Resolution canceling outstanding check balances

Whereas, Certain Accounts within the Township of Hardyston, with outstanding check balances from checks not returned or unclaimed; and

Whereas, It is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective account balance or credited to surplus;

Now, Therefore, be it resolved, by the Mayor and Council of the Township of Hardyston, that the following outstanding check balances within the following checking accounts be canceled:

Check #	Fund Name	Amount
8949	Clearing Account	\$ 10.00
9240	Clearing Account	\$ 380.75
9951	Clearing Account	\$ 513.16
23148	Payroll Account	\$ 33.81
23323	Payroll Account	\$ 31.56
23463	Payroll Account	\$ 31.56
23581	Payroll Account	\$ 31.56
23678	Payroll Account	\$ 72.11
23979	Payroll Account	\$ 31.56
24284	Payroll Account	\$ 31.86

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

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- C. Chapter 159 Resolution – Over the Limit Under Arrest 2007 Impaired Driving Crackdown Grant

THE DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF HIGHWAY TRAFFIC SAFETY, OVER THE LIMIT UNDER ARREST 2007 INMPAIRED DRIVING 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 2007, in the sum of \$5,000.00, which is, now available as a revenue from The Department of Law and Public Safety, Division of Highway Safety, Over the Limit Under Arrest 2007 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 2007 Impaired Driving Crackdown Other Expenses \$5,000.00.

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 2007 Impaired Driving 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 2007 Impaired Driving 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 Hamilton. All in favor. Motion carried.

- D. Resolution authorizing the execution of contract with Honeywell for Community Notification System

BE IT RESOLVED by the Township Council of the Township of Hardyston that the execution of the following contract is hereby authorized:

1. Community Notification System – Honeywell

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

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. Wayne Yahm, a candidate for Sheriff, introduced himself to the Council. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

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EXECUTIVE SESSION:

BE IT RESOLVED by the Township Council of the Township of Hardyston on the 30th day of October 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: Ross
 Seconded by: Lasinski
 Discussion: None

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

Motion carried.

E. Playbiz, LLC Tax Appeal

A motion was made by Ross to authorize the tax appeal settlement with Playbiz, LLC as recommended by the Tax Assessor and the Township Attorney, seconded by Lasinski. All in favor. 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

