

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JANUARY 12, 2010**

The meeting was called to order by Mayor Kievit at approximately 8:30 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 Ross, Councilwoman Hamilton, Councilman Kula, Councilman Miller, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau.

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.

Agreements/Applications/Licenses:

1. Amusement License – Skylands Ice World
2. Amusement License – Anthony Pignataro Corp. (Tony’s Pizza)
3. Trailer Court License – Post, Eileen and Russell

Minutes:

1. Regular Minutes of 12/15/09
2. Executive Session Minutes of 12/15/09

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

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: None

NEW BUSINESS:

- A. Resolution #01-10 – Resolution amending 2010 Holiday Schedule

RESOLUTION #01-10

BE IT RESOLVED by the Township Council of the Township of Hardyston that the 2010 Holiday Schedule adopted at the Annual Reorganization Meeting held on January 5, 2010 be amended as follows:

New Year’s Day	Friday - January 1
Martin Luther King Day	Monday - January 18
Presidents’ Day	Monday - February 15
Good Friday	Friday – April 2
Memorial Day	Monday - May 31
Independence Day	Monday - July 5
Labor Day	Monday - September 6
Columbus Day	Monday - October 11
Veterans’ Day	Thursday - November 11

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Thanksgiving Day	Thursday - November 25
Day After Thanksgiving	Friday - November 26
Christmas Eve Day	Friday - December 24
Christmas Day	Monday - December 27

Township Manager stated that the only change was that the Christmas Eve Day holiday will be on Friday, December 24, 2010 and the Christmas Day holiday will be Monday, December 27, 2010. A motion was made by Hamilton to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

- B. Resolution #02-10 – Resolution authorizing the award of a professional services contract without competitive bidding to Remington & Vernick Engineers, Inc. for tax map maintenance services

RESOLUTION #02-10

**A RESOLUTION OF THE TOWNSHIP OF HARDYSTON, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY AUTHORIZING
THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT
COMPETITIVE BIDDING TO REMINGTON & VERNICK ENGINEERS, INC. FOR
TAX MAP MAINTENANCE SERVICES**

WHEREAS, the Township of Hardyston is in need for tax map maintenance services to be provided to the Township; and

WHEREAS, the Mayor and Township Council of the Township of Hardyston wishes to retain Remington & Vernick Engineers, Inc. to perform such tax map maintenance services in accordance with their proposal dated November 10, 2009 which is attached hereto; and

WHEREAS, the total amount of the contract shall not exceed \$13,000.00; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “professional services” without competitive bid and the contract itself must be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

1. The Township of Hardyston hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Remington & Vernick Engineer, Inc. with offices located at 232 Kings Highway East, Haddonfield, NJ 08033, to provide professional tax map maintenance services in an amount not to exceed \$13,000.00, and in accordance with its proposal dated November 10, 2009 attached hereto.
2. This contract is awarded without competitive bidding as the work being performed is considered a professional service as defined in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.
3. The total fee authorized for this contract shall not exceed \$13,000.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township’s official newspaper as required by law.
5. A copy of this resolution shall be provided to the Township Treasurer, and Remington & Vernick Engineer, Inc., 232 Kings Highway East, Haddonfield, NJ 08033, for their information and guidance.

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

- C. Resolution #03-10 - Resolution authorizing the Tax Collector to cancel of record any overpayment or underpayment of taxes in the amount of \$10.00 or less for the calendar year 2009

**RESOLUTION
#03-10**

BE IT RESOLVED by the Mayor and Council of the Township of Hardyston, County of Sussex and State of New Jersey, to authorize the tax collector to cancel of record any overpayment or underpayment of taxes in the amount of \$10.00 (ten dollars) or less for the calendar year 2009, in accordance with the provisions of N.J.S.A. 54:4-99.

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

- D. Resolution #04-10 - Resolution setting interest rate for non-payment of taxes

**RESOLUTION
#04-10**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, that the rate of interest to be charged for non-payment of taxes on or before the date that they would become delinquent shall be set at the rate of 8% per annum on the first \$1500 of the delinquency, and 18% per annum on any amount in excess of \$1500, and

BE IT FURTHER RESOLVED, that in accordance with the provisions of N.J.S.A. 54:4-67, a six percent (6%) penalty shall be charged to a taxpayer with a delinquency in excess of Ten Thousand and no/100 Dollars (\$10,000) who fails to pay the delinquency prior to the end of the calendar year. Delinquency in this instance means the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or tax years.

BE IT FURTHER RESOLVED, that no interest shall be charged if payment of any installation is made within ten days after the date which same became payable.

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

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

- E. Resolution #08-10 – Resolution denying the request for the release or reduction of performance bond #11133262300 for The Bluff at Crystal Springs

RESOLUTION #08-10

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY DENYING THE REQUEST
FOR THE RELEASE OR REDUCTION OF PERFORMANCE BOND #11133262300 FOR
THE BLUFF AT CRYSTAL SPRINGS**

WHEREAS, K. Hovnanian has made a request for the release or reduction of Performance Bonds in connection with the aforementioned project; and

WHEREAS, the Township Engineer has reviewed said request, inspected the premises and corresponded with representatives of K. Hovnanian on May 22, 2009 and December 9, 2009 as to the outstanding and incomplete items, copies of which are attached to this Resolution and made a part hereof; and

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WHEREAS, the Township Engineer recommends that based on the issues set forth in such correspondence that the request to release or reduce Performance Bond #11133262300 be denied.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey that for the reasons set forth in the record provided by the Township Engineer of communication, inspection and correspondence that the request for the release or reduction of Performance bond #11133262300 with respect to The Bluff at Crystal Springs is denied.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Township Engineer and K. Hovnanian Companies.

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

- F. Resolution #09-10 – Resolution denying the request for the release or reduction of performance bond #1113325214 for The Cedars at Crystal Springs

RESOLUTION #09-10

**A 1RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY DENYING THE REQUEST
FOR THE RELEASE OR REDUCTION OF PERFORMANCE BOND #1113325214 FOR
THE CEDARS AT CRYSTAL SPRINGS**

WHEREAS, K. Hovnanian has made a request for the release or reduction of Performance Bonds in connection with the aforementioned project; and

WHEREAS, the Township Engineer has reviewed said request, inspected the premises and corresponded with representatives of K. Hovnanian on May 22, 2009 and December 9, 2009 as to the outstanding and incomplete items, copies of which are attached to this Resolution and made a part hereof; and

WHEREAS, the Township Engineer recommends that based on the issues set forth in such correspondence that the request to release or reduce Performance Bond #1113325214 be denied.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey that for the reasons set forth in the record provided by the Township Engineer of communication, inspection and correspondence that the request for the release or reduction of Performance bond #1113325214 with respect to The Cedars at Crystal Springs is denied.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Township Engineer and K. Hovnanian Companies.

This Resolution shall take effect immediately.

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

- G. Resolution #10-10 – Resolution denying the request for the release or reduction of performance bond #11127343355 for Tannery Hill at Crystal Springs

RESOLUTION #10-10

**A 1RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY DENYING THE REQUEST
FOR THE RELEASE OR REDUCTION OF PERFORMANCE BOND #11127343355 FOR
TANNERY HILL AT CRYSTAL SPRINGS**

WHEREAS, K. Hovnanian has made a request for the release or reduction of Performance Bonds in connection with the aforementioned project; and

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WHEREAS, the Township Engineer has reviewed said request, inspected the premises and corresponded with representatives of K. Hovnanian on May 22, 2009, and December 9, 2009 as to the outstanding and incomplete items, copies of which are attached to this Resolution and made a part hereof; and

WHEREAS, the site was also inspected by Michael Vreeland, the Engineer for the Hardyston Township MUA who corresponded with representatives of K. Hovnanian on September 3, 2009 and September 16, 2009 as to outstanding and incomplete items, copies of which are attached to this resolution and made a part hereof; and

WHEREAS, the Township Engineer recommends that based on the issues set forth in such correspondence that the request to release or reduce Performance Bond #11127343355 be denied.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey that for the reasons set forth in the record provided by the Township Engineer of communication, inspection and correspondence that the request for the release or reduction of Performance bond #11127343355 with respect to Tannery Hill at Crystal Springs is denied.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Township Engineer and K. Hovnanian Companies.

This Resolution shall take effect immediately.

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

A motion was made by Ross to approve the "Snow Removal Guidelines for the Township of Hardyston" prepared by the Director of Public Works and the Township Attorney, seconded by Hamilton. All in favor. Motion carried. A copy of the guidelines is on file in the Clerk's Office.

A motion was made by Ross to approve a salary resolution for the position of Assistant Planner effective January 1, 2010 with an annual salary of \$57,025.00, seconded by Hamilton. All in favor. Motion carried.

Township Attorney stated that the Township Manager has received an extension of time request from Zitone Construction for the construction of the new salt storage building. Zitone Construction is requesting an extension of time to their contract to May 2, 2010. A motion was made by Ross to approve the request, 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:

BE IT RESOLVED by the Township Council of the Township of Hardyston on the 12th day of January, 2010, 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.
 - (X) b. (4) A collective bargaining agreement including negotiations.

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- () 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.
 - () 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: Kievit _
Seconded by: Ross

<u>MOTION</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ross	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Kievit	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Kula	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Hamilton	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Miller	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

Motion carried.

A motion was made by Kievit to come out of Executive Session, seconded by Ross. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Ross to adjourn at approximately 9:15 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk