

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
MARCH 16, 2010**

The meeting was called to order by Mayor Kievit at approximately 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 Ross, Councilwoman Hamilton, Councilman Kula, Councilman Miller, 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 – February 2010
2. Tax Collector Report – February 2010
3. Finance Officer Report – November 2009
4. Finance Officer Report – December 2009
5. Construction Certificate Activity Report – February 2010
6. Construction Permit Activity Report – Hardyston – February 2010
7. Construction Permit Activity Report – Hamburg – February 2010
8. Construction Permit Activity Report – Franklin – February 2010
9. HTMUA – Minutes of 2/1/10
10. Municipal Court Report – February 2010
11. Zoning Officer Report – January 2010
12. Zoning Officer Report – February 2010
13. Sussex County Public Health Nurse Activity – February 2010
14. Police Department Report – January 2010
15. Police Department Report – February 2010

Agreements/Applications/Licenses:

1. Raffle – Rotary Club of Vernon Township
2. Raffle – Hardyston Township PTA
3. ZeroIn Media, LLC – Digital Signage Network hosting and network management agreement

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

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: None

NEW BUSINESS:

- A. 2010 Junkyard/Auto Auction License Renewal – Central Auto Liquidators, Inc.

Township Manager stated that the Zoning Officer has inspected the site once again, and stated in his memo dated March 11, 2010 that Central Auto Liquidators, Inc. has corrected or removed all of the violations that were cited during his last inspection. He stated in his memo that he has no objections at this time as to the license renewal. Councilwoman Hamilton asked that the Zoning Officer make periodic inspections to make sure they stay in compliance. The Council agreed. A

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
MARCH 16, 2010**

motion was made by Hamilton to approve the license renewal, seconded by Miller. All in favor. Motion carried.

- B. Resolution #21-10 –Resolution accepting a letter of credit in the amount of \$139,050.00 for Estelle Manor from G.S. Realty, Inc.

WHEREAS, the Hardyston Township Planning Board granted approval to Estelle Manor , LLC for Estelle Manor; and

WHEREAS, as a condition of said approval, Estelle Manor, LLC was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of 154,500.00; and

WHEREAS, MRC At Hardyston, LLC /JEM Contracting, LLC, who acquired the property from Estelle Manor, LLC in March, 2005 had submitted to the Municipal Clerk a performance bond in the amount of \$139,050.00, and a cash bond in the amount of \$15,450.00; and

WHEREAS, G.S. Realty, Inc. has recently acquired the property from MRC At Hardyston, LLC and posted an Irrevocable Letter of Credit in the amount of \$139,050.00 to replace the performance bond posted by MRC At Hardyston, LLC; and

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

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby accepts the above stated bond from G.S. Realty, Inc. as performance securities required by the Hardyston Township Planning Board.

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

- C. Assignment of Developer's Agreement – Estelle Manor

Township Manager stated that since G.S. Realty, Inc. recently purchased this property, an amendment must be done to the developer's agreement. A motion was made by Ross to approve the Assignment of Developer's Agreement for Estelle Manor, seconded by Miller. All in favor. Motion carried.

- D. Resolution #22-10 – Resolution authorizing the Recycling Coordinator to file the 2009 Recycling Tonnage Grant Application for the Township of Hardyston

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made available to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a Resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Mayor and Council of the Township of Hardyston to the efforts undertaken by the municipality and requirements contained in the Recycling Act and Recycling Regulations; and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
MARCH 16, 2010**

WHEREAS, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that Hardyston Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Robert F. Schultz, Recycling Coordinator for the Township of Hardyston, 149 Wheatsworth Road, Hardyston, NJ 07419 to assure that the said Application is properly filed.

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

- E. Resolution #23-10 – Resolution adopting by laws for the Franklin/Hardyston Municipal Alliance Coalition on Alcoholism and Drug Abuse

WHEREAS, the Township of Hardyston is responsible for the financial administration of the Franklin/Hardyston Municipal Alliance Coalition on Alcoholism and Drug Abuse, and

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse Prevention requires the adoption of coalition by-laws;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township Hardyston, County of Sussex, does hereby endorse and approve the Bylaws of the Franklin/Hardyston Municipal Alliance Coalition on Alcoholism and Drug Abuse adopted at their meeting of March 10, 2010.

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

- F. Tax Collector Resolution #07-10

- 1. Refund – Crystal Springs Builders, LLC

WHEREAS, Block 16 Lot 1.10 known as Road Lot – Wild Turkey Way and owned by Crystal Spring Builders, LLC was deleted in 2009, and

WHEREAS, the Tax Assessor has combined this lot with Block 16.31 Lot 1 known as Wild Turkey Way and owned by Route 94 Development Corp, and

WHEREAS, payments were made on Lot 1.10 for the tax year 2009 which need to be refunded to Crystal Spring Builders, LLC,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Crystal Spring Builders, LLC in the amount of \$ 3,668.88 for payments made erroneously.

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

Water and Sewer Operator	\$	32.76
Summer Seasonal Laborer/Driver	\$	12.00
Winter Seasonal Laborer/Driver Without CDL	\$	13.00
Winter Seasonal Laborer/Driver With CDL	\$	15.00

Hardyston Township 2010 Salary Resolution - Page 2	Hourly Salary	
Custodian		
Hired prior to 1/1/07	\$	16.93
Hired after 1/1/07	\$	12.92
Secretary/Clerical	\$	14.40
Secretary/Clerical Temporary	\$	8.00
Secretary/Administration hired before 12/31/04	\$	20.01
Secretary/Administration hired after 12/31/04 & Water & Sewer Billing Clerk	\$	18.88
Secretary/Administration hired after 4/1/07	\$	17.11
Planning Intern	\$	16.00
Assistant to Recreation Program Director		
Hired before 1/01/05	\$	14.90
Hired between 1/01/05 and 12/31/05	\$	14.36
Hired after 12/31/05	\$	9.97
Recreation On-Call Staff	\$	9.97
Recreation Program Presenter Without Certificaton	\$	15.00
Recreation Program Presenter With Certification	\$	23.00
Electrical Subcode Official	\$	43.93
Plumbing Subcode Official	\$	36.66
Building Inspector		
Part-Time	\$	26.04

Step	Hourly Salary	
Driver/Laborer:		
Year One	\$	20.54
Year Two	\$	21.82
Year Three	\$	23.10
Year Four	\$	24.38
Year Five	\$	26.31
Year Six	\$	28.22

A motion was made by Ross to approve the 2010 Salary Resolution as presented, seconded by Hamilton. All in favor. Motion carried.

H. Correspondence

1. Sandyston Township
2. Sandyston Township
3. Fredon Township
4. Sparta Township
5. Lafayette Township
6. Township of West Milford
7. Township of Green
8. Township of Green
9. Township of Green
10. Township of Green
11. Township of Green
12. Lafayette Township
13. Sandyston Township
14. Lafayette Township
15. Lafayette Township
16. Lafayette Township
17. County of Sussex
18. NJ State League of Municipalities
19. NJ State League of Municipalities
20. NJ State League of Municipalities

21. NJ State League of Municipalities
22. NJ State League of Municipalities
23. NJ State League of Municipalities
24. NJ State League of Municipalities
25. State of NJ
26. State of NJ
27. State of NJ
28. State of NJ
29. State of NJ

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

MANAGERS REPORT: Township Manager gave a written and verbal report on the following:

- Budget – Township Manager stated that the draft budget has been completed and is within existing cap allowances; however, should aid cuts be significant, adjustments may need to be made.
- Shared Service Agreements – Township Manager stated that the Township is currently pursuing a number of shared service opportunities with a variety of our neighboring municipalities.

BILLS TO BE PAID: A motion was made by Ross to approve the bill list as presented, seconded by Kula. 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. Santo Verrilli and Carol Verrilli of 240 Davis Road stated that they live next to the junkyard, Central Auto Liquidators, and asked the Council if they could review the current junkyard ordinance. They stated that at times the junk is piled higher than the fence and also complained about the truck noise, especially late at night. The Council stated that they would review the ordinance at the next workshop meeting. 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 16th day of March, 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.
 - () 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: Miller

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

Motion carried.

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

ADJOURNMENT: A motion was made by Ross to adjourn at approximately 8:15 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk