

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 4, 2010

The meeting was called to order by Mayor Kievit at approximately 8:40 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 Dominick DiYanni of Dorsey & 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. Raffle – Knights of Columbus #5563
2. Raffle – NJ Organization of Cystic Fibrosis

Minutes:

1. Workshop Minutes of 1/12/10
2. Regular Minutes 2/16/10
3. Workshop Minutes of 4/13/10
4. Regular Minutes of 4/13/10
5. Executive Minutes of 4/13/10

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

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: 2010-06

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING PORTIONS OF CHAPTER 60, "ANIMALS," OF THE REVISED GENERAL ORDINANCES

A motion was made by Ross to table the public hearing on the above ordinance until May 18, 2010, seconded by Miller. All in favor. Motion carried.

2010-07

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING PORTIONS OF CHAPTER 88, "FEES" OF THE REVISED GENERAL ORDINANCES

A motion was made by Ross to table the public hearing on the above ordinance until May 18, 2010, seconded by Hamilton. All in favor. Motion carried.

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2010-08

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF CHAPTER 142, SECONDHAND PRECIOUS METALS, GEMS AND JEWELRY DEALERS

The above ordinance #2010-08 was withdrawn due to the need for substantial revisions. Therefore, no public hearing was held on this ordinance.

NEW BUSINESS:

- A. Resolution #31-10 – Lease Agreement with Sussex Borough for vehicles

A 1RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF SUSSEX FOR THE PROVISION OF DEPARTMENT OF PUBLIC WORKS SERVICES

WHEREAS, the Borough of Sussex desires to enter into a lease agreement with the Township of Hardyston for the leasing of certain vehicles in conjunction with the Shared Services Agreement for the provision of Department of Public Works services; and

WHEREAS, the Township of Hardyston desires to enter into said lease agreement, a copy of which is attached hereto for the benefit of the municipalities in coordinating and effectuating the aforementioned Shared Services Agreement.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a lease agreement, a copy of which is attached hereto, with the Borough of Sussex for the leasing of certain vehicles in conjunction with the Shared Services Agreement for the provision of Department of Public Works services.
2. 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.

- B. Resolution #32-10 – Amendment to Personnel Policy and Procedures Manual

A 1RESOLUTION OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ADOPTING THE SUPPLEMENT TO THE PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, it is the policy of the Township of Hardyston to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Civil Service Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, though the Township Council had previously adopted its Personnel Policies and Procedures Manual, it has determined that there is a need to supplement such policies and procedures with regards to certain provisions involving the waiver of health insurance benefits coverage provided to eligible employees.

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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 Supplement #1 to the Township's Personnel Policies and Procedures Manual attached hereto is hereby adopted; and

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Council.

This Resolution shall take effect immediately.

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

C. Resolution #33-10 – Resolution accepting maintenance bond for Pole Barn

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ACCEPTING THE COMPLETION OF THE POLE BARN AND ACCEPTING A MAINTENANCE BOND FOR THE PROJECT

WHEREAS, Zitone Construction has completed the Pole Barn to the satisfaction of the Township Engineer; and

WHEREAS, as required by the Contract, Zitone is to post a one-year Maintenance Bond for the project; and

WHEREAS, the municipal attorney has reviewed the Maintenance Bond and finds same to be acceptable.

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 the Maintenance Bond posted by Zitone Construction with respect to the Pole Barn project is hereby acceptable.

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

D. Resolution #34-10 – Resolution authorizing the refund of residential development fees

WHEREAS, A residential development fee was paid for property located at 7 Knollwood Lane, Stockholm, Block 60, Lot 5.15 owned by Xavier and Suzanne Romano; and

WHEREAS, the 1.5% residential development fee was paid for the aforementioned property pursuant to the Hardyston Township General Land Use Ordinance Chapter 185, Section 185-90.1; and

WHEREAS, on March 17, 2010 the development fee was paid in the amount of \$6,166.00; and

WHEREAS, the fee was calculated on a value determined prior to the Township's completion of the revaluation program, and the Township Tax Assessor has determined that the fee should have been recalculated based on the revised revaluation assessment, and a partial refund should be issued based upon the recalculated fee in the amount of \$1,742.50;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that Xavier and Suzanne Romano are eligible to receive a refund for a portion of the developer's fees paid; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Township of Hardyston that the Developer's Fees paid for the property located at 7 Knollwood Lane is to be partially refunded to Xavier and Suzanne Romano in the amount of \$1,742.50.

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

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E. Resolution #35-10 – Township Manager Employment Agreement

A 1 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN EMPLOYMENT AGREEMENT BETWEEN MARIANNE SMITH AND THE TOWNSHIP OF HARDYSTON FOR THE POSITION OF TOWNSHIP MANAGER

WHEREAS, Marianne Smith has been employed by the Township of Hardyston since May, 1994; and

WHEREAS, Ms. Smith presently serves as Manager for the Township of Hardyston; and

WHEREAS, the Mayor and Township Council desire to maintain the continuity and leadership of Ms. Smith and have discussed a revised Employment Agreement; and

WHEREAS, Ms. Smith has agreed to contribute three percent (3%) of her salary toward health benefit premiums which was previously the responsibility of the Township; and

WHEREAS, a revised Employment Agreement is attached hereto for the Council's consideration.

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 the Mayor is hereby authorized to execute the attached Employment Agreement between Marianne Smith and the Township of Hardyston for a term of five (5) years for the position of Township Manager for the Township of Hardyston.

B IT FURTHER RESOLVED, that this Agreement supersedes and/or mutually terminates all prior agreements that were in place between the parties.

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

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

ADJOURNMENT A motion was made by Ross to adjourn at approximately 8:45 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk