

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 1, 2010**

The meeting was called to order by Mayor Kievit at approximately 7:15 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 Dominic 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 – The Craig School

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

**ORDINANCES:**

**1<sup>st</sup> READING:**

**2010-11**

**CALENDAR YEAR 2010**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$240,231.18 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Council of the Township of Hardyston, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Township of Hardyston shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$240,231.18, and that the CY 2010 municipal budget for the Township of Hardyston be approved and adopted in accordance with this ordinance; and,

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**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

A motion was made by Ross to approve Ordinance 2010-11 on first reading, seconded by Hamilton. All in favor. Motion carried.

**ORDINANCES:**

**2<sup>nd</sup> READING:**

**2010-09**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 88, FEES, SECTION 88-7, TAX COLLECTOR, OF THE REVISED GENERAL ORDINANCES**

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

**SECTION 1.** Chapter 88, Fees, Section 88-7, Tax Collector, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

**§ 88-7. Tax Collector.**

- A. Official tax searches: \$10.
- B. Official search continuation: \$2.
- C. Duplicate tax bill: \$2.
- D. *Request for redemption calculation; 3<sup>d</sup> and subsequent request in a calendar year: \$50.00 per request.***
- E. *Lien redemption calculation: \$50.00***

**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 may be renumbered for purposes of codification.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval and publication as required 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 2010-09 on second reading, seconded by Miller. All in favor. Motion carried.

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**2010-10**

**AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$36,500.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING RECYCLING COLLECTION VEHICLE BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY**

**BE IT ORDAINED AND ENACTED** by the Mayor and Council of the Township of Hardyston, County of Sussex, New Jersey, as follows:

**Section 1:** The sum of Thirty Six thousand five hundred dollars (\$36,500.00) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purpose:

For Purchase of Recycling Collection Vehicle for the Township of Hardyston.

**Section 2:** In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 hereof is not a Current Expense and is an improvement, which the Township of Hardyston may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

**Section 3:** All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed on to the extent of there inconsistency:

**Section 4:** This ordinance becomes effective immediately upon final passage, approval, and publication as provided 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 Hamilton to approve Ordinance 2010-10 on second reading, seconded by Miller. All in favor. Motion carried.

**NEW BUSINESS:**

A. Resolution #38-10 – Tax Collector Resolution

**RESOLUTION # 38-10**

WHEREAS, Block 17.01 Lot 2 property for 4 Tannery Hill Drive, Hardyston and owned by Edwin & Renee Weiss, and

WHEREAS, the homeowner refinanced his mortgage and the May 1<sup>st</sup> tax payment was paid twice in error,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Mr. Weiss the overpayment amount of \$ 1,714.24 for the May 1<sup>st</sup> tax quarter.

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

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B. Resolution #39-10 – Tax Collector Resolution

**RESOLUTION # 39-10**

WHEREAS, Block 67.17 Lot 3 property for 3337 Route 94, Hardyston and owned by Edgewater Associates, and

WHEREAS, after much research from the Tax Assessor and the Revaluation Company this parcel of 1 acre location unknown does not exist,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to cancel taxes on this parcel in the amount of \$ 1,338.20 due to a deleted parcel.

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

C. Resolution #42-10 – Aflac Plan Document

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

Aflac Flex One Flexible Benefits Plan Document

Township Manager explained that in order for the township to deduct the 1.5% contribution from employees towards their medical benefit costs, the township must set up a Section 125 account, which is basically pre-tax. She explained that Aflac will set up this account free of charge, but it does give Aflac an opportunity to present their product, which resulted in large participation from the employees. She stated that Council approval of the Plan Document is required. A motion was made by Ross to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

D. Resolution #43-10 – Shared Service Agreement to provide Construction Department services to the Town of Newton

**RESOLUTION #43-10**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN INTERLOCAL SHARED SERVICES AGREEMENT WITH THE TOWN OF NEWTON FOR THE PROVISION OF CONSTRUCTION CODE ADMINISTRATION AND ENFORCEMENT SERVICES**

**WHEREAS**, the Township of Hardyston currently provides its own Construction Code Administration and Enforcement services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. and its Subcodes and the State of New Jersey Uniform Fire Code to the residents of the Township of Hardyston; and

**WHEREAS**, the Town of Newton is in need and desires to utilize the Township's Construction Code Administration and Enforcement services for the residents of the Town of Newton; and

**WHEREAS**, the Township of Hardyston has the ability and is desirous of making these services available to the Town of Newton and its residents under the terms and conditions set forth in the attached Interlocal Shared Services Agreement; and

**WHEREAS**, the parties wish to enter into a contract pursuant to the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-1, et seq., for the furnishing of services of a technical, professional and administrative nature.

**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:

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1. The Mayor and Township Clerk are hereby authorized and directed to execute an Interlocal Shared Services Agreement, a copy of which is attached hereto, with the Town of Newton for the provision of Construction Code Administration and Enforcement services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. and its Subcodes.
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.

E. Resolution #44-10 – Estimated Tax Bills

**RESOLUTION # 44-10**

**WHEREAS**, due to the late adoption of the Township of Hardyston 2010 Municipal Budget and 2010 Sussex County Budget, the Sussex County Board of Taxation is unable to certify tax rates for the year 2010, and

**WHEREAS**, without a 2010 certified tax rate the Tax Collector of the Township of Hardyston will be unable to issue 2010 tax bills on a timely basis, and

**WHEREAS**, in accordance with Chapter 72, P.L. 1994, the Township Mayor and Council requests the Director of the Division of Local Government Services to approve the 2010 estimated tax levy exceeding 105% of the previous years tax levy. Approval will enable the Township of Hardyston to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expense on borrowing.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Hardyston, as follows:

1. The Tax Collector of the Township of Hardyston is hereby authorized and directed to prepare and issue estimated tax bills for the Township of Hardyston for the third installment of 2010. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by Chapter 72, Public Laws of 1994 and N.J.S.A. 54:4-66.2 and 54:4-66.3.
2. The entire estimated tax levy for 2010 is hereby set \$ 25,035,022.00. The estimated tax rate for 2010 is hereby set at \$2.1586.

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

F. Zoning Board Appointments

1. Full Member – Hugh Krone
2. Alternate #1 – James Homa

A motion was made by Ross to approve both of the above appointments, seconded by Miller. All in favor. Motion carried.

G. Planning Board Appointment

A motion was made and seconded to carry this item to the June 15, 2010 meeting. All in favor. Motion carried.

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H. Resolution #45-10 - Plan Endorsement Advisory Committee Appointments

**RESOLUTION #45-10**

**Resolution to Create the Plan Endorsement Citizens' Advisory Committee**

**WHEREAS**, the Mayor and Council of the Township of Hardyston desire to obtain Plan Endorsement from the State Planning Commission; and

**WHEREAS**, Plan Endorsement is a voluntary review process developed by the State Planning Commission to provide the technical assistance and coordination of the State for municipalities, counties, and regional agencies to meet the goals of the State Planning Act and State Development and Redevelopment Plan; and

**WHEREAS**, the State Planning Act recognizes that coordination of State action is necessary to help municipalities develop New Jersey's economy while protecting the natural, historic and recreational resources, providing adequate and diverse housing, and redeveloping our cities and older suburban areas;

**WHEREAS**, the purpose of the Plan Endorsement process is to increase the degree of consistency among municipal, county, regional and state agency plans with each other and with the State Plan and to facilitate the implementation of these plans with the primary focus on where and how development and redevelopment can be accommodated in accordance with the State Plan; and

**WHEREAS**, the State Planning Rules and Plan Endorsement Guidelines establish a comprehensive and coordinated planning process in order for a municipality to consider, and update as necessary, master plans, functional plans, development regulations and capital plans to be consistent with the State Plan and achieve plan endorsement; and

**WHEREAS**, through plan endorsement, master plans, functional plans, development regulations and capital plans should be coordinated and supportive of each other; and

**WHEREAS**, the State Planning Rules and Plan Endorsement Guidelines incorporate, and expand upon, the principles of the Municipal Land Use Law in order to help towns plan for a sustainable future; and

**WHEREAS**, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-27, the Mayor may appoint one or more persons as a citizens' advisory committee to assist or collaborate with the planning board in its duties, including adoption of, and amendment to, the master plan to guide the use of lands within the municipality in a manner which protects the public health and safety and promotes the general welfare of the community; and

**WHEREAS**, the Plan Endorsement Guidelines and State Planning Rules require the appointment of a Plan Endorsement Advisory Committee to guide the municipality through the Plan Endorsement process; and

**WHEREAS**, the Plan Endorsement Advisory Committee shall consist of between 5 and 10 members, including one representative of the governing body, a Class IV member of the planning board; one representative of a local board, commission or committee who is not a member of the planning board; and two representatives of the public that do not hold a position, employment or office with the municipality.

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**NOW THEREFORE BE IT RESOLVED** that the Mayor of the Township of Hardyston hereby approves and adopts the following:

Hardyston Township establishes a Plan Endorsement Citizens' Advisory Committee consisting of between 5 and 10 members as follows:

1. Carl Miller, Member of the Governing Body
2. William Hickerson, Class IV Member of the Planning Board
3. Stanley Kula, Representative of local board, commission or committee
4. James Armstrong, Member of the Public
5. Member of the Public

The members of the Citizens' Advisory Committee shall serve at the pleasure of the Mayor; and

The Citizens' Advisory Committee shall report findings and conclusions of its actions performed pursuant to the State Planning Rules and Plan Endorsement Guidelines, and make recommendations to the Planning Board on next steps, but shall have no power to vote or take other action required of the Planning Board; and

The Citizens' Advisory Committee shall also report to the Governing Body at least once a quarter on the status of plan endorsement; and

The Citizen Advisory Committee shall be entitled to call to its assistance any personnel of any municipal department or consultant thereto as it may require in order to perform its duties; and

The Citizens' Advisory Committee is established for the purpose of:

Guiding the plan endorsement process for the municipality; increasing public awareness of, and participation in, the plan endorsement process for the community;

Serving as the liaison with the state, county, regional agencies and local officials throughout the plan endorsement process;

Assisting the municipality in meeting the deadlines of plan endorsement;

Take the lead on completing the municipal self-assessment and submitting the required planning documents to the Office of Smart Growth;

Helping to facilitate community visioning as described in the Plan Endorsement Guidelines and community visioning standards;

Reporting the findings and conclusions of the self-assessment and community visioning to the local planning board for its review; and

Negotiating a draft Action Plan with the Office of Smart Growth, in collaboration with the planning board and governing body, to consist of actions that should be taken to adopt and/or update plans, ordinances and regulations in order to meet the plan endorsement requirements;

Facilitating completion of the Action Plan items in order to achieve endorsement by the

State Planning Commission and enjoy the benefits available to the municipality as a result of the endorsed plan.

**THEREFORE BE IT FURTHER RESOLVED** that the Clerk of the Township of Hardyston shall transmit a copy of this resolution and the notice as required in the State Planning Rules to the State Planning Commission.

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

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I. A&N Carr Associates Developer's Agreement – Block 75, Lot 57

A motion was made Ross to approve the Developer's Agreement with two amendments as recommended by the Township Attorney, seconded by Miller. All in favor, motion carried.

J. 2010 Budget Introduction

Township Manager Marianne Smith gave a written and verbal presentation on the 2010 Municipal Budget. A motion was made by Ross to approve the 2010 Municipal Budget as introduced, seconded by Hamilton. All in favor. Motion carried. Public hearing and adoption of the budget is scheduled for July 6, 2010.

**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 Hamilton to adjourn at approximately 7:30 p.m., seconded by Miller. All in favor. Motion carried.

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Jane Bakalarczyk, RMC/CMC  
Municipal Clerk