

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 15, 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, 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.

Monthly Reports:

1. Municipal Clerk Report – May 2010
2. Tax Collector Report – May 2010
3. Construction Certificate Activity Report – May 2010
4. Construction Permit Activity Report – Hardyston – May 2010
5. Construction Permit Activity Report – Hamburg – May 2010
6. Construction Permit Activity Report – Franklin – May 2010
7. HTMUA – Minutes of 5/3/10
8. Municipal Court Report – May 2010
9. Zoning Officer Report – April 2010
10. Finance Officer Report – January 2010
11. Finance Officer Report – February 2010
12. Finance Officer Report – March 2010
13. Finance Officer Report – April 2010
14. Police Department Report – May 2010

Minutes:

1. Executive Minutes of 2/16/10
2. Workshop Minutes of 3/9/10
3. Regular Minutes of 3/9/10
4. Executive Minutes of 3/9/10
5. Regular Minutes of 3/16/10
6. Executive Minutes of 3/16/10
7. Workshop Minutes of 5/4/10
8. Regular Minutes of 5/18/10
9. Workshop Minutes of 5/25/10
10. Executive Minutes of 5/25/10
11. Workshop Minutes of 6/1/10
12. Regular Minutes of 6/1/10

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

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: None

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NEW BUSINESS:

- A. Request for Western Highlands Scenic Byway Resolution of Support – Presentation by Dennis O. Miranda, Chairperson, Vernon Township Environmental Commission

Dennis O. Miranda, Chairperson, Vernon Township Environmental Commission outlined the benefits of gaining Scenic Byway designation for the Route 515/94 corridor. Vernon Township Mayor Sally Rinker was also present. The Council agreed to place the resolution of support on the July 6, 2010 agenda.

- B. Planning Board Appointment – Alternate 2 – William Castiglione

A motion was made by Hamilton to appoint William Castiglione to the Planning Board as Alternate 2, seconded by Miller. All in favor. Motion carried.

- C. Resolution #46-10 – Amended Plan Endorsement Advisory Committee Appointments

RESOLUTION #46-10

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

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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.

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. Bill Castiglione, 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.

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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 Hamilton to approve the amended resolution as presented, seconded by Miller. All in favor. Motion carried.

D. Resolution #47-10 – 2010 Liquor License Renewals

1. Hamburg Golf Course Beverage – “Pocket License” In-Active Status
2. Crystal Springs Beverages, Inc.
3. Grand Cascades Lodge Liquor, LLC
4. H.G.F., Inc.
5. Anthony Pignataro Corporation
6. Jackelise, Inc.

**RESOLUTION #47-10
HARDYSTON TOWNSHIP
LIQUOR LICENSE RENEWAL**

WHEREAS, the following Liquor License is to be renewed effective July 1, 2010, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2010 for the following license holders.

1. Jackelise, Inc. - #1911-44-003-008
2. Anthony Pignataro Corp. – #1911-33-004-006
3. Crystal Springs Beverages, Inc.- #1911-33-006-009
4. HGF, Inc.- #1911-33-005-009
5. Hamburg Golf Course Beverage, Inc. - #1911-33-002-010
6. Grand Cascades Lodge Liquor, LLC - #1911-36-007-001

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

E. Resolution #48-10 – Drobney – Block 84, Lot 33 (30 Lake Shore Road N

RESOLUTION #48-10

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING
THE CONSTRUCTION OFFICIAL AND MUNICIPAL ATTORNEY TO
TAKE NECESSARY ACTION TO ADDRESS A POTENTIAL
IMMINENT HAZARD LOCATED AT 30 LAKE SHORE ROAD N, BLOCK 84, LOT 33**

WHEREAS, the property known as 30 Lake Shore Road N, Block 84, Lot 33 was previously identified as a hazard to the Township of Hardyston; and

WHEREAS, the condition of the property, which is vacant and partially boarded, appears to be unsafe for any type of use or occupancy; and

WHEREAS, the Construction Official has consulted with the Township Manager and Township Attorney and hereby recommends proceeding with the filing of an action with the Construction Board of Appeals relevant to any and all violations pertaining to the Construction Code of the Township of Hardyston and the State Uniform Construction Code and any other laws pertaining to the safety of the said structure.

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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 the Construction Official with the assistance of the Township Manager and Township Attorney is hereby authorized to take any and all necessary action to effectuate and secure the structure located at 30 Lake Shore Road N, Block 84, Lot 33, in a safe manner which may include but not be limited to the demolition of same.

The Municipal Attorney advised that prior hazards relating to the property continue to exist. He incorporated all prior correspondence and action by the Board of Health and recommended further action to address the Construction Official's opinion that the property is an imminent hazard. A motion was made by Hamilton to approve the resolution as presented, seconded by Ross. All in favor. Motion carried.

- F. Resolution #49-10 – Amended Shared Service Agreement to provide Construction Department services to the Town of Newton

RESOLUTION #49-10

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

WHEREAS, the Township of Hardyston recently authorized the execution of a shared services agreement with the Town of Newton for the furnishing of Construction Code Administration and Enforcement services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. and its Subcodes; and

WHEREAS, since such approval the Agreement has been amended as set forth by the terms and conditions in the attached amended Agreement; and

WHEREAS, the parties desire to enter into said Amended Agreement pursuant to the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-1, et seq., for the furnishing of such services.

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 the Amended 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. The Mayor and Clerk are hereby authorized to execute any additional non-substantial amendments and/or modifications to the Agreement without the consent of the Township Council.
3. This Resolution shall take effect immediately.

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

- G. Resolution #50-10 – Shared Service Agreement to provide Lawn Services to the Sussex-Wantage BOE

RESOLUTION #50-10

A RESOLUTION 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 SUSSEX-WANTAGE BOARD OF EDUCATION FOR THE PROVISION OF LAWN CUTTING SERVICES

WHEREAS, the Sussex-Wantage Board of Education desires to contract with the Township of Hardyston for the furnishing of lawn cutting services to certain properties owned and maintained by the Board of Education; and

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WHEREAS, the Township of Hardyston has the ability to make these services available to the Sussex-Wantage Board of Education under the terms and conditions set forth in the attached contract; and

WHEREAS, the parties desire 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 such services.

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 Shared Services Agreement, a copy of which is attached hereto, with the Sussex-Wantage Board of Education for the provision of lawn cutting services pursuant to the terms and conditions contained in said attached Agreement.
2. The Mayor and Clerk are hereby authorized to execute any additional non-substantial amendments and/or modifications to the Agreement without the consent of the Township Council.
3. 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.

- H. Resolution #51-10 – Shared Service Agreement to provide Street Sweeping Services to Sussex Tech BOE

RESOLUTION #51-10

A RESOLUTION 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 SUSSEX TECH BOARD OF EDUCATION FOR THE PROVISION OF STREET SWEEPING SERVICES

WHEREAS, the Sussex Tech Board of Education desires to contract with the Township of Hardyston for the furnishing of street sweeping services to certain parking areas owned and maintained by Sussex Tech; and

WHEREAS, the Township of Hardyston has the ability to make these services available to the Sussex Tech Board of Education under the terms and conditions set forth in the attached contract; and

WHEREAS, the parties desire 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 such services.

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 Shared Services Agreement, a copy of which is attached hereto, with the Sussex Tech Board of Education for the provision of street sweeping services pursuant to the terms and conditions contained in said attached Agreement.
2. The Mayor and Clerk are hereby authorized to execute any additional non-substantial amendments and/or modifications to the Agreement without the consent of the Township Council.
3. This Resolution shall take effect immediately.

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

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- I. Resolution #52-10 – Shared Service Agreement for Sussex County Municipal Utilities Authority to provide certain services to Hardyston Township

RESOLUTION #52-10

A RESOLUTION 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 SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR THE PROVISION OF DESIGNATED CLASS A FIBER RECYCLABLE MATERIAL HANDLING AND MARKETING WITH PROFIT SHARING

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter “SCMUA”), among other things, operates a recycling program within Sussex County as provided in the Sussex County District Solid Waste Management Plan; and

WHEREAS, the Uniform Shared Services and Consolidation Act, (N.J.S.A. 40A:65-1, et. seq.) (hereinafter, “the Act”) provides that local units of government may enter into a contract to provide or receive any service that either local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating units. (N.J.S.A. 40A:65-4.); and

WHEREAS, the Township of Hardyston has requested the services of the SCMUA in the form of performing designated Class A Fiber recyclable material handling and marketing with profit sharing; and

WHEREAS, SCMUA has the ability and is desirous of making its Recycling Facility and recycling marketing capabilities available to Hardyston Township under the terms and conditions set forth in the 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 Shared Services Agreement, a copy of which is attached hereto, with the SCMUA for the provision of designated Class A Fiber recyclable material handling and marketing with profit sharing.
2. The Mayor and Clerk are hereby authorized to execute any additional non-substantial amendments and/or modifications to the Agreement without the consent of the Township Council.
3. This Resolution shall take effect immediately.

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

- J. Resolution #53-10 – Use of Building Agreement with Department of Military & Veterans Affairs for Littell Center

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

1. Use of Building Agreement with Department of Military & Veterans Affairs-ORP for Littell Center

A motion was made by Ross to approve the resolution as presented contingent upon confirmation that Franklin Borough is “on board”, seconded by Kula. All in favor. Motion carried.

- K. Correspondence

1. Franklin Borough
2. Sparta Township
3. Hampton Township
4. Vernon Township
5. Borough of Ogdensburg
6. Lafayette Township

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7. Borough of Ogdensburg
8. County of Sussex
9. NJ State League of Municipalities
10. NJ State League of Municipalities
11. NJ State League of Municipalities
12. NJ State League of Municipalities
13. State of NJ
14. State of NJ
15. State of NJ
16. State of NJ
17. State of NJ
18. State of NJ
19. State of NJ

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

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

- Township Manager stated the budget has been introduced and is scheduled for public hearing/adoption on July 6, 2010.
- Township Manager stated that the estimated tax bills will be sent to property owners within the next 10 days.
- Township Manager updated the Council on the status of the various shared service agreements. She stated that Franklin Borough chose to seek the services of another agency for Fire Prevention Official Services.
- Township Manager stated that energy efficiency block grants are now available for system upgrades that are noted in approved energy audits. She stated that Eneractive Solutions has given the Township a proposal to prepare a confirmation audit for the fire houses and public works garage and prepare the grant application for \$8,000. She further stated that it is anticipated that the Township could receive up to \$30,000 of facility upgrades, which would include installation of a variable speed drive system at the municipal building and implementing the recommendations previously made for upgrades to the public works facility and fire houses relative to heating (infrared heaters, boiler and weather sealing). Township Manager recommended that the Council consider having the consultant prepare the application, however, she also stated that it would be more cost effective for staff to manage the implementation of the improvements, should the grant be awarded. The Council agreed with the recommendation. A motion was made by Hamilton to authorize the Township Manager to move forward with this project, seconded by Miller. All in favor. Motion carried.
- Township Manager stated that the following grant applications have been submitted on behalf of the Township: A Federal COPS grant application for one police officer; FEMA Grant to purchase blood borne pathogen suits for the First Aid Squad; First Aid communications equipment to compliment the proposed upgrades to police and fire communications and various reoccurring capital items generally funded in the fire department budget.
- Township Manager stated that the memos are being prepared and will be delivered to all department heads outlining information requested for their mid-year report of operations. She stated that the reports will be due to the Manager by July 30 and presented to the Council in August.

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- Township Manager stated that a grant was received and administrated by Transoptions to support the development of a shuttle service to bring commuters from the 94 corridor to the St. John Vianney Park and Ride to encourage mass transportation to Manhattan.
- Township Manager stated that the solar system is performing beyond expectation and is being spotlighted in the NJ BIZ magazine in their July 26, 2010 GO GREEN GUIDE.
- Township Manager stated that all local tax appeals have been heard, withdrawn, settled or resolved. She stated that State appeals are still pending.

Mayor Kievit stated that the Hardyston Township Municipal Building has received an Environmental Stewardship award, in the category of Renewable Energy Use, from The New Jersey Department of Environmental Protection “for its voluntary and proactive measures taken to go beyond compliance in an effort to improve the environment and ensure a sustainable future”.

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. 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 8:00 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk