

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
SEPTEMBER 21, 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 – August 2010
2. Construction Certificate Activity Report – August 2010
3. Construction Permit Activity Report – Hardyston – August 2010
4. Construction Permit Activity Report – Hamburg – August 2010
5. Construction Permit Activity Report – Franklin – August 2010
6. Construction Permit Activity Report – Newton – August 2010
7. HTMUA – Minutes of 8/2/10
8. Municipal Court Report – August 2010
9. Zoning Officer Report – July 2010
10. Tax Collector Report – August 2010
11. Zoning Officer Report – August 2010
12. Police Department Report – August 2010

**Agreements/Applications/Licenses:**

1. Raffle – Wallkill Valley Booster Club
2. Raffle – Department for Persons with Disabilities
3. Raffle – Cedar Mountain School & Community Association
4. Raffle – Order of Eastern Star Northern Chapter #38

**Minutes:**

1. Regular Minutes 8/17/10
2. Workshop Minutes of 8/17/10
3. Executive Minutes of 8/17/10
4. Regular Minutes of 9/7/10
5. Workshop Minutes of 9/7/10

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

**ORDINANCES:**

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

**2010-16**

**"BOND ORDINANCE AMENDING SECTIONS 3 AND 4 OF BOND ORDINANCE NO. 2009-03 ADOPTED FEBRUARY 17, 2009, ENTITLED: "BOND ORDINANCE PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF HARDYSTON AND APPROPRIATING THE AGGREGATE AMOUNT OF \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,425,000 BONDS OR NOTES OF THE TOWNSHIP FOR THE FINANCING OF THE COST THEREOF AND PROVIDING FOR THE DOWN PAYMENT FOR SAID IMPROVEMENTS TO BE UNDERTAKEN IN AND BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY"**

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**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY** (not less than two-thirds of  
all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. Sections 3 and 4 of Bond Ordinance No. 2009-03 adopted February 17, 2009, entitled: “Bond Ordinance Providing for Various General Improvements in and for the Township of Hardyston and Appropriating the Aggregate Amount of \$1,500,000 Therefor and Authorizing the Issuance of \$1,425,000 Bonds or Notes of the Township for the Financing of the Cost Thereof and Providing for the down Payment for Said Improvements to Be Undertaken in and by the Township of Hardyston, in the County of Sussex, New Jersey” be and are hereby amended to read as follows:

Section 3. The improvements hereby authorized and the purposes, the estimated cost of such improvements and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for said improvements and the periods of usefulness of said improvements are as follows:

<b>Improvement/Acquisition</b>	<b>Estimated Cost</b>	<b>Down Payment (Capital Improvement Fund)</b>	<b>Maximum Amount of Bonds/Notes</b>	<b>Useful Life (Years)</b>
1.) Acquisition and installation of solar energy generating facility, to include all equipment, costs, and appurtenances necessary therefor or incidental thereto.	\$705,100	\$35,255	\$669,845	15
2.) Acquisition of a tanker Fire Truck, to include all equipment, costs, and appurtenances necessary therefor or incidental thereto.	\$334,100	\$16,705	\$317,395	10
3.) Improvements to DPW Facility on North Church Road, to include all equipment, costs, and appurtenances necessary therefor or incidental thereto.	\$46,100	\$2,305	\$43,795	10
4.) Demolition and reconstruction of DPW Facility on south end, to include all equipment, costs, and appurtenances necessary therefor or incidental thereto.	\$205,600	\$10,280	\$195,320	20
5.) Communications Equipment to include all equipment, costs, and appurtenances necessary therefor or incidental thereto.	\$209,100	\$10,455	\$198,645	7
<b>TOTALS:</b>	<b>\$1,500,000</b>	<b>\$75,000</b>	<b>\$1,425,000</b>	

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses of the Township and are improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness is within the limitations of the Local Bond Law. Taking into consideration the amount of the obligations authorized for each purpose, according to the

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reasonable life of each purpose, computed from the date of the bonds authorized by the bond ordinance, the average period of usefulness is 13.33 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,425,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$336,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

SECTION 2. The provisions of this ordinance are severable, to the extent that any clause, phrase, sentence, paragraph, or provision of this ordinance shall be declared void, illegal or unconstitutional, the remaining provisions shall continue in full force and effect.

SECTION 3. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

SECTION 4. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

A motion was made by Ross to approve Ordinance 2010-16 on first reading, seconded by Miller. All in favor. Motion carried.

**2010-17**

**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 IN**

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

**SECTION 1.** The Hardyston Township Revised General Ordinances are hereby amended and supplemented with the addition of Chapter 142, "Secondhand Precious Metals, Dealers In", to read as follows:

**CHAPTER 142 SECONDHAND PRECIOUS METALS, GEMS AND JEWELRY,  
DEALERS IN**

**§142-1 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**DEALER-** Any person, partnership, corporation or other entity, whether permanent or itinerant, who on one or more occasions, through any means, buys or sells secondhand gold, silver, precious metals, gems or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.

**ITINERANT BUSINESS-** Any business conducted intermittently within the Township of Hardyston or at varying locations.

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MINOR- Any person under the age of 18 years.

PERMANENT-BASED BUSINESS- Any business conducted on a year-round basis and housed in a single structure, such as a store or residence.

**§142-2 Registration and license required; fee; term.**

- A. Each dealer conducting business within the jurisdiction of the Township of Hardyston shall first register with the Chief of Police, who shall fingerprint the applicant and institute such an investigation of the applicant's moral character and business responsibility as he deems necessary for the protection of the public welfare. In the event that the dealer is a business entity other than a sole proprietorship, the officers in a corporation or the partners in a partnership (or limited partnership) shall be deemed to be the applicant(s) who shall be fingerprinted and investigated in accordance with this section. Upon completion of the investigation, the Chief of Police shall either issue or deny the license based upon the results of his investigation. Upon the issuance of the license, the applicant shall be given a copy of this Chapter 142. Upon the issuance of the license, the applicant shall pay to the Township Clerk the annual fee of \$200.00 for such license.
- B. A license issued under the provisions of this chapter shall not be transferable and shall terminate on December 31 of the year in which said license is issued.

**§142-3 Records of purchases and sales required.**

In addition to the requirements of N.J.S.A. 2C:21-36 et seq., each dealer shall maintain a complete record of each purchase and sale, including the amount paid, a description of the item and any identifying numbers or engravings. The dealer shall also obtain the name, address, and date of birth, driver's license number and state of issuance for the person from whom the items were purchased, received or sold. This information is to be documented on the secondhand jewelry transaction receipt form supplied by the Hardyston Township Department. These records shall be subject to the inspection of any authorized police officer of the Township of Hardyston. The records required to be maintained shall be kept confidential by the dealer and shall be released only to appropriate law enforcement personnel. The records shall be maintained by the licensee for a period not less than five (5) years.

**§142-4 Description of transactions to be delivered to Police Chief.**

Each dealer doing business in the Township of Hardyston shall deliver on a weekly basis to the Chief of Police the description of all items purchased, received or sold, from the preceding week, on forms prescribed by the Chief of Police.

**§142-5 Holding time for purchased items.**

No dealer shall sell, melt, change the form of or dispose of any articles purchased or received no less than three (3) days from the date the notification is made to the Chief of Police, and all such items shall remain on the premises where the purchase was made and made available for at least three (3) days to any authorized police officer requesting such items.

**§142-6 Identification of persons transacting business with dealers.**

Each dealer must require identification of the person with whom it is transacting business and no transaction may be made with any minor, as hereinabove defined, nor with any individual who is in an intoxicated state and/or is under the influence of intoxicating liquor, narcotics or hallucinogenic or habit-producing drugs.

**§142-7 Revocation of license.**

Licenses issued under the provisions of this chapter may be revoked by the Chief of Police, after a hearing, upon notice to the applicant, for any of the following causes:

- A. Fraud, misrepresentation or false statement contained in the application for a license.
- B. Fraud, misrepresentation or false statement made in the course of carrying on the business of purchasing secondhand precious metals, gems and jewelry.
- C. Any violation of this chapter.
- D. Conviction of any crime or disorderly persons' offense involving moral turpitude.

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- E. Conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

**§142-8 Inapplicability.**

This Chapter shall not be applicable to the following:

- A. Any person, partnership, corporation or entity which receives secondhand gold, silver, precious metals, gems or jewelry as a gift.
- B. Any private sale that is conducted by two parties that are not regularly employed as "dealers" as defined herein which shall include but not be limited to: items sold at a garage or tag sale or an individual making a one time sale of their own personal property to another private individual.

**§142-9 Violations and penalties.**

Any person as defined above who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days, or both, within the discretion of the Municipal Judge. A separate offense shall be deemed committed in each day during or on which a violation occurs or continues.

**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 by Ross to approve Ordinance 2010-17 on first reading, seconded by Miller. All in favor. Motion carried.

**2010-18**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF  
NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 88, FEES, SECTION 88-8,  
MISCELLANEOUS FEES, 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 88-8, Miscellaneous Fees, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

**§ 88-8. Miscellaneous Fees.**

- A. Copying; single copies: ***Copy rates shall be based upon those set forth pursuant to N.J.S.A. 47:1A-5(b) and any other applicable laws.***
- B. Township Code books: \$189.80.
- C. (Reserved)
- D. Zoning Ordinance (map included): \$20.44.
- E. Yearly supplement to zoning book: no charge.
- F. Zoning Map: \$5.
- G. (Reserved)

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H. Duplication of meeting compact discs: \$0.40.

I. (Reserved)

J. Return check fee: \$35.

K. (Reserved)

L. (Reserved)

M. Summer recreation day camp registration fee.

(1) First child for one session: \$60.

(2) Each additional child per session: \$50.

(3) First child for two sessions: \$115.

(4) Each additional child for two sessions: \$95.

N. Master Plan (color copy): \$100.

O. Master Plan (CD) (electronic version): \$0.40.

**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 by Ross to approve Ordinance 2010-18 on first reading, seconded by Hamilton. All in favor. Motion carried.

**ORDINANCES:**

**2<sup>nd</sup> READING:** **None**

**NEW BUSINESS:**

A. Tax Collector Resolutions

1. #73-10 – Cancellation of taxes for Block 41, lot 11, Q CELL2 also known as Nextel of New York for the tax year 2010 as per lease agreement

**RESOLUTION # 73-10**

WHEREAS, Hardyston Township needs to foregive taxes on Block 41 Lot 11 Qualification CELL2 also known as Nextel of New York, Inc for the tax year 2010 as per lease agreement,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to cancel the amount of \$ 5,160.00 for 2010 taxes.

2. #74-10 – Overpayment refund – Block 20 Lot 30 Q BLDG also known as Pinnacle Towers located on Hamburg Mountain

**RESOLUTION # 74-10**

WHEREAS, Block 20 Lot 30 Q BLDG also known as Pinnacle Towers, Inc located on Hamburg Mountain, and

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WHEREAS, Scott Holzhauer Tax Assessor has review this property and determined due to the current revaluation has lowered the assessment from 62,400 to zero for the tax year 2010.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Pinnacle Towers, Inc for an overpayment in the amount of \$ 249.53.

3. #76-10 – Overpayment refund – Block 63, Lot 26.01 known as 132 Wheatsworth Road owned by CJS Investments, Inc.

**RESOLUTION # 76-10**

WHEREAS, Block 63 Lot 26.01 known as 132 Wheatsworth Road and owned by CJS Investments Inc, and

WHEREAS, this parcel has been subdivided for the tax year 2010 and a refund is due for overpayment of taxes,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund the amount of \$ 9,846.30 for overpayment of taxes.

A motion was made by Ross to approve all three tax collector resolutions as presented, seconded by Hamilton. All in favor. Motion carried.

- B. Resolution #77-10 – Chapter 159 – Borough of Sussex Construction Department Shared Service Agreement

**BOROUGH OF SUSSEX CONSTRUCTION DEPARTMENT SHARED SERVICE AGREEMENT**

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

**SECTION I.**

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY,

hereby request the Director of the Division of Local Government Services to approve the Insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2010, in the sum of \$13,334, which is, now available as a revenue from Borough of Sussex Construction Department Shared Service Agreement pursuant to the provision of Statute, and

**SECTION II.**

BE IT FURTHER RESOLVED, that a like sum of \$13,334. and the name is hereby appropriated under the caption Borough of Sussex Construction Department Shared Service Agreement, Other Expenses \$13,334.

**SECTION III.**

BE IT FURTHER RESOLVED, that the above is a result of Borough of Sussex Construction Department Shared Service Agreement and /or/ has been anticipated as a revenue from the Borough of Sussex Construction Department Shared Service Agreement, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

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C. Resolution #78-10 – Chapter 159 – State of New Jersey Department of Transportation Trust Fund Authority Act Big Spring Road Guide Rail Phase I

**STATE OF NEW JERSEY DPARTMENT OF TRANSPORTATION TRUST  
FUND AUTHORITY ACT BIG SPRING ROAD GUIDE RAIL PHASE 1**

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

**SECTION I.**

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY,

hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2010, in the sum of \$200,000, which is, now available as a revenue from The State of New Jersey Department of Transportation Trust Fund Authority Act, Big Spring Guide Rails Phase 1 pursuant to the provision of Statute, and

**SECTION II.**

BE IT FURTHER RESOLVED, that a like sum of \$200,000. and the name is hereby appropriated under the caption State of New Jersey Department of Transportation Trust Fund Authority Act, Big Spring Guide Rails Phase 1, Other Expenses \$200,000.

**SECTION III.**

BE IT FURTHER RESOLVED, that the above is a result of The State of New Jersey Department of Transportation Trust Fund Authority Act, Big Spring Guide Rails Phase 1 and /or/ has been anticipated as a revenue from the State of New Jersey Department of Transportation Trust Fund Authority Act, Big Spring Guide Rails Phase 1, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

D. Resolution #79-10 – Resolution authorizing the award of a contract through the Morris County Cooperative Pricing Council Contract #26 for Beam Guide Rail & Safety Ends Installed to J. Fletcher Creamer & Son for the Big Spring Road Improvements – Phase I Contract

**WHEREAS**, the Township of Hardyston has received a municipal aid grant from the New Jersey Department of Transportation for a project known as “Big Spring Road Guide Rail Improvements – Phase I”; and

**WHEREAS**, the Township of Hardyston is a member of the Morris County Cooperative Purchasing Council; and

**WHEREAS**, the Morris County Cooperative Purchasing Council has awarded Contract #26 Beam Guide Rail & Safety End Sections Installed to J. Fletcher Creamer & Son and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

**WHEREAS**, the Township’s Chief Financial Officer has certified that sufficient funds are available for this purpose.

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

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1. The township hereby authorizes the award of a contract to J. Fletcher Creamer & Son in the total amount of \$189, 622.00 for beam guide rail, guide rail end terminals and anchorages install along areas of Big Spring Road in accordance with plans and technical Specifications dated July, 2010 prepared by Guerin & Vreeland Engineering, Inc.
2. The award of this contract is subject to and expressly conditioned upon the approval of the New Jersey Department of Transportation.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.
4. 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 #80-10 – Resolution to Renew – North Jersey Municipal Employee Benefits Fund

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

F. Resolution #81-10 – Commodity Resale Agreement between Hardyston Township and the County of Sussex for Gasoline and Diesel Fuels

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

1. Commodity Resale Agreement between Hardyston Township and the County of Sussex for Gasoline and Diesel Fuels

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

G. Resolution #82-10 – Resolution authorizing the display of fireworks by D & M Fireworks, LLC at Crystal Springs Resort, Grand Cascades Lodge on September 26, 2010

Fire Official William Walsh, stated that the fireworks have been requested for a wedding to be held at Crystal Springs Resort on September 26, 2010. He stated that he has met with the firework company and inspected the site where the fireworks would be held. He stated that he has received all of the required paperwork and has no objection to the approval of the resolution from a Fire Official standpoint. Township Manager stated that she received a call from the Crystal Springs Master Homeowner's Association and was informed that they, as well as the individual homeowner's associations, are requesting that this resolution not be approved. She stated that they feel that it would be disruptive especially for the older residents within the community and they are worried that it may set a precedent. At this time the meeting was opened to the public for comment. No public comment. The meeting was closed to the public. Fire Official William Walsh stated that the time of the fireworks would be at approximately 8:00 p.m. and would not last more than 8 to 10 minutes. A motion was made by Ross to approve the resolution as presented, seconded by Hamilton. Recorded Vote: Ross – Yes; Kievit – No; Kula – No; Hamilton - No; Miller – No. Resolution #82-10 was defeated.

H. Resolution #83-10 – Resolution authorizing the display of fireworks by D & M Fireworks, LLC at Crystal Springs Resort, Grand Cascades Lodge on November 5, 2010

Fire Official William Walsh, stated that the fireworks have been requested for a wedding to be held at Crystal Springs Resort on November 5, 2010. He stated that he has met with the firework company and inspected the site where the fireworks would be held. He stated that he has received all of the required paperwork and has no objection to the approval of the resolution from a Fire Official standpoint. Township Manager stated that she received a call from the

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Crystal Springs Master Homeowner's Association and was informed that they, as well as the individual homeowner's associations, are requesting that this resolution not be approved. She stated that they feel that it would be disruptive especially for the older residents within the community and they are worried that it may set a precedent. At this time the meeting was opened to the public for comment. No public comment. The meeting was closed to the public. Fire Official William Walsh stated that the time of the fireworks would be at approximately 8:00 p.m. and would not last more than 8 to 10 minutes. A motion was made by Ross to approve the resolution as presented, seconded by Hamilton. Recorded Vote: Ross – Yes; Kievit – No; Kula – No; Hamilton - No; Miller – No. Resolution #83-10 was defeated.

I. Resolution #84-10 – Attendance Policy for Governing Body

**WHEREAS**, the Mayor and Council desire to have an attendance policy should be in place for members of the governing body; and

**WHEREAS**, N.J.S.A. 40A:16-3 sets forth that a vacancy would exist if a member of the governing body fails to attend and participate in any meetings of that governing body for a period of eight consecutive weeks without being excused from attendance by a majority of the members of the governing body.

**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 governing body hereby adopts N.J.S.A. 40A:16-3 as its official policy as to attendance at meetings of the Mayor and Council.

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

J. Resolution #85-10 – Resolution awarding a contract for the purchase and installation of emergency radio communications equipment to Royal Communications under Morris County Cooperative Pricing Contract #41 and State Contract A54382

**WHEREAS**, the Township of Hardyston has conducted its own investigation as to the needs of updating the emergency radio communications systems of the Township; and

**WHEREAS**, after such investigation was conducted by various members of the Township, it was determined that the Township was in need of upgrading such communications systems to ensure the continued protection of its citizens; and

**WHEREAS**, after investigation and review, it has been recommended that the Township award the contract to Royal Communications in accordance with its proposal, attached hereto; and

**WHEREAS**, the purchase of goods and services through a State agency by local contracting units, without advertisement for bid, is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq; and

**WHEREAS**, Royal Communications is an authorized vendor under the Morris County Cooperative Pricing Council contract #41 as well as NJ State Contract A54382; and

**WHEREAS**, such recommendation is that the Township Council utilize this contract for the purchase and installation of the emergency communications systems equipment in the amount of \$204,999.94; and

**WHEREAS**, the Chief Financial Officer of the Township of Hardyston has certified that sufficient funds are available for this purpose.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Hardyston the following:

1. The purchase of the radio communications equipment from Royal Communications pursuant to its proposal, attached hereto, at a total price not to exceed \$204,999.94, is hereby approved under the Morris County Cooperative Pricing Council Contract #41 and NJ State Contract A54382.

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2. The Mayor and Township Clerk are hereby authorized and directed on behalf of the Township to execute a purchase order and contract to Royal Communications for the purchase of the proposed radio communications equipment at a total price not to exceed \$204,994.94, in a form acceptable to the Township Attorney.

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

**K. Correspondence**

1. Sparta Township
2. Hamburg Borough
3. Hamburg Borough
4. County of Sussex
5. NJ State League of Municipalities
6. NJ State League of Municipalities
7. NJ State League of Municipalities
8. NJ State League of Municipalities
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. NJ State League of Municipalities
14. NJ State League of Municipalities
15. State of NJ
16. State of NJ
17. State of NJ
18. State of NJ
19. State of NJ
20. State of NJ
21. State of NJ
22. State of NJ
23. State of NJ
24. State of NJ
25. State of NJ
26. Jersey Central Power & Light
27. Jersey Central Power & Light
28. Jersey Central Power & Light
29. Elizabethtown Gas
30. Elizabethtown Gas

A motion was made by Kula 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:

- Solar Renewable Energy Credits – Township Manager stated that calculations for the first round of SREC sales generated from the Township’s solar energy generating facility have been finalized. She stated that a total of 27 Solar Renewable Energy Credits were generated in March, April and May. She stated that the Township will be paid \$608.40/SREC, for a total of \$16,426.80.
- Local Government Best Practices Checklist – Township Manager stated that the New Jersey Department of Community Affairs has issued the “Local Government Best Practices Checklist”, which all municipalities are required to complete as a pre-requisite to receiving the balance of their State aid. She stated that failure to achieve a high enough score results in a loss of a percentage of a municipality’s State aid. She stated

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that Hardyston qualifies for 100% of its certified State aid with a score of 77 out of a possible 88.

- Departmental Mid-Year Reports – Township Manager stated that the Mid-Year Reports of Operations were submitted to the Council at their previous meeting and stated that she would address any questions or comments that may arise from the Council.
- 2010 Budget – Township Manager stated that all appropriation lines are currently within budget projections. She stated that revenue generation thus far is coming in within expectations with the exception of interest on investments (due to exceeding low rates of interest available currently), and possibly construction permit fee revenue, which is offset by increases to inter-local service revenue generated through the sharing of construction office services. She stated that the overall rate of tax collection remains steady, however, additional collection will be essential to meet the budget's projected collection rate of 97%.
- Inter-Local Service Contracts – Township Manager stated that attention will be needed this fall to address expiring contracts to develop renewal discussions and proposals for tax collection, finance and recreation.
- Website Redevelopment – Township Manager stated that the Economic Development Commission (EDC) continues to work with the web designer and it is anticipated that prior to the end of this year, the EDC will present the Township Council with its final product for their consideration for implementation. She stated that the new site will incorporate opportunities for residents and users to have a wider access to various information, upgrade the physical look of the site, make it more user friendly and incorporate more photos and style to the existing site.
- Community Calendar – Township Manager stated that work will begin on the 2011 calendar in early October with proofs going to the printer in mid-November and delivery to residents in late December/early January.

**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. Laura Chignola of 18 Lake Stockholm Terrace inquired as to the status of her request for a speed limit change on Lake Stockholm Terrace from 25 mph to 15 mph. She stated that she has received a letter of support from the Homeowner's Association. Township Manager stated that we have not received a copy of the letter to date. Ms. Chignola stated that she would forward a copy to the Township. Township Manager stated that once the Township receives a copy of the letter, this item can be placed on a workshop agenda for further discussion. 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 21st day of September, 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.

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- ( ) 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: Hamilton

<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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 Kula to come out of Executive Session, seconded by Miller. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Hamilton to adjourn at approximately 8:20 p.m., seconded by Miller. All in favor. Motion carried.

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Jane Bakalarczyk, RMC/CMC  
Municipal Clerk