

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 5, 2010**

The meeting was called to order by Mayor Kievit at approximately 7:00 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Deputy Mayor Ross, Councilwoman Hamilton, Councilman Kula, Councilman Miller, Manager Marianne Smith and Clerk Jane Bakalarczyk

SALUTE THE FLAG

CONSENT AGENDA: ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

Agreements/Applications/Licenses:

1. Amusement License – Skylands Ice World

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

ORDINANCES:

1st READING: 2010-19

AN ORDINANCE TO AMEND THE ESTABLISHED MINIMUM AND MAXIMUM SALARIES FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HARDYSTON TO PROVIDE THE METHOD FOR THE PAYMENT OF ANNUAL SALARY INCREMENTS IN THE DISCRETION OF THE TOWNSHIP COUNCIL

BE IT ORDAINED by the Township Council of the Township of Hardyston that Section 1 be amended as follows:

Section 1. The minimum and maximum salary range for officers or employees of the Township of Hardyston who are employed on an annual salary basis shall be and is hereby fixed as follows:

<u>POSITION</u>	<u>ANNUAL SALARY</u>	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
Fire Official	\$10,000	\$20,000

A motion was made by Hamilton to approve Ordinance 2010-19 on first reading, seconded by Ross. All in favor. Motion carried.

2010-20

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CHAPTER 88, FEES, SECTION 88-1, FEES PAYABLE TO MUNICIPAL CLERK, SUBSECTION B(15) 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 88-1, Fess Payable to Municipal Clerk, Subsection B(15), of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

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§ 88-1. Fees payable to Municipal Clerk.

B. Licenses.

(15) Bulk pickup: \$50 - \$75; senior citizens fee: \$40 - \$65 (§ 152-6).

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 2010-20 on first reading, seconded by Miller. All in favor. Motion carried.

2010-21

ORDINANCE DESIGNATING UNIFORM FIRE CODE LOCAL ENFORCING AGENCY

A motion was made by Ross to approve Ordinance 2010-21 on first reading, seconded by Hamilton. All in favor. Motion carried.

2010-05

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 107, JUNK DEALERS AND AUTOMOBILE AUCTIONS, SUB-SECTIONS: 107-1 ENTITLED "DEFINITIONS;" 107-6 ENTITLED "REGULATIONS OF JUNKYARDS;" 107-7 ENTITLED "INSPECTION;" AND 107-8 ENTITLED "VIOLATIONS AND PENALTIES" OF THE REVISED GENERAL ORDINANCES

WHEREAS, the purpose of this ordinance is to amend the existing junk dealers and automobile auctions ordinance of the Township Code in order to protect the public welfare;

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

SECTION 1. Chapter 107, Junk Dealers and Automobile Auctions, Section 107-1 of the aforesaid Revised General Ordinances is hereby repealed and replaced to read as follows:

§107-1 Definitions.

JUNK DEALER

A person who maintains or operates a junkyard and is synonymous with "junkyard keeper," wherever the term may be used herein.

JUNK MATERIAL

Rope, wire, copper, brass, tin, lead, used lumber, old bottles, unused motor vehicles or automobile bodies and auto parts or materials of similar nature which have been discarded by the prior owners other than the junk dealer or keeper in possession thereof. Junk material shall not include equipment or materials which are kept, stored or disposed of by the occupant or owner of premises other than a junk dealer or junk keeper by reason of their obsolescence in the ordinary course of business or occupancy of the premises or are kept or stored for the use of the owner or occupant other than in the business of buying, selling or storing the same.

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JUNKYARD

A parcel of land, with or without buildings or improvements, wherein materials commonly referred to as "junk" are stored for commercial purposes of buying, selling or storing.

MOTOR VEHICLE AUCTIONS

A sale attended by licensed new or used car dealers or the public at which motor vehicles are sold to the highest bidder by a licensed junkyard dealer operating at the licensed location. Such auctions shall not include the sale of automobile bodies, parts or materials of similar nature, or nonautomobile materials.

CODE ENFORCEMENT OFFICER

For purposes of this Chapter, Code Enforcement Officer is defined as follows: the Zoning Officer of Hardyston Township and/or any Officer of the Hardyston Township Police Department.

SECTION 2. Chapter 107, Junk Dealers and Automobile Auctions, Section 107-6 of the aforesaid Revised General Ordinances is hereby repealed and replaced to read as follows:

§107-6 Regulations for junkyards.

Licensed premises shall be operated in the following manner and in accordance with the following standards and regulations:

A. The licensed *area* shall *be fenced to screen the junkyard from the abutting roads and surrounding properties. If a chainlink fence is provided for this purpose, the fence shall be provided with slats and a dense evergreen hedge which is not less than the height of the fence. Alternate methods to screen the licensed area shall include solid masonry wall or uniformly painted board fence. Any fencing provided shall not be less than six feet nor more than eight feet in height.*

B. No part of any licensed premises shall be located nearer than 50 feet from any public road or nearer than 100 feet from any adjoining owner nor within 500 feet of a private residence not owned by the applicant.

C. There shall be no burning of materials on any licensed premises.

D. No materials of any explosive nature shall be maintained or demolished on any licensed premises.

E. No materials shall be kept or maintained on the premises which are of such an odorous nature as to affect or be offensive to adjoining property owners or others in the neighborhood.

F. The licensee shall take all measures to preclude rats or other vermin from the licensed premises.

G. The business of the licensee shall not be operated in such a manner as to cause noises that are either continuous or so loud, raucous or cacophonous as to be offensive to other owners or persons in the neighborhood.

H. The licensee shall establish fire protection of a standard recommendation by the National Board of Fire Underwriters.

I. No processing operations shall be conducted between 5:00 p.m. and 8:00 a.m. the following day on weekdays, *Saturdays* or at any time on Sundays and holidays. *Processing shall include the unloading and/or delivering of any junk material.*

J. No licensee shall purchase any goods, articles or other things whatsoever from any person under the age of 16 years.

K. It shall be unlawful to stack, pile or place junk upon the premises in such a manner as to create a fire hazard or to create a place for the harboring or breeding of rats, mice or vermin.

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L. It shall be unlawful to stack, pile or place junk upon any licensed premises *so that it can be seen* from the public road or adjoining owners, and in no event shall any automobile bodies be stacked or piled in any greater manner or height than two levels thereof.

M. Licensees under this section shall at all times be subject to such reasonable rules as may be made from time to time by the Township Council.

N. Motor vehicle auctions shall be conducted:

(1) Use of a sound amplification system will be permitted only at the rear of the property and only if the sound cannot be heard off the licensed premises.

(2) Between the hours of 10:00 a.m. and 4:00 p.m. on the same designated weekday not more than three weeks out of every four weeks.

(3) Auction sales shall be limited to sale of entire motor vehicles and not parts of vehicles, nonmotor vehicles parts or components. For purposes of this section, an "entire motor vehicle" shall be defined to include a chassis, body, four wheels and engine.

(4) All parking for customers or employees shall be located within the enclosed licensed premises and no parking shall be permitted on an adjoining private or public street.

(5) The licensee shall comply with all local ordinances and all state statutes concerning the use, sale or operation of junkyards, motor vehicles or motor vehicle component parts.

(6) Motor vehicles purchased at auctions shall be removed only by flatbed trailer or tow truck or under their own power between the hours of 9:00 a.m. and 4:00 p.m. on weekdays.

(7) A security guard or privately retained police officer shall be at the premises one hour before and until one hour after each auction to direct traffic.

O. The licensee shall place signs meeting all Township requirements discouraging the depositing of junk or abandoned vehicles at the gates or entrance to any licensed premises during Sundays and holidays or at other hours that the junkyard is not open.

P. The licensee shall immediately remove any junk vehicles or other materials left or deposited outside the designated junkyard areas regardless of the means or source by which the vehicles or materials were deposited.

SECTION 3. Chapter 107, Junk Dealers and Automobile Auctions, Section 107-7 of the aforesaid Revised General Ordinances is hereby repealed and replaced to read as follows:

§107-7 Inspection.

A. All junk dealers shall keep records which shall be available upon the request of the Chief of Police or other law enforcement officer of all motor vehicle component parts as defined by N.J.S.A. 39:10B-1 et seq., as amended from time to time.

B. The licensed premises shall also be open to inspection during normal business hours or at any time the premises are open to the public by the licensee or whenever employees, servants or agents of the licensee are present and conducting license activities upon the property. The Code Enforcement Officer and Chief of Police shall inspect each licensed premises at least once a year and file a report of such inspection with the Township Clerk.

C. The Township Engineer *may* inspect the licensed premises annually *if in the event that he or she may determines that an inspection is in the best interest of the Township*. The licensee shall deposit ~~\$250~~ **\$1,000** for ~~this~~ inspection *costs* upon filing of the application.

SECTION 4. Chapter 107, Junk Dealers and Automobile Auctions, Section 107-8 of the aforesaid Revised General Ordinances is hereby repealed and replaced to read as follows:

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<u>Position</u>	<u>Annual Salary</u>
Fire Prevention Inspector (Hired after 1/1/2010)	\$5,000.00
Fire Official	\$17,494.00

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

C. Resolution #87-10 – National Domestic Violence Awareness Month

**RESOLUTION #87-10
NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH**

WHEREAS, Domestic Violence is a pattern of abusive behavior that a person uses against a partner, former partner, or family member to control that person; and,

WHEREAS, one in four women will experience domestic offenses in her lifetime, and

WHEREAS, there were 1,423 domestic violence offenses reported in Sussex County and 34,208 offenses reported in the state of New Jersey, and one homicide by a partner(s) in this County and 57 in the State; and

WHEREAS, the New Jersey State Federation of Women's Clubs of the General Federation of Women's Clubs (GFWC) continues to address the issue of Domestic Violence for its members and the GFWC-Walkkill Valley Woman's Club.

NOW, THEREFORE BE IT RESOLVED that the Mayor of the Township of Hardyston along with other members of the governing body of the Township of Hardyston do hereby proclaim the month of October to be National Domestic Violence Awareness Month in our community, and do hereby join the dedicated volunteers of NJSFWC of GFWC and GWFC-Walkkill Valley Woman's Club to aid domestic violence, to support our local domestic violence shelters and agencies, and to promote the National Domestic Violence Hotline, 1-800-799-SAFETY (7233).

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

D. Resolution #88-10 – Guardians of the Ribbon Resolution

RESOLUTION #88-10

WHEREAS, Guardians of the Ribbon – Northern New Jersey Chapter is a New Jersey non-profit organization consisting of firefighters, police officers, EMS workers, community leaders and concerned citizens whose sole purpose is raising awareness for the fight against cancer; and

WHEREAS, in September 2007 the "Pink Heals Tour" began, encouraging public safety professionals, local leaders and citizens throughout the community to wear pink in honor of all women and to join forces to help them in their fight against cancer; and

WHEREAS, the spirit of this campaign is to fight for those who have lost the ability to fight for themselves; asking for public support and raising understanding and awareness to all citizens; and

WHEREAS, anything is possible when good people devote themselves to a cause that does so much good and benefits so many; and

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WHEREAS, the “Cares Enough to Wear Pink” campaign honors all women and recognizes the need to come together as a collective group and help with the fight against cancer, reminding future generations that people who are not affected by an illness can come together for those who are.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that October 25 – 27, 2010 shall be known as “Cares Enough to Wear Pink Days”.

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

BILLS TO BE PAID: A motion was made by Ross to approve the bill list as presented, seconded by Hamilton. 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 7:35 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk