

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 7, 2010**

The meeting was called to order by Mayor Kievit at approximately 8:20 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

PROCLAMATION: Senior Citizen of the Year Award – Antonette Soderholm

Mayor Kievit presented Antonette Soderholm with the Senior Citizen of the Year Award

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.

Minutes:

1. Workshop Minutes of 11/9/10
2. Regular Minutes of 11/9/10
3. Regular Minutes of 11/23/10

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

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: 2010-12

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CERTAIN PROVISIONS OF CHAPTER 88, FEES, OF THE REVISED GENERAL ORDINANCES TO INCLUDE ANNUAL REGISTRATION FEES FOR NON-LIFE-HAZARD USES AND FIRE SUPPRESSION SYSTEMS

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 88-2 Construction Code Fees, Subsection (D), of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§88-2. Construction code fees.

D. Fire protection subcode fees are as follows:

- (1) Wet or dry sprinkler suppression systems as per the following numbers of heads:

Number of Heads	Fee
1 to 50	\$50
51 to 100	\$100
101 to 400	\$150
401 to 1,000	\$400
Over 1,000	\$650

- (2) Fee for each standpipe: \$150.

- (3) Fee for each gas or oil-fired appliance not connected to the plumbing system: \$50.

- (4) Commercial kitchen exhaust system, each: \$50.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 7, 2010**

(5) Independent preengineered suppression systems, each: \$100.

(6) Fuel storage tanks (underground or aboveground, installation only), each:

Capacity (gallons)	Fee
1 to 1,000	\$25
1,001 to 4,000	\$50
Over 4,000	\$100

(7) Smoke or heat detectors:

Number of Detectors	Fee
1 to 20	\$35
21 to 100	\$50
101 to 200	\$100
201 to 400	\$150
401 to 1,000	\$250
Over 1,000	\$350

(8) Manual or automatic alarm systems: \$50.

(9) Central control system: \$50.

The fire protection subcode fee shall be a minimum of \$50 for single-family dwellings; and \$75 for all other structures.

(10) Non-life-hazard Uses (§94-10B).

Annual Registration Fee: \$25.

Non-Registration Penalty: \$100

Late Fee: \$50.

(11) Fire suppression tanks (§94-10-C).

Annual Registration Fee: \$25.

Late Fee: \$50.

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 Kula to approve Ordinance 2010-12 on second reading, seconded by Miller. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 7, 2010**

2010-13

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF
NEW JERSEY AMENDING CERTAIN PORTIONS OF CHAPTER 147, SITE PLAN AND
GENERAL DEVELOPMENT PLAN REVIEW, OF THE REVISED GENERAL ORDINANCES TO
INCLUDE FIRE SUPPRESSION SYSTEM INSTALLATION AND MAINTENANCE
REQUIREMENTS**

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

SECTION 1. Chapter 147, Site Plan and General Development Plan Review, Section 147-8, Design standards and required site improvements, Subsection (O), of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 147-8. Design standards and required site improvements.

O. Fire protection facilities. The purpose of this subsection is to insure that adequate fire protection facilities are provided within residential developments. In the CR and R-4 Zones, a public potable and fire suppression water system shall be provided in accordance with the Residential Site Improvements Standards (RSIS), N.J.A.C. 5:21-1 et seq., for residential developments utilizing sewage collection and treatment. In all other zones, a fire suppression water system shall be provided for all residential preliminary major subdivisions and all major preliminary site plans for nonresidential developments in accordance with the following standards:

(1) Where public or private central water supply is available and has been approved by the Township of Hardyston, fire hydrants shall be installed to provide a source of water for fire fighting. Where public or private central water supply is not available for a residential subdivision, underground water storage tanks shall be located and installed within the development. The location of the tank shall be approved by the reviewing board with input from the Hardyston Fire Department. Any fire-suppression tank provided shall be located such that the distance from the proposed suction point for the tank to the required building setback line of each proposed lot shall not exceed 2,000 feet. This length shall be measured along the center line of the right-of-way. This distance shall also include the length of the driveway, measured along the driveway for flag lots and lots with common driveways. When more than one tank is required to meet this requirement, the spacing between tanks shall not exceed 3,000 feet. Each tank shall be located within the public right-of-way or an easement acceptable to the Township of Hardyston.

a) Tanks constructed to service residential subdivisions that will not have a homeowners association shall be dedicated to the Township. Regular, quarterly inspections shall be performed by the Township Fire Official pursuant to Chapter 94 of the Township Code to ensure operability.

1. The maintenance for tanks constructed to service residential subdivisions in which the roads have not been dedicated to the Township will be the responsibility of the developer or the community association (whichever has majority interest in the property) until it is formally dedicated to the Township. Regular, quarterly inspections shall be performed by the Township Fire Official pursuant to Chapter 94 of the Township Code to ensure operability.

b) For nonresidential sites, underground water tanks shall be installed in a location acceptable to the reviewing board with input from the Hardyston Fire Department.

1. Regular maintenance and certifications shall remain the responsibility of the property owner. Regular, quarterly inspections shall be performed by the Township Fire Official pursuant to Chapter 94 of the Township Code to ensure operability.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 7, 2010**

- c) All tanks must have paved access within seven linear feet of its suction point. Alternate materials may be utilized to provide access to the tank after approval by the Township Engineer and Hardyston Fire Department. A protective barrier must be placed in front of the tank in order to prevent damage to the tank, subject to approval by the Township Engineer. A permanent sign, in accordance with the requirements of Chapter 94 §94-15 of the Township Code, shall be installed at every tank location to show the existence and capacity of such tank. In addition, when tanks are located in the vicinity of a roadway or parking area, "Fire Lanes" shall be established and maintained pursuant to the requirements of Chapter 94 of the Township Code.
- d) The minimum capacity of every underground storage tank within a residential subdivision shall be 20,000 gallons. Tank capacities for nonresidential developments shall be based on the highest degree of hazard of the principal structures to be protected but in no case shall the tank capacity be less than 20,000 gallons. The fire protection systems shall be approved by the reviewing board with input from the Hardyston Fire Department. Unless an equivalent alternate fire protection system is authorized by the reviewing board, underground water storage tanks will be provided and shall be constructed and installed as follows. All underground water storage tanks shall be (minimum) single-walled fiberglass construction. The tank shall be installed in accordance with the manufacturer's recommendations and NFPA standards. Tanks shall at a minimum include the following features:
 - 1. One flange with six-inch draw tube.
 - 2. Four four-inch flanges.
 - 3. Six-inch dry hydrant NST female connection; each connection must have internal conical strainer, snap ring, and yellow dust cap. PVC pipe must pass through all adapters into tank.
 - 4. A functional and operational water level gauge of suitable design shall be provided. The gauge shall be of a size that insures it is legible from the street.
 - 5. Four-inch fill connection with two two-and-one-half-inch NST female connections with dust caps.
- e) This water supply is intended solely for minimal first-attack storage.
- f) In all subdivisions where a fire protection system is required, no building permit shall be issued for a principal structure upon any lot within the subdivision or development until fire protection to the extent necessary for such structure is installed and its operability has been tested and approved by the Hardyston Township Volunteer Fire Department, and it meets the requirements of the ordinance. In addition, all residential subdivision applicants shall submit to the Township, prior to the issuance of any building permit, an Engineer's certification from the applicant's engineer that the fire suppression system is operational and meets the requirements of this ordinance.

(2) The hydrants, tank size, design and location in conjunction with a site plan application for a nonresidential structure shall be approved by the reviewing board with input from the Hardyston Fire Department

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.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 7, 2010**

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 Hamilton to approve Ordinance 2010-13 on second reading, seconded by Kula. All in favor. Motion carried.

2010-14

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF
NEW JERSEY AMENDING A CERTAIN PORTION OF CHAPTER 94, FIRE PREVENTION, OF
THE REVISED GENERAL ORDINANCES TO INCLUDE FIRE SUPPRESSION SYSTEM
REGISTRATION AND ENFORCEMENT REQUIREMENTS**

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

SECTION 1. Chapter 94, Fire Prevention, Section 94-10, Inspections, permits and fees, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 94-10. Inspections, permits and fees.

- A. All inspection and permit provisions in the Uniform Fire Code (N.J.A.C. 5:70) are adopted by reference and incorporated, without change, as if set forth at length herein.
- B. Each nonresidential use that is not classified as a life-hazard use under N.J.A.C. 5:70-2.4 shall be registered with the Hardyston Township Fire Prevention Bureau. The owner of the premises and/or operator of the non-life-hazard use shall submit a completed registration form and pay the fee set forth in the Hardyston Township Code Chapter 88, General Fee Ordinance prior to commencing operation of the non-life-hazard use. A penalty shall accrue, in addition to the registration fee, if a non-life-hazard use is not so registered prior to commencing operation. The non-life-hazard use shall thereafter be registered annually during the month of January. A late registration penalty shall accrue on February 1.
- C. All privately owned fire suppression tanks installed and operated pursuant to the provisions of the Hardyston Township Land Use Code Chapter 147 §147-8 shall be registered with the Hardyston Township Fire Prevention Bureau. The owner of the fire suppression system shall submit a completed registration form and pay the fee set forth in the Hardyston Township Code Chapter 88, General Fee Ordinance. The fire suppression system shall thereafter be registered annually during the month of January. A late registration penalty shall accrue on February 1.
- D. All fire suppression tanks shall be inspected on a quarterly basis. Inspections will be conducted to verify operability and water levels. Should the tanks be found inoperable due to mechanical malfunctions or depleted water levels the owner shall be issued a violation letter, and all repairs shall be addressed within the time frame specified. In the event the owner does not achieve compliance within the timeframe specified in the violation letter a \$50/day fine shall accrue.
- E. All privately owned fire suppression tanks registered with the Hardyston Township Fire Prevention Bureau shall be filled and maintained at the required water level. In the event that the tank is utilized and the water level is depleted; the owner/operator shall refill the tank within 72 hours of depletion. The Township Fire Prevention Bureau will immediately notify the owner/operator of the use of the tank and requirement to refill said tank within the 72 hour timeframe. If the owner/operator does not achieve compliance a warning will be issued. Subsequent non-compliance shall accrue a \$50/day fine.

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.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 7, 2010**

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 2010-14 on second reading, seconded by Kula. All in favor. Motion carried.

2010-27

AN ORDINANCE TO AUTHORIZE ACQUISITION OF REAL PROPERTY [BLOCK 67.24 LOT 15, 8 MULBERRY LANE] FOR THE PURPOSE OF ACQUIRING UNITS AS PART OF THE TOWNSHIP'S MARKET TO AFFORDABLE HOUSING PROGRAM

WHEREAS, the owners of real property ("owners") designated as Lot in Block ("the property") on the Hardyston Township Tax Map, and known as 8 Mulberry Lane, are willing to convey the same to the Township of Hardyston ("Township"); and

WHEREAS, the Township desires to acquire single-family properties to be resold as affordable housing units pursuant to the Township's Housing Element and Fair Share Plan and the New Jersey Council on Affordable Housing's Substantive Rules (N.J.A.C 5:97); and

WHEREAS, the Township Council has determined that it should acquire the aforementioned property under the Township's Market to Affordable Housing program for the purpose of addressing the Township's affordable housing obligation.

NOW, THEREFORE, BE IT ORDAINED by the Hardyston Township Council that the Township shall acquire shall Block 67.24, Lot 15 by purchase from its owners in consideration of \$185,000.00, and the clerk, the administrator, the mayor, Housing Liaison and the Township Special Counsel, Vogel, Chait, Collins and Schneider are authorized and directed to take all steps necessary and execute all documents required for the purchase.

Severability

If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Ordinance.

Effective Date

This Ordinance shall take effect in the time and manner prescribed 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 2010-27 on second reading, seconded by Kula. All in favor. Motion carried.

2010-28

AN ORDINANCE TO AUTHORIZE ACQUISITION OF REAL PROPERTY [BLOCK 67.25 LOT 3, 7 CRESTMONT COURT] FOR THE PURPOSE OF ACQUIRING UNITS AS PART OF THE TOWNSHIP'S MARKET TO AFFORDABLE HOUSING PROGRAM

WHEREAS, the owners of real property ("owners") designated as Lot in Block ("the property") on the Hardyston Township Tax Map, and known as 8 Mulberry Lane, are willing to convey the same to the Township of Hardyston ("Township"); and

WHEREAS, the Township desires to acquire single-family properties to be resold as affordable housing units pursuant to the Township's Housing Element and Fair Share Plan and the New Jersey Council on Affordable Housing's Substantive Rules (N.J.A.C 5:97); and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 7, 2010**

WHEREAS, the Township Council has determined that it should acquire the aforementioned property under the Township's Market to Affordable Housing program for the purpose of addressing the Township's affordable housing obligation.

NOW, THEREFORE, BE IT ORDAINED by the Hardyston Township Council that the Township shall acquire shall Block 67.25, Lot 3 by purchase from its owners in consideration of \$185,000.00, and the clerk, the administrator, the mayor, Housing Liaison and the Township Special Counsel, Vogel, Chait, Collins and Schneider and directed to take all steps necessary and execute all documents required for the purchase.

Severability

If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Ordinance.

Effective Date

This Ordinance shall take effect in the time and manner prescribed 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 2010-28 on second reading, seconded by Hamilton. All in favor. Motion carried.

NEW BUSINESS:

A. Tax Collector Resolutions

1. #99-10 – Veteran Deduction Refund – Carl & Karin Thompson

RESOLUTION # 99-10

WHEREAS, Block 67, Lot 40, also known as 4 Shauger Terrace, Hardyston and owned by Carl & Karin Thompson, and

WHEREAS, Mr. Thompson has applied for a Veteran Deduction for the tax year 2010 and his taxes have already been paid in full,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Mr. Thompson the amount of \$ 250.00 for a Veteran Deduction on his property.

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

B. Resolution #101-10 – Cancellation of Unused Funds

Resolution #101-10

Whereas, There is a remaining balance in the Reserve for DPW Facility within the General Capital Fund account of the Township of Hardyston and, the Township has determine that they amount is no longer needed for that project ; and

Whereas the Treasurer of the Township of Hardyston has determine it is necessary to close said account; and

Whereas, transfer said balance to General Capital Fund, Fund Balance;

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 7, 2010**

Now, Therefore, be it resolved, by the Mayor and Council of the Township of Hardyston, that the following General Capital Fund account balances in the General Capital Fund be canceled,

Name	Amount Canceled
Reserve for Construction DPW Facility	\$ 252,802.50

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

C. Resolution #102-10 – Transfer of Capital Fund Balance to Current Fund Balance

Resolution #102-10

Whereas, There is a remaining balance in the Capital Fund Balance within the General Capital Fund account of the Township of Hardyston and, the Township has determine that they amount is no longer needed; and

Whereas the Treasurer of the Township of Hardyston has determine it is necessary to close said account; and

Whereas, transfer said balance to Current Fund, Fund Balance;

Now, Therefore, be it resolved, by the Mayor and Council of the Township of Hardyston, that the following General Capital Fund Balance account balances in the General Capital Fund be canceled, and transfer to the Township of Hardyston Current Fund, Fund Balance

Name	Amount Canceled
General Capital Fund Balance	\$ 252,802.50

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

D. Resolution #103-10 – 2009 Audit

FORM OF RESOLUTION #103-10

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 7, 2010**

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Township Council* of the Township of Hardyston, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

E. Resolution #106-10 – Fire Department Statewide Insurance Fund Coverage

RESOLUTION #106-10

**A RESOLUTION AUTHORIZING THE ADDITION OF THE HARDYSTON TOWNSHIP
FIRE DEPARTMENT FOR INCLUSION UNDER STATEWIDE INSURANCE FUND**

Whereas Hardyston Township reviewed a proposal prepared by the Morville Agency LLC on December 1st, 2010 for the purpose of the Hardyston Township Fire Department being included as a quasi entity of the Township of Hardyston and eligible for inclusion under the Statewide Insurance Fund coverage; and

Whereas, at a meeting held on December 7, 2010 the Hardyston Township Council unanimously voted to accept the proposal presented by the Morville Agency LLC; and

Whereas, coverage shall begin on January 1st, 2011 and the coverage shall include the coverage for property, liability, firefighters professional liability, Department D&O and all other coverage as outlined in the Township renewal proposal covering the period 1/1/11-1/1/12.

Now, therefore be it resolved that the Township Council of the Township of Hardyston hereby authorizes the addition of the Hardyston Township Fire Department to be included as a quasi entity of the Township of Hardyston and eligible for inclusion under the Statewide Insurance Fund coverage.

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

F. Resolution #107-10 – Appointment of Risk Management Consultant

#107-10

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, Hardyston Township (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Hunterdon and State of New Jersey, as follows:

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 7, 2010**

1. **Hardyston Township** hereby appoints **George Morville** its local Risk Management Consultant.
2. The **Township Manager** (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2011 in the form attached hereto.

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

G. Resolution #108-10 – Renewal – Statewide Insurance Fund

**#108-10
STATEWIDE INSURANCE FUND
RESOLUTION TO JOIN (RENEW) THE FUND**

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, **Hardyston Township** ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2011** terminating on **January 1, 2014** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked "Yes":

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 7, 2010**

	<u>YES</u>	<u>NO</u>
Workers' Compensation & Employer's Liability	X	
Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General Liability, Auto Liability, Auto Physical Damages and Professional Liability	X	
Pollution Liability	X	

BE IT FURTHER RESOLVED that **Marianne Smith** (*name of member employee*) is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

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

H. Resolution #109-10 – Resolution Appointing Fund Commissioner

**#109-10
STATEWIDE INSURANCE FUND
RESOLUTION APPOINTING FUND COMMISSIONER**

WHEREAS, Hardyston Township (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the that **Marianne Smith** is hereby appointed as the Fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that **N/A** is hereby appointed as the Alternate Fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 7, 2010**

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.

EXECUTIVE SESSION:

BE IT RESOLVED by the Township Council of the Township of Hardyston on the 7th day of December, 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.
 - () 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: Hamilton
Seconded by: Kula

MOTION	YES	NO	ABSTAIN	ABSENT
Ross	<u> x </u>	_____	_____	_____
Kievit	<u> x </u>	_____	_____	_____
Kula	<u> x </u>	_____	_____	_____
Hamilton	<u> x </u>	_____	_____	_____
Miller	<u> x </u>	_____	_____	_____

Motion carried.

A motion was made by Kula to come out of Executive Session, seconded by Hamilton. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Kula to adjourn at approximately 8:30 p.m., seconded by Ross. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk