

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 3, 2011**

The meeting was called to order by Mayor Kula at approximately 9:15 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Deputy Mayor Miller, Councilwoman Hamilton, Councilman Kievit, Councilman Ross, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Dominic DiYanni of Dorsey & Semrau

**SALUTE THE FLAG**

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

**Minutes:**

1. Regular Minutes of 4/5/11
2. Workshop Minutes of 4/5/11
3. Executive Session Minutes of 4/5/11
4. Regular Minutes of 4/12/11
5. Executive Session Minutes of 4/12/11

**Agreements/Applications/Licenses:**

1. Raffle – Knights of Columbus #5563 General Judson Kilpatrick

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

**ORDINANCES:**

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

**2011-05**

**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 69, CHARITABLE CLOTHING BINS**

A motion was made by Kievit to table this item, seconded by Ross. All in favor. Motion carried.

**2011-06**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CERTAIN PORTIONS OF CHAPTER 179, WATER, OF THE REVISED GENERAL ORDINANCES**

**WHEREAS**, the Township of Hardyston is always looking to protect the interests of its residents; and

**WHEREAS**, as part of that protection, the Township adopts ordinances which provide for the health, safety and welfare of those residents; and

**WHEREAS**, it has come to the Township's attention that the drinking water being supplied to the residents of both the Lake Gerard and Beaver Lake communities may not be up to standard with state and federal rules and regulations; and

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 3, 2011**

**WHEREAS**, the Township desires to place procedures and a timeframe in place in order to allow the residents of those lake communities appropriate and reasonable time to ensure that the drinking water they are receiving is in fact compliant with all applicable state and federal regulations and standards.

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

**SECTION 1.** Chapter 179, Water, of the aforesaid Revised General Ordinances is hereby amended and supplemented with the addition of Article II, Lake Gerard and Beaver Lake Communities, to read as follows:

### **ARTICLE II LAKE GERARD & BEAVER LAKE COMMUNITIES**

#### **§179-6 Applicability; Execution of Documentation**

- A. The requirements set forth in this Section shall only apply to those residents of either the Lake Gerard or Beaver Lake Communities.
- B. Upon the effective date of this Article, every homeowner located within the Beaver Lake and Lake Gerard communities shall be required to sign and execute a document evidencing their personal knowledge that the subject property is receiving an unreliable potable water source.

#### **§179-7 Compliance Requirements**

Except as provided for in §179-8, all owners of properties within the Lake Gerard and Beaver Lake Communities must complete one of the following three modifications to their existing water supply within twenty-four (24) months of the enactment of this Section:

- A. Installation of a system which shall provide a water source that meets bacteria standards in accordance with NJDEP guidelines. Said system shall be inspected and approved prior to its use by the Sussex County Health Department who acts as the local enforcing agency for the Township of Hardyston.
- B. Installation of an appropriate well to supply adequate drinking water to the subject premises. The wells shall be drilled and installed by the homeowner in compliance with all local, state and/or federal regulations.
- C. Have the property serviced through an approved public or private water system.

#### **§ 179-8 Exceptions**

The twenty-four (24) month compliance period specified in §179-7 shall not apply where the subject property owner(s) attempts to expand the subject premises by way of renovations. In the event a homeowner attempts to renovate his/her property, the compliance requirements specified in §179-7 shall become the immediate obligation of to complete before any permits for said renovation(s) is issued by the Township. The acceleration of this requirement shall not pertain to renovations for safety purposes such as installation and/or replacement of door(s), window(s) and/or roofing.

#### **§ 179-9 Agency designation.**

The Sussex County Health Department shall be the local enforcing agency within the Township of Hardyston and shall be the agency responsible for enforcing the requirements of this section.

#### **§ 179-10 Violations and Penalties.**

Any homeowner 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.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 3, 2011**

**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.

Township Attorney Dominic DiYanni stated that he received a call from Herb Yardley, Sussex County Health Department, late this afternoon. He stated that the Health Department had reviewed the draft ordinance and they only had one or two very minor additions to the ordinance that they would like included before the public hearing. He stated that the Sussex County Health Department would like to add a provision that the property owners of Beaver Lake and Lake Gerard would have to sign some sort of documentation that they are aware that they are utilizing an unreliable water source, until such time that they make the modifications set forth in the ordinance.

A motion was made by Ross to approve Ordinance 2011-06 on first reading with the minor additions, seconded by Kievit. All in favor. Motion carried.

**2011-07**

**AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$442,860.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY.**

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

**Section 1:** The sum of Four hundred thirty-two thousand nine hundred sixty dollars (\$442,860.00) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purpose:

For Various Capital Improvements or Purposes for the Township of Hardyston.

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

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

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

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

**Section 4:** This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

A motion was made by Ross to approve Ordinance 2011-07 on first reading, seconded by Kievit. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 3, 2011**

**ORDINANCES:**

**2nd READING:** None

**NEW BUSINESS:**

- A. Resolution #27-11 - Tax Collector Resolution
1. Refund – Dai Young Kim, et al – 10 Witherwood Drive

**RESOLUTION #27-11**

WHEREAS, Block 16.11 Lot 5 also known as 10 Witherwood Drive, and owned by Dai Young Kim et al, and

WHEREAS, a Tax Court Judgment for the tax year 2009 was settled for the assessment on this parcel to be lowered to 383,500

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Dai Young Kim in the amount of \$ 3,327.00.

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

- B. Resolution #28-11 – Resolution certifying to the Sussex County Board of Chosen Freeholders that the Township of Hardyston recognizes and approves the Hardyston First Aid Squad’s efforts to seek financial assistance from the County of Sussex

**RESOLUTION #28-11**

**RESOLUTION CERTIFYING TO THE SUSSEX COUNTY BOARD OF CHOSEN FREEHOLDERS THAT THE TOWNSHIP OF HARDYSTON RECOGNIZES AND APPROVES THE HARDYSTON FIRST AID SQUAD’S EFFORTS TO SEEK FINANCIAL ASSISTANCE FROM THE COUNTY OF SUSSEX**

WHEREAS, the County of Sussex has, for several years, provided financial assistance to Emergency Rescue and First Aid Squads serving the residents of the County; and

WHEREAS, on February 28, 2001 the Sussex County Board of Chosen Freeholders adopted a resolution requiring municipalities to certify that First Aid Squad’s serving their community are approved to seek financial assistance from the County of Sussex; and

WHEREAS, the volunteers of the Hardyston Township First Aid Squad have for many years provided emergency medical and rescue services to Township residents, businesses and visitors.

NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that it hereby certifies its approval of the Hardyston Township First Aid Squad seeking financial assistance from the County of Sussex.

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

- C. Resolution #29-11 - Resolution authorizing execution of the following shared service agreement:

1. Land Use – Andover Township

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 3, 2011**

**RESOLUTION #29-11**

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING CONTRACTS/ LEASES/ SHARED SERVICE AGREEMENTS/AGREEMENTS**

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

1. Land Use – Andover Township

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

D. Hardyston Township 250<sup>th</sup> Anniversary Logo

A motion was made by Ross to approve the Hardyston Township 250<sup>th</sup> Anniversary Logo, seconded by Kievit. All in favor. Motion carried.

E. Appointment – Planning Board, Alternate II

A motion was made by Kievit to appoint Don Trien to the Hardyston Township Planning Board as Alternate II, seconded by Ross. All in favor. Motion carried.

F. American Cancer Society Relay for Life Proclamation

**Proclamation  
Relay For Life of Sussex County**

WHEREAS, Relay For Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

WHEREAS, money raised during Relay For Life of Sussex County supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays – by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

WHEREAS, Relay For Life helped fund more than \$150 million in cancer research last year;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hardyston does hereby proclaim the week of May 16 as,

**"RELAY FOR LIFE DAYS"**

and encourages citizens to participate in the Relay For Life event at Sussex county Community College from 4:00 p.m. Saturday to 6:00a.m. Sunday.

A motion was made by Ross proclaiming the week of May 16, 2011 as “Relay For Life Days”, seconded by Kievit. All in favor. Motion carried.

G. Leave Of Absence

A motion was made by Kievit to grant a total of six (6) months leave of absence without pay to Hardyston Township Department of Public Works employee Larry Kinney for disability, seconded by Ross. All in favor. Motion carried.

**BILLS TO BE PAID:** A motion was made by Ross to approve the bill list as presented, seconded by Kievit. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 3, 2011**

**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 9:20 p.m., seconded by Hamilton. All in favor. Motion carried.

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Jane Bakalarczyk, RMC/CMC  
Municipal Clerk