

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 17, 2011**

The meeting was called to order by Mayor Kula 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 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.**

**Monthly Reports:**

1. Municipal Clerk Report – April 2011
2. Municipal Court Report – April 2011
3. Tax Collector Report – April 2011
4. Zoning Officer Report – February 2011
5. Zoning Officer Report – March 2011
6. Assistant Planner – 1<sup>st</sup> Quarter 2011 Report
7. HTMUA – Minutes of 4/4/11
8. Police Department Report – April 2011
9. Construction Certificate Activity Report – April 2011
10. Construction Permit Activity Report – Hardyston – April 2011
11. Construction Permit Activity Report – Hamburg – April 2011
12. Construction Permit Activity Report – Franklin – April 2011
13. Construction Permit Activity Report – Newton – April 2011
14. Construction Permit Activity Report – Sussex – April 2011
15. Sussex County Public Health Nurse Activity Report – March 2011
16. Sussex County Public Health Nurse Activity Report – April 2011

**Agreements/Applications/Licenses:**

1. Raffle – Wallkill Valley Rotary Club
2. Raffle – AGX Baseball, Inc.
3. Raffle – NJ State Organization of Cystic Fibrosis
4. Raffle – Wallkill Valley Booster Club

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

**ORDINANCES:**

**1st READING: None**

**ORDINANCES:**

**2<sup>nd</sup> READING: 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**

A motion was made by Ross to withdraw Ordinance 2011-06, seconded by Hamilton. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 17, 2011**

**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 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 2011-07 on second reading, seconded by Kievit. All in favor. Motion carried.

**NEW BUSINESS:**

A. Resolution #30-11 – Resolution in support of A-196 by the New Jersey Assembly

**RESOLUTION #30-11**

**RESOLUTION IN SUPPORT OF A-196 BY THE NEW JERSEY STATE ASSEMBLY**

WHEREAS, Assembly Bill A-196 was introduced in the general Assembly on January 12, 2010; and

WHEREAS, Assembly Bill A-196 would grant municipal courts discretion to assess court costs for certain dismissals and changes costs for certain violations; and

NOW THEREFORE BE IT RESOLVED that the Township of Hardyston, County of Sussex, State of New Jersey does hereby support assembly Bill A-196 and urges the General Assembly to pass this legislature; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Governor Christie, Senator Steven V. Oroho, Assemblywoman Alison Littell Mc Hose, Assemblyman Gary R. Chiusano and all Sussex County Municipalities.

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

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- B. Resolution #31-11 – Resolution opposing Assembly Bill No. A-2095 and Senate Bill No. S-818 which revise requirements for medical service delivery

**RESOLUTION #31-11**

**RESOLUTION OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX OPPOSING ASSEMBLY BILL NO. A-2095 AND SENATE BILL NO. S-818 WHICH REVISE REQUIREMENTS FOR MEDICAL SERVICE DELIVERY**

**WHEREAS**, Assembly Bill A-2095 and Senate Bill No. S-818 are currently undergoing an examination by both State legislative bodies; and

**WHEREAS**, the intent of A-2095 and S-818 is to regulate the emergency medical services system, referred to as inefficient and lacking in accountability by the sponsors of this legislation; and

**WHEREAS**, upon reading the proposed sweeping reform measures, it is apparent that these bills, while seemingly beneficial, set forth a number of requirements that will have a deleterious impact on New Jersey Municipalities and volunteer rescue squads; and

**WHEREAS**, set forth below are issues raised in the bill:

1. Qualifications and training levels that will discourage and/or overly burden volunteer rescue squad members, reducing volunteer participation in rescue squads;
2. Creation of a new Office of Emergency Services in the Department of Health with all costs associated in appointing and maintaining a new bureaucracy;
3. The requirement that two (2) emergency medical technicians ride in every ambulance at all times, again burdening volunteer rescue squads leading to their demise;
4. Creation of a new State Fund and directing the assessment and collection of fees (taxes) in support of same;
5. Establishment of the titles of State Medical Director for Emergency Medical Services and three regional medical directors who will undoubtedly require appropriate staff to support said titles;
6. By default, municipalities in the absence of viable volunteer rescue squads shall remain responsible for providing Basic Life Support services through the hiring of personnel or by contracting with a service provider (area hospital) to provide ambulance support; and

**WHEREAS**, the unspoken consequence of said legislation will be the end of volunteer rescue squads across New Jersey; and

**WHEREAS**, State government, as a result of this legislation, will expand its bureaucracy at a time when the citizens wish to see State government reduced; and

**WHEREAS**, the cost to provide Basic Life Support Services will increase dramatically as a result of the loss of volunteers and volunteer rescue squads.

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

1. The Township of Hardyston stands firmly opposed to this legislation;
2. The Township of Hardyston stands firmly opposed to this legislation as the requirements therein will dramatically increase the cost of emergency medical services to our citizens in the form of taxes, fees and service charges; and
3. The Township of Hardyston calls upon its legislative delegation to vote against this legislation and, in the event that the same is adopted, Governor Christie is respectfully requested to veto the legislation; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to Governor Christie, Senator Steven Oroho, Assemblyman Gary Chiusano, Assemblywoman Alison McHose, all Sussex County Municipalities and the New Jersey State League of Municipalities.

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

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- C. Resolution #32-11 - Resolution establishing a new petty cash fund

**RESOLUTION #32-11  
RESOLUTION ESTABLISHING A NEW PETTY CASH FUND**

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any county or municipality by application and resolution, and,

WHEREAS, it is the desire of the *Township of Hardyston*, County of Sussex to establish such a fund for the Township Manager in the amount of \$ 1,000.00; and

WHEREAS, the custodian for this fund is Marianne Smith who is bonded by the Township Blanket Bond and such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Township of Hardyston hereby authorizes such action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

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

- D. Resolution #33-11 – Resolution requesting permission for the Dedication By Rider for Municipal Alliance on Alcohol and Drug Abuse Trust Fund

**RESOLUTION #33-11**

A Resolution Requesting Permission for the Dedication by Rider for Municipal Alliance on Alcohol and Drug Abuse (N.J.S.A. 40A:5-29 Program Contributions) Trust Fund

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 et seq. allows municipalities to receive amounts for Program Contribution Fees for Municipal Alliance on Alcohol and Drug Abuse, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of moneys by dedication by rider; and

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Municipal Alliance on Alcohol and Drug Abuse Program Contribution fees as per N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the Township of Hardyston is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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

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E. Resolution #34-11 – Assembly Bill A-3603 and Senate Bill S-2588

**RESOLUTION #34-11**

**RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO EXEMPT THE RESERVE FOR UNCOLLECTED TAXES FROM THE 2% CAP**

WHEREAS, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

WHEREAS, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

WHEREAS, in addition to collecting property taxes for its own operations, the municipality also serves as the collection agent for the county, school districts, fire districts and other special local entities; and

WHEREAS, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

WHEREAS, due to myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

WHEREAS, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year; and

WHEREAS, without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

WHEREAS, those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

WHEREAS, Assemblymen McKeon and Burzichelli have introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Hardyston hereby urge the swift passage and signing of A-3603;

BE IT FURTHER RESOLVED, that consideration also be given to providing a levy cap exception to account for the impact of tax appeals on local operations; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

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

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F. Resolution #35-11 – DOT Resolution

**RESOLUTION #35-11**

**RESOLUTION OF THE TOWNSHIP OF HARDYSTON SEEKING STATE INTERVENTION TO INCREASE SAFETY AND PUBLIC AWARENESS ON STATE HIGHWAY ROUTE 23**

WHEREAS, State Highway Route 23 was established in 1927, running 52.63 miles from Verona New Jersey to the New York State border at Wantage Township, New Jersey; and

WHEREAS, the Township of Hardyston has no authority to interfere with the structure, maintenance and/or design of this road which functions are within the purview of various divisions of the State government; and

WHEREAS, many residents of the Township of Hardyston travel this State highway in commuting to and from work on a daily basis; and

WHEREAS, it is one of the two major highways closest to the Township of Hardyston; and

WHEREAS, in the 1960's the route was planned to be upgraded which plans were cancelled in the 1970's; and

WHEREAS, many of our neighboring municipalities have requested that the Township of Hardyston join in this request for intervention by the State of New Jersey; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston, in the County of Sussex and State of New Jersey that, in the interests of the residents of the Township and the residents of surrounding municipalities who regularly commute on Route 23, and all persons who have cause to operate an automotive conveyance on New Jersey State Highway Route 23, they hereby request that the State of New Jersey, through the appropriate State departments, immediately conduct a study to determine both long-term and short-term safety improvements along State Highway Route 23 and in particular along that portion of said highway from US postal address 1899 Route 23 to 2200 Route 23 that encompasses a series of "S" turns within the Township of West Milford; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, Senator Steven Oroho, Assemblyman Gary Chiusano, Assemblywoman Alison Littell-McHose, NJDOT Commissioner James S. Simpson; the 24 municipalities within Sussex County, the Sussex County Board of Chosen Freeholders, each municipality within the Counties of Morris & Passaic and the Boards of Freeholders for Morris & Passaic Counties seeking their endorsement and support of this request.

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

G. Resolution #36-11 – 2011 Salary Resolution

**BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages effective January 1, 2011 shall be paid as follows:**

Title	2011 Salary
	<u>Annual Salary</u>
Township Council	\$ 4,000.00
Mayor/Deputy Mayor:	
Marriage/Civil Union Ceremony Stipend (per ceremony for residents)	\$ 50.00
(per ceremony for non-residents)	\$ 200.00
Township Manager	\$ 150,522.00
Deputy Manager	\$ 9,085.00

Municipal Clerk/Registrar/Search Officer	\$	66,002.00
Chief of Police	\$	129,037.00
Public Works Director	\$	93,465.00
Fleet Manager	\$	2,000.00
Zoning Officer	\$	29,728.00
Tax Assessor	\$	49,186.00
Assistant Planner	\$	59,306.00
Land Use and Grants Administrator (January 1 - April 31, 2011 Prorated)	\$	49,609.00
Land Use and Grants Administrator (Beginning May 1, 2011 Prorated)	\$	51,109.00
Construction Official	\$	106,311.00
Building Subcode Official	\$	81,300.00
Recreation Program Director	\$	43,000.00
Fire Official	\$	17,497.00
Fire Prevention Inspector	\$	8,327.00
Fire Prevention Inspector (hired after 1/1/10)	\$	5,000.00
Housing Rehabilitation Program Inspector		\$300.00/unit
Municipal Court Administrator	\$	46,031.00
Municipal Court Administrator - Night Court	\$	90.00
Municipal Court Magistrate	\$	33,937.00
Temporary Municipal Court Magistrate (per session)		\$925.00/session
Deputy Court Clerk		
For first three hours of court session	\$	90.00
For each hour of court session exceeding three hours		\$16.39/hour
Planning/Zoning Board Secretary/Land Use Admin./Twp. Clerk		
Meeting stipend for board meetings/EDC meetings/Twp. Council mtgs.		\$90.00/meeting
Emergency Management Coordinator	\$	8,118.00
Dispatchers:		
Year One	\$	36,869.69
Year Two	\$	39,718.19
Year Three	\$	42,295.00
Year Four	\$	45,097.85
Year Five	\$	48,917.00

Part-Time Dispatchers:		<b>Hourly Salary</b>
Year One	\$	17.38
Year Two	\$	18.73
Year Three	\$	19.94
Year Four	\$	21.27
Year Five	\$	23.06

		<b>Hourly Salary</b>
Senior Clerk/Radio Dispatcher	\$	24.44
Road Supervisor	\$	30.04
Assistant Road Supervisor	\$	29.07
Laborer Without CDL hired before 1/1/08	\$	17.22
Laborer With CDL hired before 1/1/08	\$	19.27
Water and Sewer Operator	\$	33.08
Summer Seasonal Laborer/Driver	\$	12.00
Summer Seasonal Laborer	\$	10.00
Winter Seasonal Laborer/Driver Without CDL	\$	13.00
Winter Seasonal Laborer/Driver With CDL	\$	15.00

<b>Hardyston Township 2011 Salary Resolution - Page 2</b>		<b>Hourly Salary</b>
Custodian		
Hired prior to 1/1/07	\$	16.93
Hired after 1/1/07	\$	12.92
Secretary/Clerical	\$	14.40
Secretary/Clerical Temporary	\$	8.00
Secretary/Administration hired before 12/31/04	\$	20.01
Secretary/Administration hired after 12/31/04 & Water & Sewer Billing Clerk	\$	18.88
Secretary/Administration hired after 4/1/07	\$	17.11
Planning Intern	\$	16.00
Assistant to Recreation Program Director		
Hired before 1/01/05	\$	14.90
Hired between 1/01/05 and 12/31/05	\$	14.36
Hired after 12/31/05	\$	9.97
Recreation On-Call Staff	\$	9.97

Recreation Program Presenter Without Certificaton	\$	15.00
Recreation Program Presenter With Certification	\$	23.00
Electrical Subcode Official	\$	43.93
Plumbing Subcode Official	\$	36.66
Building Inspector		
Part-Time	\$	26.04

<u>Step</u>	<u>Hourly Salary</u>
Driver/Laborer:	
Year One	\$ 20.74
Year Two	\$ 22.03
Year Three	\$ 23.32
Year Four	\$ 24.62
Year Five	\$ 26.56
Year Six	\$ 28.50

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

- H. Amended Agreement with Mitchell Humphrey & Co. for Land Use Manager and Zoning Manager Software

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

- I. Correspondence

1. Township of Green
2. Sandyston Township
3. Branchville Borough
4. Branchville Borough
5. Lafayette Township
6. Lafayette Township
7. Lafayette Township
8. County of Sussex
9. County of Sussex
10. NJ State League of Municipalities
11. NJ State League of Municipalities
12. State of NJ
13. State of NJ
14. State of NJ
15. State of NJ
16. State of NJ
17. State of NJ
18. State of NJ
19. State of NJ
20. Beattie Padovano, LLC
21. PSE&G
22. NJ State League of Municipalities

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

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

- 2011 Capital Budget – Township Manager stated that it is the administrative goal to complete all proposed capital improvement projects funded within the 2011 budget by the close of the year.
- Land Use and Zoning Mitchell Humphrey Conversion – Township Manager stated that training on the new software will take place in early June.
- Inter-Local Service Contracts – Township Manager stated that the contract for Land Use Administration services with Andover Township has been fully executed and Hardyston Township began providing services to Andover Township on May 10, 2011.

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- 250<sup>th</sup> Anniversary Committee – Township Manager stated that planning continues on a number of proposed events.
- Solar Energy Opportunity – Township Manager stated that Birdsell Engineering will review the school and municipal building facilities to determine whether there are any opportunities for power purchase agreements relative to the school's energy needs and the balance of the municipality's net of energy produced by our own solar facility.
- Littell Community Center – Township Manager stated that the Township has been advised that the State of New Jersey has officially placed the building on their excess asset list of for sale properties.

**BILLS TO BE PAID:** A motion was made by Kievit to approve the bill list as presented, seconded by Ross. 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 7:30 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk