

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 19, 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 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 – June 2011
2. Municipal Court Report – June 2011
3. Tax Collector Report – June 2011
4. Smoke Detector & CO Alarm Compliance Inspections Report – 2nd Q 2011
5. Construction Certificate Activity Report – June 2011
6. Construction Permit Activity Report – Hardyston – June 2011
7. Construction Permit Activity Report – Hamburg – June 2011
8. Construction Permit Activity Report – Franklin – June 2011
9. Construction Permit Activity Report – Newton – June 2011
10. Construction Permit Activity Report – Sussex – June 2011
11. Police Department Report – June 2011

Agreements/Applications/Licenses:

1. Raffle – Easter Seals New Jersey, Inc.

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

ORDINANCES:

1st READING: 2011-12

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 172, VEHICLES AND TRAFFIC, ARTICLE II, PARKING, SECTION 172-13, STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS, 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 172, Vehicles and Traffic, Article II, Parking, Section 172-13, Stopping or Standing Prohibited During Certain Hours on Certain Streets, of the aforesaid Revised General Ordinances is hereby amended and supplemented to now read as follows:

§ 172-13. Stopping or Standing Prohibited During Certain Hours on Certain Streets.

No person shall park, stop or stand a vehicle between the hours specified on any day (except Sundays and public holidays) upon any of the streets or parts of streets described.

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<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
North Church Road (County Route 631)	Both	All hours	From the border with Franklin Borough to the intersection With NJSH Route 94.
Grumm Road Route 673)	Both	All hours	From the intersection with (County Beaver Run Road (County Route 661) to the border with Wantage Township.

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 Kievit to approve Ordinance 2011-12 on first reading, seconded by Hamilton. All in favor. Motion carried.

ORDINANCES:

2nd READING:

2011-11

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 concerned with protecting 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 its residents; and

WHEREAS, it has come to the Township's attention that the drinking water being supplied to the residents of certain residences in seasonal lake communities and other residents in the community may not be up to standard with state and federal rules and regulations; and

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, Residential Drinking Water Compliance", to read as follows:

ARTICLE II RESIDENTIAL DRINKING WATER COMPLIANCE

§179-6 Applicability; Execution of Documentation

The requirements set forth in this Section shall only apply to those existing dwellings or residences who do not have a potable water supply and that may include, but not be limited to, seasonal residents of lake communities.

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§179-7 Compliance Requirements

Except as provided for in §179-8, all owners of properties without potable wells must complete one of the following three modifications to their existing water supply within thirty six (36) months of the enactment of this Section:

- A. Have the property serviced through an approved public community (15 or greater connections) or non-public (less than 15 connections) water system.
- B. Installation of an individual well to supply adequate drinking water to the subject premises. The wells shall be drilled and installed in compliance with all local, state and/or federal regulations.
- C. Installation of a water treatment system utilizing appropriate technology which shall appropriately purify the surface water in accordance with NJDEP guidelines for safe drinking water which the resident(s) of said property shall be utilizing for drinking purposes. Said system shall be permitted, inspected and approved prior to its use by the Township Plumbing Inspector as the local review agency for the Township of Hardyston. Such systems shall not be permitted for new construction.

§ 179-8 Exceptions

The thirty six (36) 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 alterations or additions which result in an increase of square footage. In the event a homeowner performs a reconstruction to his/her dwelling, the compliance requirements specified in §179-7 shall become the immediate obligation of the homeowner before any permits for said reconstruction(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.

“Reconstruction, Alteration and Addition” shall be as defined in the N.J. Uniform Construction Code, Subchapter 6, “The Rehabilitation Subcode”.

§ 179-9 Agency designation.

The Township of Hardyston Health Officer shall be the local enforcing agency within the Township of Hardyston and shall be the agency responsible for enforcing the requirements of this section. Presently the Health Officer for the Township of Hardyston has been designated as the Sussex County Health Officer.

Plumbing Inspection fees as it relates to water systems installed within the thirty six month (36) time period set forth in this Ordinance shall be waived.

§ 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 may 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 and seconded to open the meeting to the public. All in favor. Motion carried. Billy Barrett of Lake Gerard stated that he would like to work with town officials in seeing that the residents of Lake Gerard are in compliance. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Kievit to approve Ordinance 2011-11 on second reading, seconded by Miller. All in favor. Motion carried.

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NEW BUSINESS:

- A. Resolution #47-11 – Resolution authorizing submission of an application for the 2012 New Jersey Governor’s Council on Alcoholism and Drug Abuse Grant

RESOLUTION #47-11

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE 2012 NEW JERSEY GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE GRANT

WHEREAS, The Township Council of the Township of Hardyston, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all age; and,

WHEREAS, the Hardyston Township Council further recognizes that it is incumbent upon not only the public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Hardyston Township Council in partnership with the Franklin Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Hardyston, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of an application for the Franklin/Hardyston Alliance Coalition Municipal Alliance grant for calendar year **2012** in the amount of **\$12,474.00**
2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

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

- B. Resolution #48-11 - Resolution of support authorizing the Sustainable Jersey Grant funded by Wal-Mart

RESOLUTION #48-11

RESOLUTION OF SUPPORT FROM THE TOWNSHIP OF HARDYSTON AUTHORIZING THE SUSTAINABLE JERSEY™ GRANT FUNDED BY WAL-MART

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Hardyston Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Hardyston Township is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart;

THEREFORE, the Township Council of Hardyston Township has determined that Hardyston Township should apply for the aforementioned Grant.

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THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Hardyston, State of New Jersey, authorizes the submission of the aforementioned Sustainable Jersey Grant funded by Wal-Mart.

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

- C. Resolution #49-11 – Resolution authorizing the submission of an application for the 2011-2012 NJDEP Licensed Operator Internship Program Grant on behalf of the Hardyston Township Municipal Utilities Authority

RESOLUTION #49-11

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE 2011-2012 NJDEP LICENSED OPERATOR INTERNSHIP PROGRAM GRANT ON BEHALF OF THE HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

WHEREAS, the Township of Hardyston desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$35,000 to fund the hiring of a intern position in order to have an additional licensed water system operator in order to achieve adequate succession planning for the operation and maintenance of the Township's public water system which is part of the Hardyston Township Municipal Utilities Authority (HTMUA); and

WHEREAS, the Township of Hardyston provides the staff necessary to operate and maintain the Township Municipal Utilities Authority as part of a shared services agreement, and therefore is applying for the grant funding necessary to fund the hiring of an intern on behalf of the HTMUA;

THEREFORE, the Township of Hardyston has determined that Hardyston Township should apply for the aforementioned grant.

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Hardyston, State of New Jersey authorizes Marianne Smith or the successor to the position of Township Manager to make (a) application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$32,500 and not more than \$35,000, and (c) to execute any amendments thereto which do not increase the Grantee's obligations; and

BE IT FURTHER RESOLVED, the Township of Hardyston hereby agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement if the grant should be awarded.

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

- D. Resolution #50-11 – Statement of Consent – Edgewater Associates Proposed Laundromat TWA Application (Sewer Extension) – 3331 Route 94

RESOLUTION #50-11

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

- NJDEP Treatment Works Application – Edgewater Associates – Proposed Laundromat – 3331 Route 94

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

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- E. Proposal for real estate consulting services for tax assessing purposes – Value Research Group, LLC

A motion was made by Kievit to approve the proposal, seconded by Hamilton. All in favor. Motion carried.

- F. Resolution #51-11 – Resolution authorizing the submission of comments regarding the Highlands Council Draft Consistency Review & Recommendations Report to the New Jersey Highlands Council as required for Municipal Plan Conformance

RESOLUTION #51-11

A RESOLUTION AUTHORIZING THE SUBMISSION OF COMMENTS REGARDING THE HIGHLANDS COUNCIL DRAFT CONSISTENCY REVIEW & RECOMMENDATIONS REPORT TO THE NEW JERSEY HIGHLANDS COUNCIL AS REQUIRED FOR MUNICIPAL PLAN CONFORMANCE

WHEREAS, the Highlands Act specifies that conformance with the Regional Master Plan (Plan Conformance) is mandatory for jurisdictions with any lands located in the Preservation Area; and

WHEREAS, the Highlands Council's Plan Conformance Guidelines requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

WHEREAS, the Township of Hardyston submitted a Petition for Plan Conformance containing all required draft documents on December 1, 2009 as required by the Highlands Council's Plan Conformance Guidelines; and

WHEREAS, the Township of Hardyston received the Highlands Council Draft Consistency Review and Recommendations Report with supporting materials on June 7, 2011; and

WHEREAS, the Highlands Council requires that the Township of Hardyston review the Draft Consistency Review and Recommendations Report and provide response to the Draft Report and work products within 45 calendar days from the date materials were received as part of the Plan Conformance process; and

WHEREAS, the Highlands Council has authorized \$8,000 in grant funding to cover costs associated the review of the Draft Consistency Review and Recommendations Report.

NOW, THEREFORE BE IT RESOLVED, the Township Council of the Township of Hardyston, State of New Jersey hereby authorizes Carrine Kaufer, the Township's licensed planner, to submit all comments and supporting documentation regarding the Highlands Council Draft Consistency Review and Recommendations Report to the New Jersey Highlands Council;

BE IT FURTHER RESOLVED, the Township Planner and Township Manager are hereby authorized to pursue all grant monies available for work to be performed as part of review and comment of the Draft Consistency Review and Recommendations Report.

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

- G. Resolution #52-11 – Resolution authorizing disposal of surplus property

**Resolution #52-11
Authorizing Disposal of Surplus Property**

WHEREAS, the Hardyston Township is the owner of certain surplus property which is no longer needed for public use; and

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WHEREAS, the Hardyston Township Council is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE, be it RESOLVED by the Hardyston Township Council, as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from Hardyston Township.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is as follows:

- 2001 Dodge Ram 3500 Mason Dump vin-3B6MF36541M544511
- 1988 Autocar chassis vin-74V2SCBJE1JU501542
- 2001 Ford Crown Vic. vin- 2FAFP71W61X159955
- 2007 ford Crown vic. Vin- 2FAHP71W17X134351
- Quincy Air compressor- model-325-14-120641L
- Walker 7 ton Floor Jack
- Maxa Pump- model- 524000
- Briggs and Stratton pump- model- 23AFB
- Darley Fire truck Pump
- Steel Mason Dump Body
- Fire Truck body Compartment Panels

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) Hardyston Township reserves the right to accept or reject any bid submitted.

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

H. Correspondence

1. Township of Stillwater
2. Township of Stillwater
3. Township of Stillwater
4. Township of Stillwater
5. Township of Wantage
6. Township of Fredon
7. Sandyston Township
8. Township of Hampton
9. Township of Hampton
10. Sandyston Township
11. Sandyston Township
12. Borough of Hamburg
13. Sandyston Township
14. Lafayette Township
15. Lafayette Township
16. NJ State League of Municipalities

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17. NJ State League of Municipalities
18. NJ State League of Municipalities
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42. State of NJ
43. State of NJ
44. State of NJ
45. State of NJ
46. John Fetterly, Esq.

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:

- Park Drive Special Assessment – Township Manager stated that following the issuance of an informational letter to business owners on Park Drive, the Township has been receiving input from property owners.
- 250th Anniversary Committee- Township Manager stated that after careful consideration, the Committee has decided to recommend that Hardyston Day be held in September in 2012 in order to accommodate special activities that are planned for the celebration of the Township’s 250th anniversary.
- Sustainable Community Committee – Township Manager stated that the sub-committee assigned to the task of researching equipment options for the conversion to a paperless council system has been very active. She stated that a report of their findings and recommendations will be provided to the Council in August, so that the project can be implemented before year’s end.
- Municipal Website – Township Manager stated that upgrades are being made and will be posted shortly providing additional information relative to the Township’s efforts relating to shared services, grant received over the past 10 years, information about the Township’s form of government, information about the “Green Team” and the Township’s efforts to receive Sustainable Community Certification and information about the 250th anniversary and committee.
- 2011-2012 Tax Bills – Township Manager stated that tax bills throughout the State have been held up by the State of New Jersey because they have not yet certified State Aid to the County Tax Office, who in turn certifies individual municipality’s tax rates. She stated that each municipality needs to have their certified tax rates in order to prepare their tax bills. She stated that it is anticipated that the rates will be available by either the end of this week or early next week.

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- Tax Sale – Township Manager stated that the tax sale is scheduled for the last week in September and the Tax Office is aggressively trying to work with property owners who still owe taxes for 2010 to clear their bills to avoid being included in the sale.
- Land Use and Zoning Mitchell Humphrey Conversion – Township Manager stated that training on the new system has been completed and a large part of the data entry has been completed relative to Land Use. She stated that the Zoning Department will be working on inputting code details into the system in August in preparation for inputting specific block and lot data from project files. She stated that the project is ongoing and is making good progress.
- Inter-Local Service Contracts – Township Manager stated that the contracts for Fire Sub-Code with the Town of Newton and Fire Prevention with the Borough of Hamburg have been fully executed and the Township has begun to provide services in both cases. She also stated that it is anticipated that Franklin Borough will seek an additional one-year contract for joint recreational services; however, is interested in receiving a full presentation relative to the utilization of the Littell Community Center. She stated that the Township received and executed a contract with the Department of Military Affairs for the 2011-2012 year.
- Grant Opportunities – Township Manager stated that the Township has been very busy over the past several weeks preparing grant applications for the proposed community garden project and also for funding to help offset costs relating to training an additional public works employee on the management of public water systems.

I. Tax Collector Resolution #53-11

RESOLUTION #53-11

WHEREAS, the Sussex County Tax Board approved the 2011 Tax Rate on July 21, 2011 for Hardyston Township, and

WHEREAS, the Tax Collector is unable to have the August 1st bills printed and mailed to the owners of record until August 5, 2011.

NOW THEREFORE BE IT RESOLVED that the Tax Collector recommends THAT INTEREST NOT BE CHARGED FOR THE August 1, 2011 tax quarter until 25 days after the mailing per NJSA 54:4-64 which said due date will be August 30, 2011.

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

A motion was made by Ross to extend the paid leave of absence for Milo R. Mastro, Jr. to July 31, 2011 and to grant his request for a 6 month unpaid leave of absence, seconded by Kievit. 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.

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 8:00 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk