

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 16, 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 – July 2011
2. Municipal Court Report – July 2011
3. Tax Collector Report – July 2011
4. Sussex County Public Health Nurse Activity Report – July 2011
5. Construction Certificate Activity Report – July 2011
6. Construction Permit Activity Report – Hardyston – July 2011
7. Construction Permit Activity Report – Hamburg – July 2011
8. Construction Permit Activity Report – Franklin – July 2011
9. Construction Permit Activity Report – Newton – July 2011
10. Construction Permit Activity Report – Sussex – July 2011

**Minutes:**

1. Workshop Minutes of 6/14/11
2. Regular Minutes of 6/14/11
3. Executive Session Minutes of 6/14/11
4. Workshop Minutes of 7/5/11
5. Regular Minutes of 7/5/11
6. Regular Minutes of 7/19/11

**Agreements/Applications/Licenses:**

1. Raffle – Land Conservancy of New Jersey
2. Raffle – Tri-State Actors Theater
3. Raffle – St. John Vianney R.C. Church
4. Raffle – Cedar Mountain SCA
5. Fire Department New Member Application – Stanley Pilny
6. Fire Department Junior New Member Application – Kevin Murphy

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

**ORDINANCES:**

**1st READING:**

**2011-13**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON PROVIDING FOR THE PARK DRIVE FIRE PROTECTION SYSTEM INSTALLATION, APPROPRIATING \$230,000 THEREFORE AND AUTHORIZING A SPECIAL ASSESSMENT FOR THE COST THEREOF**

**WHEREAS**, certain properties within the vicinity of Park Drive have a need for an upgrade and repair of its fire protection system for the benefit of their respective properties; and

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**WHEREAS**, water system improvements will support such an upgrade to the current fire protection system; and

**WHEREAS**, the Township of Hardyston seeks to facilitate the improvements by way of solely administering a special assessment for the total cost of the local improvements against those properties which will be specifically benefitted by said improvements; and

**WHEREAS**, the water system, once the improvements to same are completed, will be turned over to the Hardyston Township Municipal Utilities Authority.

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

**SECTION 1.** The improvement described in Section 2 of this ordinance is hereby authorized to be undertaken by the Township of Hardyston, New Jersey as a local improvement pursuant to N.J.S.A. 40:56-1. For the improvement or purpose described in Section 2 there is hereby appropriated the sum of \$230,000.00 from the Capital Improvement Fund or by bond.

**SECTION 2.** The Township of Hardyston shall install the necessary fire protection equipment and appurtenances for the health and safety of the benefitted properties located on or near Park Drive within the Township of Hardyston. Of the appropriated sum, approximately \$60,000.00 of the above referenced total cost shall be assessed and paid for by one (1) benefitted property owner, by way of separate agreement with the Township, with the remaining funding to be specifically assessed to the following properties as designated on the official Tax Maps of the Township of Hardyston.

<u>ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>
200 NORTH CHURCH RD	62	17
1 PARK DR	62	18.01
3 PARK DR	62	18.02
5 PARK DR	62	18.03
7 PARK DR	62	18.04
9 PARK DR	62	18.05
11 PARK DR	62	18.06
13 PARK DR	62	18.07
15 PARK DR	62	18.08
17 PARK DR	62	18.09
19 PARK DR	62	18.10
18 PARK DR	62	18.11
16 PARK DR	62	18.12
14 PARK DR	62	18.13
4 PARK DR	62	18.15
182 NORTH CHURCH RD	62	18.16
178 NORTH CHURCH RD	62	18.17
8 PARK DR	62	22.01
10 PARK DR	62	22.02
12 PARK DR	62	22.03

**SECTION 3.** Notice is hereby given to the owners of all lot and parcels of real estate benefitted by the improvement described in Section 2 hereof and affected by the improvement described therein that the Township of Hardyston intends to make and to levy special assessments against all such lots and parcels of real estate in an aggregate estimated amount of \$230,000.00. In no event, however, shall the amount assessed against each benefitted owner not exceed the benefit conferred.

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**SECTION 4.** The owner of any land upon which an assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments determined herein with legal interest on the unpaid balance of the assessment. The first of such installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year at such time as the governing body shall determine by resolution provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or any balance of installments with accrued interest thereon at one time. In case any such installment shall remain unpaid for thirty (30) days after the time it shall become due and payable, the whole assessment or the balance thereof shall become due and payable, and be immediately due and payable, shall draw interest at the rate imposed upon the arrearage of taxes in the Township and shall be collected in the same manner as provided by law for the other past due assessments. Such assessment shall remain a lien upon the land described herein until the assessment with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding, anything herein to the contrary, the Township shall have the right to waive default as may be permitted by law.

**SECTION 5.** The number of annual installments within which the special assessment are to be levied on the lots and parcels of real estate benefited by the improvements is ten (10) years.

**SECTION 6.** This ordinance shall take effect upon final passage and publication, according to law.

A motion was made by Ross to approve Ordinance 2011-13 on first reading, seconded by Kievit. All in favor. Motion carried.

**ORDINANCES:**

**2<sup>nd</sup> 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.

<b><u>Name of Street</u></b>	<b><u>Sides</u></b>	<b><u>Hours</u></b>	<b><u>Location</u></b>
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.

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**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 Hamilton to carry the second reading/public hearing of Ordinance 2011-12 to the September 6, 2011 meeting, seconded by Kievit. All in favor. Motion carried.

**NEW BUSINESS:**

- A. Resolution #54-11 – Chapter 159 – Township of Andover Land Use Administration Shared Service

**RESOLUTION #54-11**

**TOWNSHIP OF ANDOVER LAND USE ADMINISTRATION SHARED SERVICE AGREEMENT**

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

**SECTION I.**

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2011, in the sum of \$25,365.00, which is, now available as a revenue from Township of Andover Land Use Administration Shared Service Agreement pursuant to the provision of Statute, and

**SECTION II.**

BE IT FURTHER RESOLVED, that a like sum of \$25,365.00. and the name is hereby Appropriated under the caption Township of Andover Land Use Administration Shared Service Agreement, Other Expenses \$25,365.00.

**SECTION III.**

BE IT FURTHER RESOLVED, that the above is a result of Township of Andover Land Use Administration Shared Service Agreement and /or/ has been anticipated as a revenue from the Township of Andover Land Use Administration Shared Service Agreement, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

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- B. Resolution #55-11 – Chapter 159 – Borough of Hamburg Code Administration and Enforcement for State of New Jersey Uniform Fire Safety Code Shared Service

**RESOLUTION #55-11**

**BOROUGH OF HAMBURG CODE ADMINISTRATION AND ENFORCEMENT FOR STATE OF  
NEW JERSEY UNIFORM FIRE CODE SHARED SERVICE AGREEMENT**

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

**SECTION I.**

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2011, in the sum of \$4,667.00, which is, now available as a revenue from Borough of Hamburg Code Administration and Enforcement for State of New Jersey Uniform Fire Safety Code Shared Service Agreement pursuant to the provision of Statute, and

**SECTION II.**

BE IT FURTHER RESOLVED, that a like sum of \$4,667.00. and the name is hereby appropriated under the caption Borough of Hamburg Code Administration and Enforcement for State of New Jersey Uniform Fire Safety Code Shared Service Agreement, Other Expenses \$4,667.00.

**SECTION III.**

BE IT FURTHER RESOLVED, that the above is a result of Township of Andover Land Use Administration Borough of Hamburg Code Administration and Enforcement for State of New Jersey Uniform Fire Safety Code Shared Service Agreement and /or/ has been anticipated as a revenue from the Borough of Hamburg Code Administration and Enforcement for State of New Jersey Uniform Fire Safety Code Shared Service Agreement, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

- C. Resolution #56-11 – Chapter 159 – Town of Newton Fire Sub-Code Administration and Enforcement Shared Service

**RESOLUTION #56-11**

**TOWN OF NEWTON FIRE SUB-CODE ADMINISTRATION AND ENFORCEMENT SHARED  
SERVICE AGREEMENT**

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

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SECTION I.

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2011, in the sum of \$3,500.00, which is, now available as a revenue from Town of Newton Fire Sub-Code Administration and Enforcement Shared Service Agreement pursuant to the provision of Statute, and

SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$3,500.00. and the name is hereby appropriated under the caption Town of Newton Fire Sub-Code Administration and Enforcement Shared Service Agreement, Other Expenses \$3,500.00.

SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of Town of Newton Fire Sub-Code Administration and Enforcement Shared Service Agreement and /or/ has been anticipated as a revenue from the Town of Newton Fire Sub-Code Administration and Enforcement Department Shared Service Agreement, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

- D. Resolution #57-11 – Salary Resolution Amendment – Part-Time Building Inspector

**RESOLUTION #57-11**

**2011 SALARY & WAGES FOR TOWNSHIP OFFICIALS AND EMPLOYEES**

BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages effective July 20, 2011 shall be paid as follows:

<u>Position</u>	<u>Hourly Salary</u>
Building Inspector Part-Time	\$30.00

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

- E. Resolution #58-11 – Contract authorization for General Tax Mapping Updates including Condominium Properties for Tax Year 2011 and 2012 – Remington & Vernick Engineers

**RESOLUTION #58-11**

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING CONTRACTS/ LEASES/  
INTERLOCAL AGREEMENTS/AGREEMENTS**

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

- Contract for General Tax Mapping Updates including Condominium Properties for Tax Year 2011 and 2012 – Remington & Vernick Engineers

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 #59-11 – Salary Resolution Amendment – Fire Prevention Inspector

**RESOLUTION #59-11**

**2011 SALARY & WAGES FOR TOWNSHIP OFFICIALS AND EMPLOYEES**

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

<u>Position</u>	<u>Annual Salary</u>
Fire Prevention Inspector (hired after 1/1/10)	\$7,000.00

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

G. Resolution #60-11 – “Best Practices”

**RESOLUTION #60-11**

WHEREAS, The Hardyston Township Council is committed to ensuring the utilization of “Best Practices” in the management of Township affairs, and

WHEREAS, from time to time the Governing Body and the Municipal Administration desire to make necessary changes to operate as efficiently as possible and in compliance with all applicable laws and regulations; and

WHEREAS, the Mayor and Council of the Township of Hardyston pass resolutions from time to time to memorialize the Township’s “Best Practices”,

NOW, THEREFORE BE IT RESOLVED as follows:

1. All elected officials shall participate in basic training courses available to increase their knowledge on the responsibilities and obligations in local government.
2. The Township shall monitor the attendance of elected and appointed officials to comply with N.J.S.A. 40A:9-12.1 which declares a vacancy when unexcused absences exceed eight (8) weeks or four (4) regular meetings, whichever is longer.

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

H. Resolution #61-11 – 2011 Liquor License Renewal – Gregory Gregory & Sons (Savannah’s)

**RESOLUTION #61-11  
HARDYSTON TOWNSHIP  
LIQUOR LICENSE RENEWAL**

WHEREAS, the following Liquor License is to be renewed effective July 1, 2011, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

**NOW THEREFORE BE IT RESOLVED** that the Liquor License shall be renewed for a period of one year effective July 1, 2011 for the following license holders.

1. Gregory Gregory and Sons, LLC – #1911-33-001-003

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

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I. Correspondence

1. Borough of Hamburg
2. Township of Fredon
3. Township of Byram
4. Township of Lafayette
5. Township of Hampton
6. Township of Jefferson
7. Township of Hampton
8. Township of Andover
9. NJ State League of Municipalities
10. NJ State League of Municipalities
11. NJ State League of Municipalities
12. NJ State League of Municipalities
13. NJ State League of Municipalities
14. NJ State League of Municipalities
15. NJ State League of Municipalities
16. NJ State League of Municipalities
17. NJ State League of Municipalities
18. NJ State League of Municipalities
19. NJ State League of Municipalities
20. NJ State League of Municipalities
21. NJ State League of Municipalities
22. NJ State League of Municipalities
23. NJ State League of Municipalities
24. NJ State League of Municipalities
25. NJ State League of Municipalities
26. NJ State League of Municipalities
27. NJ State League of Municipalities
28. State of NJ
29. State of NJ
30. State of NJ
31. State of NJ
32. Jersey Central Power & Light

Mayor Kula asked to discuss item #13 which is a Mayors Advisory from the New Jersey State League of Municipalities regarding adopting a resolution regarding the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>. It was the consensus of the Council to adopt such resolution.

**RESOLUTION #63-11**

***Hardyston Township Joining the National Moment of Remembrance of the 10<sup>th</sup>  
Anniversary of September 11<sup>th</sup>***

**WHEREAS**, the governing body of *Hardyston Township* expresses their support of the United States Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

**WHEREAS**, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

**WHEREAS**, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

**WHEREAS**, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

**WHEREAS**, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional

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American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

**WHEREAS**, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

**WHEREAS**, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

**WHEREAS**, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

**WHEREAS**, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

**WHEREAS**, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

**WHEREAS**, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

**WHEREAS**, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

**WHEREAS**, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

**WHEREAS**, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

**WHEREAS**, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

**WHEREAS**, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

**WHEREAS**, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

**WHEREAS**, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

**WHEREAS**, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

**NOW, THEREFORE BE IT RESOLVED** that the governing body of *Hardyston Township*

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

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(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

**BE IT FURTHER RESOLVED** that on the 10th anniversary of this tragic day in United States history the governing body of the *Township of Hardyston* calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

**BE IT FURTHER RESOLVED** that the governing body of *Hardyston Township* encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

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

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:

- 2011-2012 Tax Bills/Tax Sale of 2010 Tax Liens – Township Manager stated that tax bills were mailed to property owners during the first week of August, together with a community information letter and survey. She stated that third quarter taxes are due on August 30, 2011. She further stated that the tax sale relating to 2010 tax liens is scheduled to be held on September 28, 2011.
- Recreation – Littell Community Center – Township Manager stated that a presentation was made earlier this month at the request of our partner, Franklin Borough, relative to historical and present operations at the Littell Center. She stated that the presentation was made to the Council and a large number of area residents attended the meeting. She stated that the purpose of the presentation related to the need for the Borough to make a decision, under our existing contract, as to whether or not they wanted to continue with an additional year as a partner in the Center. She stated that Deputy Mayor Carl Miller was also present to lend support. She stated that at the conclusion of the presentation and following the public comment period, the Franklin Borough Council determined that they would like to continue our partnership at the Center, however, would like for Hardyston and Franklin to pursue meeting with our other Wallkill Valley partners, namely Hamburg Borough and Ogdensburg Borough and discuss the possibility of their sharing costs associated with the center commensurate with their towns people's utilization of the center through their participation in various groups and utilize the Center. She stated that she has reached out to both Hamburg and Ogdensburg and will be sending a letter to all three municipalities to schedule a meeting relating to the Littell Community Center.
- Vehicle Auction – Township Manager stated that the Township utilized the services of Gov Deals, an on-line auction company, to sell excess vehicles and equipment and that the service was found to be very useful.

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- Paperless Council – Township Manager stated that the sub-committee of the Sustainable Community Committee has completed their analysis and made recommendations relative to the Council’s interest in transitioning to a paperless Council and provided the Council with a copy of the report for their review.
- Community Garden – Township Manager stated that the final application made to Sustainable NJ designed to fund the creation of a community garden was made earlier this week and provided the Council with a copy of the application. She stated that she expects to hear in September whether or not the project will be funded. She stated that a good amount of interest was received via the survey that was sent to the community with the tax bills relative to the prospect of creating a community garden and also hosting healthy cooking classes in partnership with the school and the YMCA.
- Hardyston Website – Township Manager stated that a significant amount of new information has been added to the website relating to a variety of issues including the form of government, shared services, the 250<sup>th</sup> anniversary and the Sustainable Community Committee. She stated that additional information is being worked on relative to grant funding, which will be posted shortly.
- Mitchell Humphrey Information System – Township Manager stated that the system has been fully installed within the Land Use and Zoning Departments and with the assistance of our summer intern, all of the archived and current planning and zoning board file information has been input into the system. She stated that the system will be utilized exclusively for all future land use data collecting and recordkeeping.
- State Aid – Township Manager stated that the impact of the losses to State Aid have greatly affected the municipal budget. She stated that this information was included in the community letter.
- Contract Negotiations – Township Manager stated that it is anticipated that the Township will receive notification from the PBA shortly of their intent to open negotiations.

A motion was made by Ross to cancel the Hardyston Township Council Workshop Meeting scheduled for August 23, 2011, 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.

**EXECUTIVE SESSION:**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston on the 16th day of August, 2011, 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.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 16, 2011**

- ( ) 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: Kievit

<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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 Kievit to come out of Executive Session, seconded by Miller. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Ross to adjourn at approximately 8:20 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk