

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
NOVEMBER 22, 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 and Clerk Jane Bakalarczyk.

**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 – October 2011
2. Tax Collector Report – October 2011
3. Construction Certificate Activity Report – October 2011
4. Construction Permit Activity Report – Hardyston – October 2011
5. Construction Permit Activity Report – Hamburg – October 2011
6. Construction Permit Activity Report – Franklin – October 2011
7. Construction Permit Activity Report – Newton – October 2011
8. Construction Permit Activity Report – Sussex – October 2011
9. HTMUA – Minutes of 10/3/11
10. Sussex County Public Health Nurse Activity Report – October 2011
11. Municipal Court Report – September 2011
12. Police Department Report – October 2011

**Agreements/Applications/Licenses:**

1. Raffle – Hamburg PTA

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:** None

**ORDINANCES:**

**2<sup>nd</sup> READING:** 2011-16

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE  
OF NEW JERSEY AMENDING CHAPTER 94  
“FIRE PREVENTION”, OF THE TOWNSHIP CODE TO ADD SUBSECTION 94-11,  
“KEY LOCK BOX SYSTEM”**

**WHEREAS**, the Township Council of the Township of Hardyston, New Jersey has determined that the health, safety and welfare of the citizens of Township of Hardyston are promoted by requiring certain structures to have key lock box entry systems installed on the exterior; and

**WHEREAS**, the key lock box entry system is being adopted nationally and will operate on a master key basis that will expedite entry into structures by the Hardyston Township Fire Department during times of emergency; and

**WHEREAS**, the key lock box entry system will eliminate forced entries into structures thereby avoiding costly and time-consuming efforts in gaining access to locked structures during an emergency; and

**WHEREAS**, the Township Council of the Township of Hardyston, New Jersey is authorized to pass this ordinance.

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**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 94, Fire Prevention, of the aforesaid Revised General Ordinances is hereby amended and supplemented with the addition of Subsection 94-11, Key Lock Box System” to read as follows:

**94-11 Key Lock Box System**

**94-11.1 Definition:**

*Lock Box:* An Underwriter’s Laboratory type secured box or vault of a size and style approved by the Township Fire Marshal or his designee, which contains key(s) for the exclusive use of the Hardyston Township Fire Department to access the premises in an emergency.

**94-11.2 Key Lock Box Required**

The following structures equipped with or required to be equipped with fire detection or fire suppression systems or equipment shall have a Key Lock Box installed at or near the main entrance of each structure or such other location if requested by the Township Fire Marshal or his designee:

- a. Commercial or business structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency.
- b. Governmental structures, churches, schools and nursing care facilities.
- c. Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to living units.

**94-11.3 Key Lock Box location contents and installation**

1. The Township Fire Marshal or his designee shall approve in writing the type of Lock Box.
2. The Township Fire Marshal or his designee shall approve the installation location of the Lock Box.
3. The Lock Box shall be installed as per manufacturer specifications and approved by the Fire Marshal or his designee.
4. The owner of each structure required to have a Lock Box shall, at all times, be required to keep the following in the Lock Box, as required by the Township Fire Marshal or his designee.
  - (a) Keys to locked points of ingress, whether on interior or exterior of such buildings.
  - (b) Keys to the locked mechanical rooms.
  - (c) Keys to the locked elevator rooms.
  - (d) Keys to the elevator controls.
  - (e) Keys to any fence or secured areas.
  - (f) All access or combination codes to locked points of egress or ingress, whether on interior or exterior of such buildings.
  - (g) A “business size” card containing the emergency contact person and phone number for such building or unit.

**94-11.4 Maintenance and Associated Cost**

In the event, the key to the structure is changed or re-keyed, the owner/operator of the building shall immediately notify the Township Fire Marshal or his designee and provide the updated access key. The key to the lock shall be secured in the key box. The property owner shall assume all associated costs for the purchase and installation of a Key Box(s).

**94-11.5 Exemption; Compliance**

- (a) The owner(s) of a structure subject to this ordinance in existence on the effective date of this ordinance shall be exempt from compliance with this ordinance.
- (b) The owner(s) of each newly constructed structure subject to this ordinance shall have a lock box installed and operational in accordance with this ordinance prior to issuance of a certificate of occupancy.

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**94-11.6 Violations and Penalties**

Any building owner or operator violating any provision of this Lock Box Ordinance shall be subject to a fine of \$100.00 for every violation of this ordinance. The existence of a violation for a period of up to 30 continuous days shall constitute a single violation. The Township Fire Marshal shall notify the responsible party of any violation in writing. Within 30 days of the service of such notice, the owner/operator shall correct the violation or show why the structure was not subject to this ordinance. The Township Fire Marshal shall consider such information, reaffirm or rescind the Lock Box fine and notify the owner of his/her decision by mail. The owner/operator may appeal the decision of the Township Fire Marshal within 20 days after service of the notice of decision by submitting an appeal in writing to the Township Council which shall hold a hearing thereon and shall affirm, reverse or modify the decision of the Township Fire Marshal.

**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 11.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 4.** This Ordinance may be renumbered for purposes of codification.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Kievit to approve Ordinance 2011-16 on second reading, seconded by Ross. All in favor. Motion carried

**2011-17**

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

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

**SECTION 1.** Chapter, 88 Fees, Section 88-2 Construction Code Fees, Subsection (D), of the aforesaid Revised General Ordinances is hereby amended to read as follows:

**§88-2. Construction code fees.**

D. Fire protection subcode fees are as follows:

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

<b>Number of Heads</b>	<b>Fee</b>
1 to 50	\$100
51 to 100	\$150
101 to 400	\$200
401 to 1,000	\$450
Over 1,000	\$650

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

(3) Fee for each gas- or oil-fired appliance not connected to the plumbing system: \$55.

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

(5) Independent pre-engineered suppression systems, each: \$100.

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

<b>Capacity (gallons)</b>	<b>Fee</b>	
1 to 1,000	\$50	
1,001 to 4,000		\$100
Over 4,000	\$150	

(7) Smoke or heat detectors:

<b>Number of Detectors</b>	<b>Fee</b>
1 to 20	\$50
21 to 100	\$75
101 to 200	\$100
201 to 400	\$150
401 to 1,000	\$250
Over 1,000	\$350

(8) Manual or automatic alarm systems: \$75.

(9) Central control system: \$75.

(10) The fire protection subcode fee shall be a minimum of \$55 for single-family dwellings and \$75 for all other structures.

***(11) Non-life-hazard Uses (§94-10B).***  
***Annual Registration Fee: \$25.***  
***Non-Registration Penalty: \$100***  
***Late Fee: \$50.***

***(12) Fire suppression tanks (§94-10-C).***  
***Annual Registration Fee: \$25.***  
***Late Fee: \$50.***

**SECTION 2.** All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 4.** This Ordinance may be renumbered for purposes of codification.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Kievit to approve Ordinance 2011-17 on second reading, seconded by Ross. All in favor. Motion carried.

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**NEW BUSINESS:**

- A. Resolution #72-11 – Resolution appointing Fund Commissioner

**RESOLUTION #72-11**

**RESOLUTION APPOINTING FUND COMMISSIONER**

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

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

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

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

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

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

- B. Resolution #83-11 – Resolution appointing Risk Management Consultant

**RESOLUTION #83-11**

**RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT**

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

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

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

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

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

1. Hardyston Township hereby appoints George Morville its local Risk Management Consultant.
2. The Township Manager (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2012 in the form attached hereto.

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

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- C. Resolution #84-11 – Resolution authorizing the execution of the amended grant agreement between the State of New Jersey Highlands Water Protection and Planning Council and Hardyston Township Plan Conformance Grant #09-033-011-1911

**RESOLUTION #84-11**

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

1. Amended grant agreement between the State of New Jersey Highlands Water Protection and Planning Council and Hardyston Township Plan Conformance Grant #09-033-011-1911

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

D. Correspondence

1. Andover Township
2. Vernon Township
3. Stillwater Township
4. Stillwater Township
5. Lafayette Township
6. NJ State League of Municipalities
7. NJ State League of Municipalities
8. NJ State League of Municipalities
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. State of NJ
21. State of NJ
22. State of NJ
23. State of NJ
24. State of NJ
25. State of NJ

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:

- S&P Bond Rating – Township Manager stated that the Township’s bond rating has been upgraded to “AA”. She stated that the favorable rating resulted in a very successful bond sale.
- Finance Transition – Township Manager stated that staff is in the process of transitioning the finance operations of the Township to an alternative arrangement, which includes sharing the services of a chief financial officer with Sparta Township.
- In Rem Foreclosure Property Sale – Township Manager stated that notices have been published and adjacent property owners have been notified relative to the proposed sale of municipal owned properties to be held prior to the Council meeting on December 6, 2011.

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- Tax Collection – Township Manager stated that overall tax collection has been strong in 2011, however, strong efforts are being made by both the tax office and the Township Manager’s office to encourage property owners to pay their balances prior to the close of the year.
- Budget Hearings – Township Manager stated that budget hearings have been completed and work on the budget will commence over the next few months.
- Promotional Testing – Township Manager stated that with the upcoming retirement of one of our sergeants, significant work has been done relating to the administration of promotional testing. She further stated that all testing relating to this promotion has been completed and final tabulations should be completed by next week.
- Inter-Local Service Agreements – Township Manager stated that two additional service agreement opportunities are being evaluated by the prospective parties and may be brought before the Council in December, should tentative agreements be reached with the potential partners over the next several weeks.
- 250<sup>th</sup> Anniversary – Township Manager stated that the prototype for light pole banners has been finalized.
- Sustainable Jersey Grant – Community Garden – Township Manager stated that Hardyston Township was one of only 8 communities in the State to have received a \$10,000 grant from Sustainable Jersey, funded by Walmart, for the development of a community garden project. She stated that the Community Garden will include a charity garden, as well as a grid garden, which will have various plots available for residents to “lease” for a nominal fee and garden for their own pleasure and harvest. She stated that an advisory committee will be formed early next year, which will provide guidelines for the gardens and also oversee their development, scheduling of volunteers, etc.
- FEMA Reimbursement – Township Manager stated that all work associated with the Township’s submission for FEMA reimbursements for expenses relating to the two disasters that were declared federal emergencies have been completed. She stated that the Township is awaiting a response from FEMA relative to the submission.
- Outstanding Manager of the Year Award – Township Manager advised the Council that she was the recipient of the 2011 Outstanding Manager of the Year Award by the New Jersey Municipal Managers Association at the League of Municipalities Conference last week.

**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.

**EXECUTIVE SESSION:**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston on the 22nd day of November, 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.

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- ( ) 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: Ross  
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 Ross to come out of Executive Session, seconded by Hamilton. All in favor. Motion carried.

A motion was made by Miller to terminate the agreement with Franklin Borough for Tax Collection Services commencing on December 1, 2011 and fully terminating on March 1, 2012, since the shared service agreement has become financially ineffective for the Township, seconded by Ross. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Ross to adjourn at approximately 7:50 p.m., seconded by Kievit. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk