

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
FEBRUARY 7, 2012**

The meeting was called to order by Mayor Miller at approximately 7:45 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 Hamilton, Councilman Kula, Councilman Kievit, Councilman Ross, Manager Marianne Smith and Clerk Jane Bakalarczyk and Township Attorney Jane Coviello 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.**

**Agreements/Applications/Licenses:**

1. Raffle – Walkkill Valley Booster Club
2. Raffles – St. John Vianney R.C. Church
3. Trailer Court License – Tabaka
4. Trailer Court License – Post
5. Trailer License - McDole

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

**ORDINANCES:**

**1<sup>st</sup> READING: 2012-02**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 88, FEES, SECTION 88-8, MISCELLANEOUS FEES, 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 88, Fees, Section 88-8, Miscellaneous Fees, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

**§ 88-8. Miscellaneous Fees.**

D. Land Use Ordinance Book (map included): \$43.00

**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All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.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 Ross to approve Ordinance 2012-02 on first reading, seconded by Kievit. All in favor. Motion carried.

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**ORDINANCES:**

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

**2012-01**

**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.

**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 upon final passage, approval and publication as required by law, and consent of the Sussex County Board of Chosen Freeholders through adoption of a concurring resolution, in accordance with 39:4-197.2

**SECTION 6.** The Township of Hardyston shall be responsible for fabrication, installation and maintenance of signage in accordance the Manual of Uniform Traffic Control Devices, as directed by a Signing Authorization issued by the County of Sussex County Engineer.

Since it was determined that an amendment to the original ordinance was not necessary, a motion was made by Ross to rescind Ordinance 2012-01, seconded by Kievit. All in favor. Motion carried.

**NEW BUSINESS:**

- A. Resolution #08-12 – Shared Service Agreement for Animal Control Officer Services with Wantage Township

**RESOLUTION #08-12**

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

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

1. Animal Control Officer Services – Wantage Township

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

B. Resolution #09-12 – Resolution Refunding Application Fee in Excess of Fee Ordinance Requirements Relative to Planning Board Application PB-8-11-1

**RESOLUTION #09-12**

**RESOLUTION REFUNDING APPLICATION FEES IN EXCESS OF FEE ORDINANCE  
REQUIREMENTS RELATIVE TO PLANNING BOARD APPLICATION PB-8-11-1**

WHEREAS, Shotland Bauer, LLC filed an application for amended preliminary and final site plan approval for a section of the Crystal Springs Development known as The Ferndown which included fees based on Chapter 88, Fees; and

WHEREAS, the Ordinance entitled, “An Ordinance of the Township of Hardyston, County of Sussex, State of New Jersey, Amending Certain Portions of Chapter 88, Fees, of the Revised General Ordinances to Include Fees for Resubmissions, Re-approvals and Amendments to Site Plans and General Development Plans, and Amending the Requirements for Minimum Escrow Deposits”, was modified by the Township Council based on Ordinance #2011-14, and

WHEREAS, based on the ordinance modification, the applicant for the Amended Site Plan Application to the Planning Board known as , Shotland Bauer, LLC, is entitled to a refund in the amount of \$8,330.74; and

WHEREAS, the applicant has directed the deposit of \$4,600 of the refund into their escrow account, PB-8-11-1 for this project,

NOW THEREFORE BE IT RESOLVED, that the Hardyston Township Council authorizes the refund of \$4,600 to escrow account PB-8-11-1, and that the remaining amount of \$3,730.74 be returned to the applicant, Shotland Bauer, LLC.

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

At this time, a motion was made by Hamilton to appoint Ted Hessler to the Hardyston Township Planning Board as Alternate I, and to appoint Randy Roof and Donald Trien as Class IV members, seconded by Ross. All in favor. Motion carried.

A motion was made by Kievit to oppose Assembly Bill 1811 and Senate Bill 959 which would make fluoride mandatory in New Jersey water supplies, seconded by Ross. All in favor. Motion carried.

**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.

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**EXECUTIVE SESSION:**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston on the 7th day of February, 2012, 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.
  - ( ) 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

<u>MOTION</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ross	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Kievit	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Kula	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Hamilton	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Miller	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>

Motion carried.

A motion was made by Kievit to come out of Executive Session, seconded by Kula. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Kievit to adjourn at approximately 8:00 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk