

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
MARCH 20, 2012**

The meeting was called to order by Mayor Miller 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 Hamilton, Councilman Kula, 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 – February 2012
2. Tax Collector Report – February 2012
3. Construction Certificate Activity Report – February 2012
4. Construction Permit Activity Report – Hardyston – February 2012
5. Construction Permit Activity Report – Hamburg – February 2012
6. Construction Permit Activity Report – Franklin – February 2012
7. Construction Permit Activity Report – Newton – February 2012
8. Construction Permit Activity Report – Sussex – February 2012
9. HTMUA – Minutes of 2/6/12
10. Municipal Court Report – February 2012
11. Sussex County Health Department Report – February 2012
12. Zoning Board – Reorganization Minutes of 1/5/12
13. Zoning Board – Minutes of 1/5/12
14. Police Department Report – February 2012

Minutes:

1. Workshop Minutes of 2/28/12
2. Regular Minutes of 3/6/12

Agreements/Applications/Licenses:

1. Raffles – St. John Vianney R.C. Church
2. Raffles – Samaritan Inn
3. Hardyston Township Volunteer Fire Department - New Member Application (Associate Member) – Robert A. Meeker

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

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: 2012-04

CALENDAR YEAR 2012

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year=s final appropriations, subject to certain exceptions; and,

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WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year=s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$69,003.62 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Hardyston, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Township of Hardyston shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$241,512.67, and that the CY 2012 municipal budget for the Township of Hardyston be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 2012-04 on second reading, seconded by Kula. All in favor. Motion carried.

2012-05

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY
AUTHORIZING THE CHIEF OF POLICE TO EXECUTE
AN APPLICATION FOR THE HARDYSTON FIRE DEPARTMENT
AND AN APPLICATION FOR THE HARDYSTON FIRST AID SQUAD
FOR A CHARITABLE SOLICITATION WITHIN THE
TOWNSHIP OF HARDYSTON**

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

SECTION 1. The Township of Hardyston hereby approves Hardyston Township Fire Department's request to hold a charitable solicitation at the intersection of New Jersey State Highway Route 94 and County Route 631. The dates and times approved for said solicitation are as follows: May 26, 27, 2012; June 30 and July 1, 2012; September 1, 2, 2012; October 22, 23, 2012 and October 27, 28, 2012 between the hours of 8:30 a.m. and 2:30, p.m.

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SECTION 2. The Township of Hardyston hereby approves Hardyston Township First Aid Squad's request to hold a charitable solicitation at the intersection of New Jersey State Highway Route 23 and County Route 515. The dates and times approved for said solicitation are as follows: May 26, 27, 28, 2012 and September 1, 2, 2012 between the hours of 8:00 a.m. and 6:00, p.m.

SECTION 3. The approvals authorized herein are subject to and expressly conditioned upon the following:

- a. The Hardyston Township Fire Department's and Hardyston Township First Aid Squad's compliance with all rules, regulations and guidelines promulgated by the NJDOT for charitable solicitations, including, but not limited to, the posting of any and all necessary warning signs; and
- b. The approval of the Sussex County Board of Chosen Freeholders and the NJDOT.

SECTION 4. The Chief of Police is hereby authorized and directed to execute the application for a Charitable Solicitation Permit for the Hardyston Township Fire Department and the Hardyston Township First Aid Squad provided the above-stated conditions are met. The Hardyston Township Police Department shall be responsible for supervising the solicitation and enforcing the terms of the Charitable Solicitation Permit issued by the NJDOT.

SECTION 5. 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 6. This Ordinance may be renumbered for purposes of codification.

SECTION 7. 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 2012-05 on second reading, seconded by Hamilton. All in favor with Ross abstaining. Motion carried.

NEW BUSINESS:

- A. Resolution #15-12 – Resolution authorizing execution of agreement between the Hardyston/Franklin Municipal Alliance and the Sussex County Board of Chosen Freeholders

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

1. Hardyston/Franklin Municipal Alliance – Sussex County Board of Chosen Freeholders

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

- B. Correspondence

1. Byram Township
2. Byram Township
3. Hampton Township
4. Sparta Township
5. Lafayette Township
6. NJ State League of Municipalities
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10. NJ State League of Municipalities
11. State of NJ

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

MANAGERS REPORT:

- Township Manager provided the Council with a copy of the 2012-2013 Allocation of Equalized Valuation printout received from the Department of Education for their review.
- Township Manager provided the Council with a copy of a letter received from CJS Investments, the developer of Emerald Estates project on Wheatsworth Road, requesting a waiver from the \$40 per septic system renewal fee required by the County Health Department due to the economy and the status of the project.

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

BILLS TO BE PAID: A motion was made by Kievit to approve the bill list as presented, seconded by Hamilton. 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. Township resident, Patrice Bell, expressed her concerns to the Council with regard to the Hardyston Township First Aid Squad. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Hamilton to adjourn at approximately 7:20 p.m., seconded by Kievit. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk