

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON APRIL 24, 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 Ross, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau.

SALUTE THE FLAG

COUNCIL VACANCY CANDIDATE INTERVIEW:

The three potential candidates, picked by the Hardyston Township Republican Committee to fill the Council vacancy created due to the unexpected passing of Kenneth P. Kievit, were all invited to participate in an interview process with the Township Council at this meeting. Only one candidate, Frank Cicerale, appeared at this meeting. Mayor Miller stated that he received a phone call from one of the candidates, Santo Verrilli, who asked that his name be withdrawn and would like to thank everyone for the honor of being considered for the Council, but he would just like to stay with his position as a member of the Hardyston Township Zoning Board and Commissioner on the Hardyston Township Municipal Utilities Authority. Listed below are the questions asked by the Township Council and a summary of Mr. Cicerale's responses.

Question: How long have you lived in the Township?

Response: Since 1981.

Question: What motivates you to want to serve in the capacity of a Councilman?

Response: I've been involved somewhat with the Republican County Committee and when you talk to people from other parts of the County, they all have good things to say about this town. I like the way things have changed for the better over the past 30 years.

Question: What is your understanding of the Council/Manager form of government?

Response: Township Council works with and oversees the work done by the Township Manager.

Question: What are your philosophies regarding the following areas of municipal operation:

Land use development, economic development and environmental preservation; Budgetary policy setting; Capital improvement planning; Shared service opportunities and existing contractual partnerships?

Response: It all centers around land use development. Land use is very important for the growth of the town, but what we have to do is make sure it is done properly and that's the most important thing. We can't stop growth. It is natural and necessary to some extent, but you have to make sure it is done in keeping with what the vision of the town is. There has to be a balance. Not only should it be done in keeping with what the vision of the town is, but what the people of the town want also.

The budget has to be pretty tightly managed without cutting services. We have to find more efficient ways to do whatever we do. Cutting back things is not necessarily the answer to save money. We should be willing to listen to new ideas and be willing to accept change. I am a big believer in technology. Not necessarily in the town, but in my personal life. I believe that if you have a problem you can solve it through technology. Spending more money is not always necessarily the way to go, but spending more money wisely is probably the best way to solve a problem.

Proper planning will save money in the long run. Short term goals are usually just that, short term.

I have mixed feelings about shared services. I think it's a good idea in principle, and I think we had some good results with it, but you have to oversee it.

Question: Do you have any specific ideas or projects that you would like to see considered or implemented during your tenure in office, should you be selected to serve?

Response: Mr. Cicerale stated that he would consider looking into compressed natural gas for use in the Township's Department of Public Works vehicles. He stated that it is cheaper than regular gas and no modifications are necessary to the vehicles.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON APRIL 24, 2012

Question: Would you consider yourself a good “team player”?

Response: I think I am a team player, but I am not a “yes” man. I will definitely do my fair share to participate in what’s going on.

Question: Do you anticipate any conflicts of interest as it relates to your personal life, employment and/or investments that may require you to recuse yourself from discussions or decisions involving specific matters relating to Township business?

Response: Not that I can think of. I am retired so I don’t have any business in that regard, but if something came up I would not have a problem recusing myself. I understand sometimes something like that could happen, but nothing that I know of right now. I don’t have any big investments in companies.

Question: What do you feel are the most important characteristics of leadership?

Response: Leading by example and being willing to set a good example.

Question: What qualities, skills, experience or perspective do you bring to the table, which you feel would be advantageous to the towns people of Hardyston?

Response: I have an Associate’s Degree in Science in Business Administration and I have a Bachelor’s Degree from Farleigh Dickinson, but I have more experience in life. I’ve worked 36 years with AT&T and have had project management experience after that with an electrical firm, and some experience with Verizon Wireless. I was quite involved with construction throughout my career one way or another either assisting people doing construction work or just being involved with construction work in general. I’m pretty much involved with the trades and I understand how that works. I have two sons that are both in law enforcement. I think I have general life experience.

At the conclusion of the interview with Mr. Cicerale, Mayor Miller stated that the third candidate, Kelly Ann Hart, was not present.

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 – March 2012
2. Tax Collector Report – March 2012
3. Construction Certificate Activity Report – March 2012
4. Construction Permit Activity Report – Hardyston – March 2012
5. Construction Permit Activity Report – Hamburg – March 2012
6. Construction Permit Activity Report – Franklin – March 2012
7. Construction Permit Activity Report – Newton – March 2012
8. Construction Permit Activity Report – Sussex – March 2012
9. HTMUA – Minutes of 3/5/12
10. Sussex County Health Department Report – March 2012
11. Planning Board – Minutes of 2/23/12
12. Police Department Report – March 2012
13. Municipal Court Report – March 2012
14. Smoke Detector & CO Alarm Compliance Inspections – 1st Q 2012 - Hardyston
15. Smoke Detector & CO Alarm Compliance Inspections – 1st Q 2012 - Hamburg

Minutes:

1. Workshop Minutes of 3/27/12
2. Executive Minutes of 3/27/12
3. Regular Minutes of 4/3/12

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
APRIL 24, 2012**

Agreements/Applications/Licenses:

1. Raffles – Paradise Knoll PTA
2. Raffles – Special Olympics NJ, Inc.

A motion was made by Hamilton to approve the consent agenda as presented, seconded by Kula. All in favor with Ross abstaining on the minutes of March 27, 2012. Motion carried.

ORDINANCES:

1st READING:

2012-06

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$415,000.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Township of Hardyston, County of Sussex, New Jersey, as follows:

Section 1: The sum of Four hundred fifteen thousand dollars (\$415,000.00) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purpose:

For Various Capital Improvements or Purposes for the Township of Hardyston.

Section 2: In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 hereof is not a Current Expense and is an improvement, which the Township of Hardyston may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby repealed on to the extent of their inconsistency:

Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

A motion was made by Ross to approve Ordinance 2012-06 on first reading, seconded by Hamilton. All in favor. Motion carried.

ORDINANCES:

2nd READING:

None

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #19-12 – Tax Sale Premiums

RESOLUTION # 19-12

WHEREAS, payments for premiums from Tax Sales held in the Township of Hardyston's Trust Account have been held for 5 years, and

WHEREAS, according to N.J.S.A. 54:5-33 any premium payment if redemption is not made within 5 years from date of sale the premium payment shall be turned over to the Treasurer of the Municipality and become part of the funds of the Municipality.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
APRIL 24, 2012**

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to turnover to the Treasurer the following payments for premiums held over 5 years.

BLOCK	LOT	CERT #	DATE OF TSC	AMOUNT
68	5.01	00014	10/19/04	\$ 800.00
68	6	00015	10/19/04	\$ 800.00

2. Resolution #20-12 – Cancellation of Taxes – Block 1, Lot 2 & 3 – 122-140 Scenic Lake Road and 5-17 Scenic Lake Road - United States of America

RESOLUTION # 20-12

WHEREAS, Block 1 and Lots 2, 3 owned by United States of America for properties known as 122-140 Scenic Lake Road and 5-17 Scenic Lake Road, and

WHEREAS, these parcels were purchased by the State on 12/28/10 and should have been exempt for 2011 tax year,

WHEREAS, the 2011 taxes need to be cancelled from record as of this date.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to cancel taxes for Block 1 Lot 2 in the amount of \$ 2, 261.62 and Block 1 Lot 3 in the amount of \$ 1,217.62.

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

- B. Resolution #23-12 – All-Hazards Pre-Disaster Mitigation Plan

RESOLUTION OF ADOPTION #23-12

SUSSEX COUNTY, NEW JERSEY ALL-HAZARDS PRE-DISASTER MITIGATION PLAN

WHEREAS, the Township of Hardyston is vulnerable to damages from hazard events which pose a threat to public health and safety and could result in property loss and economic hardship;

WHEREAS, a Multi-Jurisdictional All-Hazards Pre-Disaster Mitigation Plan (the Plan) has been developed through the work of the Sussex County Hazard Mitigation Working Group, and interested parties within the Township of Hardyston;

WHEREAS, the Plan recommends hazard mitigation actions that will protect people and property affected by hazards occurring within the Township of Hardyston, that will reduce future public, private, community and personal costs of disaster response and recovery; and that will reinforce the Township of Hardyston's leadership in emergency preparedness efforts;

WHEREAS, the Disaster Mitigation Act of 2000 (P.L.106-390) (DMA 2000) and associated Federal regulations published under 44 CFR Part 201 require the Township of Hardyston to formally adopt a Hazard Mitigation Plan subject to the approval of the Federal Emergency Management Agency to be eligible for federal funds for hazard mitigation projects and activities;

WHEREAS, public meetings were held to receive comment on the Plan as required by DMA 2000;

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that:

1. The Township of Hardyston adopts the Sussex County, New Jersey Pre-Disaster Hazard Mitigation Plan, dated March 14, 2011 as this jurisdiction's official Hazard Mitigation Plan, and resolves to execute the actions in the Plan.
2. The Township of Hardyston officials identified in the Mitigation Action Plan (Section 6) are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments, and progress to the Township of Hardyston Office of Emergency Management.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
APRIL 24, 2012**

3. The Township of Hardyston Office of Emergency Management will provide annual progress reports on the status of implementation of the Plan to the Township Council of the Township of Hardyston. This report shall be submitted to the Township Council of the Township of Hardyston by April 1 of each year.
4. The Township of Hardyston Office of Emergency Management will undertake periodic updates of the Plan in concert with the Sussex County Division of Emergency Management as indicated in the Plan Maintenance Program (Section 7) but no less frequent than every five years.

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

C. Resolution #24-12 – Council Vacancy Appointment Resolution

RESOLUTION #24-12

RESOLUTION TO FILL COUNCIL VACANCY

WHEREAS, a vacancy exists on the Township Council from a republican seat due to the unexpected passing of Kenneth P. Kievit; and

WHEREAS, the Hardyston Republican Committee has submitted the names of three individuals to the Township Council for consideration to fill that vacancy.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston, County of Sussex and State of New Jersey that Frank Cicerale is hereby appointed to temporarily fill the unexpired term of Kenneth P. Kievit until the 2012 General Election.

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

D. Correspondence

1. Lafayette Township
2. Lafayette Township
3. Stillwater Township
4. Sussex Borough
5. Hampton Township
6. Andover Township
7. Hampton Township
8. Vernon Township
9. Vernon Township
10. Stanhope Borough
11. Hampton Township
12. Hampton Township
13. Montague Township
14. Sandyston Township
15. Sandyston Township
16. Sandyston Township
17. Sandyston Township
18. Andover Borough
19. Montague Township
20. Montague Township
21. Montague Township
22. County of Sussex
23. County of Sussex
24. County of Sussex
25. State of NJ
26. State of NJ
27. State of NJ
28. State of NJ
29. State of NJ
30. State of NJ
31. Hamburg Medical Associates, P.C.
32. PSE&G

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
APRIL 24, 2012**

- 33. Lan Associates
- 34. Hamburg Borough
- 35. Lafayette Township

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

MANAGERS REPORT:

- **Utility Costs:** Township Manager stated that in May the township's contract for electric supply will terminate and the township is free to consider either joining the NJSEM (NJ Sustainable Energy Joint Meeting), who she stated had a very successful bidding process on behalf of its 165 current municipal and authority members, or rebidding the township's own individual usage to suppliers. She stated that the current price to compare is over \$0.11 and the corresponding NJSEM rate is \$0.075. At this time, a motion was made by Ross to move forward with joining the NJSEM, seconded by Hamilton. All in favor. Motion carried.
- **Radio Communications Upgrade:** Township Manager stated that all of the equipment has been installed and Royal Communications is finalizing the testing of the system. It is anticipated that this project will be completed in full within the next two weeks.
- **Police Department Staffing:** Township Manager stated that background checks are being finalized for potential candidates who will be considered for open positions within the Police Department and interviews have been scheduled for next week.
- **5K:** Township Manager stated that final arrangements are being made for the Township's first 5K race to benefit the Guardians of the Ribbon. The race will be held, rain or shine, on June 2, 2012. She stated that this event is being organized in conjunction with the 250th Anniversary Committee and is being coordinated by the Littell Community Center staff.
- **250th Anniversary Committee:** Township Manager stated that the 250th Committee is continuing to work on developing ideas and plans to expand upon normal Hardyston Day activities, including adding a talent show, mini-parade, pig roast, more live entertainment and fireworks to this year's special event.
- **Community Garden:** Township Manager stated that construction of both the charity garden and the community garden has begun and should be concluded by the beginning of next week.
- **Tax Collection:** Township Manager stated that the transition of the tax office to the Hardyston Township Municipal Building has been relatively seamless and positive. She stated that May 1st will represent the first tax quarter where residents will be either delivering or mailing their payments to our offices.
- **Public Works Projects:** Township Manager stated that the good weather has resulted in the need to mow earlier, which impacts manpower availability; however, the department is proceeding with a number of special projects, as well as traditional spring related work, for example, berm repair, pipe installation and replacement projects, preparation of roads for resurfacing, etc.
- **Affordable Housing Trust Fund Monies:** Township Manager stated that there presently is considerable concern relating to the existing law that requires the forfeiture of affordable housing trust fund monies to the State of NJ if they are not utilized by July of this year. She stated that since the Township has an approved spending plan and a housing plan that has been approved by COAH, the Township should be afforded a level of protection as a result. She stated that this has not been officially confirmed and the Township is reaching out to State officials to seek confirmation and clarification.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
APRIL 24, 2012**

BILLS TO BE PAID: A motion was made by Ross 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. Vernon Township residents, Bob and Christa Gerry, expressed their concerns to the Council with regard to the County's sale of the Homestead Nursing Home. 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