

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
AUGUST 21, 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 Ross, Councilman Cicerale, Councilman Kula, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau 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.

Monthly Reports:

1. Municipal Clerk Report – July 2012
2. Tax Collector Report – July 2012
3. Construction Certificate Activity Report – July 2012
4. Construction Permit Activity Report – Hardyston – July 2012
5. Construction Permit Activity Report – Hamburg – July 2012
6. Construction Permit Activity Report – Franklin – July 2012
7. Construction Permit Activity Report – Newton – July 2012
8. Construction Permit Activity Report – Sussex – July 2012
9. Sussex County Health Department Report – June 2012
10. Municipal Court Report – July 2012
11. Police Department Report – July 2012

Agreements/Applications/Licenses:

1. Raffles – N.R.A. Foundation NJ State Fund Committee
2. Raffle – The Land Conservancy of New Jersey
3. Amusement License – Skyland’s Ice World

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

ORDINANCES:

1st READING:

2012-08

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A PERMANENT EASEMENT AGREEMENT BETWEEN THE TOWNSHIP OF HARDYSTON AND THE SUMMIT LAKE CLUB, INC. T/A SUMMIT LAKE HOMEOWNERS ASSOCIATION FOR THE REHABILITATION OF THE SUMMIT LAKE DAM

WHEREAS, the Summit Lake Club, Inc. T/A Summit Lake Homeowners Association (“Summit Lake”) has successfully applied for and was approved for a loan, co-signed by the Township of Hardyston, by the State of New Jersey for the rehabilitation of the Summit Lake Dam located in the Township of Hardyston; and

WHEREAS, the undertaking of such a project requires that Summit Lake obtain easements from certain parties, including the Township of Hardyston; and

WHEREAS, Summit Lake has formally requested that the Township of Hardyston grant it a permanent easement over three lots within the confines of the Township, specifically, Block 79, Lots 63, 64 and 66, on the Township Tax Map for the purposes of facilitating and effectuating the dam rehabilitation project; and

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON AUGUST 21, 2012

WHEREAS, the Township of Hardyston has agreed to enter into such permanent easement agreement, and, under the recommendation of the Township Engineer, the Township desires to enter into such easement agreement for the aforementioned purposes, subject to the terms and conditions set forth in the contract for the permanent easement, which a copy of same shall be placed on file with the Township Clerk.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston, County of Sussex, State of New Jersey that the Township shall execute and enter into the aforementioned permanent easement agreement with Summit Lake for Block 79, Lots 63, 64 and 66, pursuant to the terms and conditions as stated in the aforementioned easement agreement, which a copy of same shall be placed on file with the Township Clerk; and

BE IT FURTHER RESOLVED that the Township makes no representations as to the extent of ownership as to the properties, specifically and including Block 79, Lot 64, and Summit Lake proceeds; and

BE IT FURTHER RESOLVED that the Township shall be held harmless for any injuries or claims from the use of such property by the Summit Lake Club.

BE IT FURTHER ORDAINED that 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 2012-08 on first reading, seconded by Hamilton. All in favor. Motion carried.

ORDINANCES:

2nd READING: **None**

NEW BUSINESS:

- A. Resolution #44-12 – Resolution authorizing the execution of the amendment to the Hardyston Township Emergency Management Plan

RESOLUTION #44-12

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

1. Amendment to the Hardyston Township Emergency Management Plan

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

- B. Resolution #45-12 – Resolution authorizing execution of agreement between Riverdale Quarry Co, Inc., Hardyston Township and Hardyston Township Municipal Utilities Authority – Fire Suppression System

RESOLUTION #45-12

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

1. Agreement between Riverdale Quarry Co., Inc, Hardyston Township and Hardyston Township Municipal Utilities Authority – Fire Suppression System

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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON AUGUST 21, 2012

- C. Resolution #46-12 – Resolution authorizing the public display of fireworks at Hardyston Day on September 8, 2012

RESOLUTION #46-12

RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS AT HARDYSTON DAY ON SEPTEMBER 8, 2012

WHEREAS, the Hardyston Township 250th Anniversary Committee has submitted an application to the Hardyston Township Council for permission for the public display of fireworks on September 8, 2012 in conjunction with the Township's 250th Anniversary Celebration and Hardyston Day events; and

WHEREAS, the Township of Hardyston has adequate insurance coverage for the day of the event,

NOW, THEREFORE, BE IT RESOLVED by the Hardyston Township Council, in accordance with Chapter 94 of the Hardyston Township Code regarding "Fire Prevention" and the Uniform Fire Code, that permission is hereby granted to the Hardyston Township 250th Anniversary Committee for the public display of fireworks on September 8, 2012; and

BE IT FURTHER RESOLVED that the Hardyston Township 250th Anniversary Committee must obtain a permit from the Hardyston Township Fire Official and comply with all requirements imposed by the Hardyston Township Fire Official. Failure to obtain a permit or adhere to all of the said requirements will render this permission null and void and subject to enforcement proceedings, fines and penalties as permitted by law. A certified copy of this Resolution shall be provided to the Hardyston Township Fire Official.

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

- D. Resolution #47-12 - Resolution of the Township Council of the Township of Hardyston, endorsing only the submittal of a loan application to be made by Deer Trail Lake Country Club, Inc. for Fawn Lake Dam to the State of New Jersey, Department of Environmental Protection, Dam Safety Section, Dam Restoration Loan

RESOLUTION #47-12

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ENDORSING ONLY THE SUBMITTAL OF A LOAN APPLICATION TO BE MADE BY DEER TRAIL LAKE COUNTRY CLUB, INC. TO THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, DAM SAFETY SECTION, DAM RESTORATION LOAN

WHEREAS, the Deer Trail Lake Country Club, Inc. is a private lake association in Hardyston Township; and

WHEREAS, the dam on this property, known as the Fawn Lake Dam, is in need of repair to comply with state standards governing same; and

WHEREAS, the State of New Jersey, Department of Environmental Protection, Dam Safety Section, Dam Restoration Loan offers loans to private entities to effectuate such dam repairs with the condition that the municipality within which the dam is located co-signs the loan; and

WHEREAS, the Deer Trail Lake Country Club, Inc. wishes to make application to participate in the DEP loan program.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON AUGUST 21, 2012

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Hardyston does hereby endorse only the application for a DEP loan to effectuate dam repairs at Fawn Lake Dam by Deer Trail Lake Country Club, Inc. in the Township of Hardyston; and

BE IT FURTHER RESOLVED that the Deer Trail Lake Country Club, Inc. shall provide the Township with a complete copy of their loan application; and

BE IT FURTHER RESOLVED, that the Township reserves the right to consider co-signing the loan, once such commitment is received.

This Resolution shall take effect immediately.

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

- E. Resolution #48-12 – Resolution authorizing the execution of Statement of Consent – NJDEP Form WQM-003 for Septic System Replacement – Lake Gerard properties

RESOLUTION #48-12

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

Statement of Consent – NJDEP Form WQM-003 for Septic System Replacement for:

1. 253 Ash Trail – Block 60, Lot 17.CH – Lake Gerard
2. 136 South Shore Drive – Block 60, Lot 17.AX – Lake Gerard

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

- F. Correspondence

1. Hardyston Township Municipal Utilities Authority (HTMUA)
2. Hampton Township
3. Environmental Associates, Inc.
4. State of NJ
5. State of NJ
6. State of NJ

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

MANAGERS REPORT:

- **Communications Upgrade:** Township Manager stated that all work associated with the communications upgrade has been completed, tested and the final invoice has been paid in full. She stated that in light of the proposed water spheroid painting project relating to the Indian Fields water tower, there is a possibility that one of the new antennas may need to be temporarily removed during the painting project; however, would immediately be reinstalled following the completion of the project, which is expected to be in October. She stated that a pre-construction meeting is scheduled for later this week, where it will be determined as to whether or not removal will be required.
- **Emergency Helipad Project:** Township Manager stated that after significant coordination with our neighbors from the Newark Watershed and DEP officials, the Township has received all necessary State approvals to proceed with the improvements required by the NJ State Police to the Route 515 emergency helipad site. She stated that the approval is conditional upon receiving Sussex County Soil Conservation Approval, which we are in the process of obtaining. She stated that funds have already been allocated to proceed with the improvements.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON AUGUST 21, 2012

- **Affordable Housing:** Township Manager stated that the Township successfully submitted all appropriate monitoring and documentation material to substantiate that we have effectively spent all of the Township Affordable Housing Trust Fund monies in accordance with our COAH certification and approved spending plan to the extent that the Township is not vulnerable to the State's attempt to seize unused funds within the time frame established.
- **Final Tax Rate:** Township Manager stated that final tax bills will be sent to property owners within the next two weeks.
- **Eastern Concrete Materials, Inc.:** Township Manager stated that a request was received from Eastern Concrete Materials, Inc. to extend the period of operation of their wash plant and crushing plant until 8:00 p.m. Monday through Friday from now until October 31, 2012, which the Township's Engineer recommends with conditions. She stated that an additional request was made to grant a permanent waiver to allow loading and deliveries 24 hours per day on Monday through Saturday. She stated that the Township Engineer recommended that this request be denied, based on the broad and permanent nature of the request.

Michael Guida, Project Manager for Eastern Concrete Materials, Inc. was present. Council stated that they did not see a problem with extending the period of operation of the wash plant and crushing plant until 8:00 p.m. Monday through Friday from now until October 31, 2012. Council stated that they would consider the waiver to allow loading and deliveries 24 hours per day on a project by project basis only, and that the requests should be addressed to the Township Manager. Council stated that the Township Manager could approve requests for projects that would only require one week or less, but that Council approval would be required for longer projects.

A motion was made by Kula to approve the request to extend the period of operation of their wash plant and crushing plant until 8:00 p.m. Monday through Friday from now until October 31, 2012, as long as complaints are not received from residents, but to deny the request for a permanent waiver to allow loading and deliveries 24 hours per day, seconded by Ross. All in favor. Motion carried.

- **Advanced Refunding of 2004A Bonds:** Township Manager stated that an opportunity will exist for the Township to consider refinancing a portion of their existing debt to take advantage of lower interest rates between now and 2014. She stated that she will be making arrangements with the Township Auditor to come and make a presentation to the Council relating to the process at an upcoming workshop meeting.
- **Ridgefield Commons Developer's Agreement:** Township Manager stated that the Township has been asked by the contractor purchaser of the development known as "Ridgefield Commons" to clarify its position relative to the interpretation of specific provisions of the developer's agreement currently in force relative to Ridgefield Commons. She stated that a letter was prepared by the Township Attorney in response to their request and it is requested that the Township Council affirm the interpretation noted within the letter by action at this meeting.

After the Council reviewed the Township Attorney's letter, a motion was made by Ross to affirm the interpretation noted within the letter, seconded by Hamilton. All in favor. Motion carried.

- **Water Spheroid Painting:** Township Manager stated that the Hardyston Township Municipal Utilities Authority will conduct its final pre-construction meeting later this week and thereafter work will proceed relative to the inspection and painting of the water tank located within the Indian Field development. She stated that a temporary tank will be delivered this week and will serve as alternative storage during the course of the project in addition to utilizing the interconnection between the Aqua and HTMUA water systems. She stated that it is anticipated that this project will be completed by the end of October. She stated that during the course of the project, all irrigation shall be suspended at Indian Field until full water storage is restored when the permanent tank is back in service.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON AUGUST 21, 2012

- **Municipal Building Maintenance:** Township Manager stated that attention has been focused this summer on addressing issues relative to water quality and air conditioning to protect all of the facilities technological systems. She stated that a state of the art water treatment system has been installed and is still being modified to insure that it works to its full capacity. She stated that air conditioning has been upgraded in both the computer room and the radio room on the first floor, and that work has been scheduled to upgrade the air conditioning in the computer room within the police department. She stated that work has also been contracted to expand the utilization of the facility's generator capability by adding additional switches so that more of the building is functional during a power outage.
- **Hardyston Day:** Township Manager stated that a lot of work is going into creating a special Hardyston Day for the Township's 250th anniversary. The event will take place rain or shine on September 8, 2012.

BILLS TO BE PAID: A motion was made by Kula 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. 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 21st day of August, 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).

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
AUGUST 21, 2012**

Motion to adopt: Cicerale
Seconded by: Ross

<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>
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>
Cicerale	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

Motion carried.

At this time, Councilman Ross recused himself from the meeting.

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

ADJOURNMENT: A motion was made by Hamilton to adjourn at approximately 8:30 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk