

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON DECEMBER 11, 2012

The meeting was called to order by Mayor Miller at approximately 7:35 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 Cicerale, Councilman Kula, Councilman Ross, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau.

SALUTE THE FLAG

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: None

NEW BUSINESS:

- A. Resolution #66-12 - Resolution to establish a change fund for the Littell Community Center

RESOLUTION #66-12

WHEREAS, the Littell Community Center of the Township of Hardyston, County of Sussex has determined that there is a need to have a change fund of \$100.00 to run their various recreational and community events,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that a change fund in the amount of \$100.00 be established for the Littell Community Center.

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

- B. Resolution #67-12 – Resolution granting a waiver to the requirement to maintain a 50 feet buffer between adjoining property owners and North Church Gravel Soil Removal Operation located at Block 62, Lot 10, as required pursuant to Township Ordinance Chapter 150, Soil Removal and the conditions of North Church Gravel’s annual operating license

RESOLUTION #67-12

A RESOLUTION GRANTING A WAIVER TO THE REQUIREMENT TO MAINTAIN A 50 FEET BUFFER BETWEEN ADJOINING PROPERTY OWNERS AND NORTH CHURCH GRAVEL SOIL REMOVAL OPERATION LOCATED AT BLOCK 62 LOT 10 AS REQUIRED PURSUANT TO TOWNSHIP ORDINANCE CHAPTER 150, SOIL REMOVAL AND THE CONDITIONS OF NORTH CHURCH GRAVEL’S ANNUAL OPERATING LICENSE

WHEREAS, North Church Gravel, Inc. owns and operates a soil removal operation located at 216 North Church Road, Block 62, Lot 10, which is licensed annually by the Township Council pursuant to Township Ordinance Chapter 150; and

WHEREAS, North Church Gravel, Inc. is required to maintain the existing tree line along the edge of the property line between all adjoining property owners to serve as a buffer to the noise and visual impact of the soil removal operation; and

WHEREAS, the Hardyston Township Board of Education presented a Capital Improvement Plan to the Hardyston Township Planning Board on September 27, 2012 for the installation of a solar array which will provide power and reduce the electrical utility costs for the middle school located at 183 Wheatsworth Road; and

WHEREAS, the proposed capital improvement plan proposed cutting down a significant number of trees on North Church Gravel’s property adjacent to the Board of Education and neighboring Sussex County property in order to allow adequate sunlight for the solar project to be feasible; and

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON DECEMBER 11, 2012

WHEREAS, the Township Planning Board raised concerns regarding the removal of the trees from North Church Gravel property due the conditions imposed by the Soil Removal approval; and

WHEREAS, North Church Gravel has requested a waiver from the requirement to maintain a 50 feet buffer between the adjoining property owners and the soil removal operation in order to allow the Hardyston Board of Education to remove the trees which function as the buffer from North Church Gravel's property; and

WHEREAS, both North Church Gravel and the Hardyston Township Board of Education are amenable to the removal of the trees; and

WHEREAS, the Township Council pursuant to Township Ordinance Chapter 150, Article II, §150-24 may modify or waive any of the conditions or regulations required to obtain an annual soil removal license where the applicant can show undue hardship by reason of topography, grade or other special conditions or when such modifications would clearly be in the public interest; and

NOW THEREFORE BE IT RESOLVED, the Township Council of the Township of Hardyston hereby finds that the public benefit of a the proposed solar project located on the Board of Education property will outweigh any negative impact resulting from the removal of the trees which serve as a buffer for the soil removal operation located on North Church Gravel's property ;

AND BE IT FURTHER RESOLVED, the Township Council grants a waiver from the requirement to maintain the existing tree line as a buffer to the soil removal operation located at 16 North Church Road, Block 62, Lot 10 to North Church Gravel Inc., granting permission to the Hardyston Township Board of Education to remove trees necessary for the installation of the proposed solar panel project to the limits shown on the Sheet SP-03 of plans prepared by KMB Design Group and Hammer Land Engineering entitled "Enlarged Site Layout Plan, The Sussex County Renewable Energy Projects, Hardyston Middle School, 183 Wheatsworth Road, Hamburg, New Jersey 07419, Tax Block 62, Lot 33.01;

AND BE IT FURTHER RESOLVED, the waiver is subject to the condition that the project builder/owner will replant Flowering Magnolia trees along the property line. Said trees shall be not less than 7 to 8 feet tall at time of planting and spaced not less than 15 feet on center to act as an aesthetic buffer to the soil removal operation.

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

C. Resolution #68-12 – Bid Award Resolution for CCTV System & Access Control Alterations

RESOLUTION #68-12

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF THE CONTRACT FOR THE PROVISION OF A CCTV SYSTEM AND ACCESS CONTROL ALTERATIONS TO SECURITY DESIGN GROUP, LLC

WHEREAS, bids were opened as advertised on November 9, 2012, for the provision of a CCTV System and Access Control Alterations; and

WHEREAS, one (1) sealed bid was received from the following vendor:

- 1) Security Design Group, LLC- \$29,875.00; and

WHEREAS, the Township Council is satisfied with the proposal submitted by Security Design Group, LLC, the lowest responsible bidder, as being the proposal which satisfies the best interest of the Township and being in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Chief Financial Officer of the Township of Hardyston has certified that sufficient funds are available for this purpose.

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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON DECEMBER 11, 2012

1. The contract for the provision of a CCTV System and Access Control Alterations is hereby awarded to Security Design Group, LLC, 20 Nina Place, Randolph, New Jersey 07869, and the Mayor and Township Clerk are hereby authorized and directed to execute a contract with Security Design Group, LLC in accordance with its bid proposal including the three options set forth in their bid proposal for a total contract price of \$35,522.00 (Base bid \$29,875 + Option 1 (panic button) \$1,050 + Option 2 (IP camera) \$1,557 + Option 3 (new card reader, door contact, electric strike, request to exit sensor) \$3040).
2. 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.

- D. Resolution #69-12 – Resolution supporting the Rehabilitation of Main Track Between MP 40.0 and MP 50.0 Project – The New York, Susquehanna and Western Railway Corporation

Resolution of the TOWNSHIP OF HARDYSTON

SUSSEX County, New Jersey

No. 69-12

Date of Adoption: 12/11/12

Title :

Support for the **Rehabilitate Main Track Between MP 40.0 and MP 50.0**

Introduced by ROSS
Seconded by HAMILTON

WHEREAS, the State Rail Plan Agreement approved a grant for the **Rehabilitation of the Main Track Between MP 40.0 and MP 50.0** in the amount of \$875,032 to The New York, Susquehanna and Western Railway Corporation, and;

WHEREAS, the TOWNSHIP OF HARDYSTON would realize increased rail safety with said project.

NOW, THEREFORE BE IT RESOLVED by the Council of the TOWNSHIP OF HARDYSTON that HARDYSTON TOWNSHIP does hereby support the **Rehabilitation of Main Track Between MP 40.0 and MP 50.0 Project**.

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

- E. Resolution #70-12 – Resolution authorizing execution of an agreement to participate as a member of the Watershed Coalition seeking tax equity for the Newark Watershed property

RESOLUTION #70-12

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING CONTRACTS/AGREEMENTS

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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON DECEMBER 11, 2012

AGREEMENT TO PARTICIPATE AS A MEMBER OF THE WATERSHED COALITION SEEKING TAX EQUITY FOR THE NEWARK WATERSHED PROPERTY

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

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. 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 11th day of December, 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: Kula

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

Motion carried.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON DECEMBER 11, 2012

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

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

Jane Bakalarczyk, RMC/CMC
Municipal Clerk