

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 18, 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 Tracy Wang 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 – November 2012
2. Tax Collector Report – November 2012
3. Construction Certificate Activity Report – November 2012
4. Construction Permit Activity Report – Hardyston – November 2012
5. Construction Permit Activity Report – Hamburg – November 2012
6. Construction Permit Activity Report – Franklin – November 2012
7. Construction Permit Activity Report – Newton – November 2012
8. Construction Permit Activity Report – Sussex – November 2012
9. Animal Control Report – November 2012
10. Municipal Court Report – November 2012
11. Police Department Report – November 2012

Agreements/Applications/Licenses:

1. Raffle – Walkkill Valley Booster Club

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

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: None

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #71-12 – Veteran deduction refund – Block 16.37, Lot 1.11 – Steven Maksymiuk

RESOLUTION #71-12

WHEREAS, Block 16.37 Lot 1.11 owned by Steven Maksymiuk also known as 100 Tarrington Road, Hardyston, and

WHEREAS, Mr. Maksymiuk has been approved for a Veteran Deduction for 2012, and

WHEREAS, the 2012 property taxes have been paid in full,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Steven Maksymiuk the amount of \$ 250.00 for a Veteran Deduction.

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2. Resolution #72-12 – Overpayment refund
 - a. Block 44, Lot 23 – Sean Brown
 - b. Block 17.06, Lot 3, Q CW103 – Joseph McGarry

RESOLUTION #72-12

WHEREAS, the following parcels had refinanced their mortgages and November 1st taxes were paid by both the mortgage companies and Title Companies. Refunds are due to both homeowners.

<u>Block</u>	<u>Lot</u>	<u>Qual</u>	<u>Name</u>	<u>Address</u>	<u>Amount</u>
44	23		Sean Brown	29 Glen Avenue	\$ 1,350.12
17.06	3	CW103	Joseph McGarry	8 Tillbrook Court	\$ 1,275.88

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund \$ 2,626.00 for overpayments on the above Block and Lot Numbers.

3. Resolution #73-12 – Overpayment refund – Block 75, Lot 14 – Daniel & Gail Davis

RESOLUTION #73-12

WHEREAS, Block 75 Lot 14, and owned by Daniel & Gail Davis and also know as 32 Davis Road, and

WHEREAS, THE Tax assessor has approved them for Farmland Assessed for the tax year 2012 and taxes were paid on the original Block and Lot,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Daniel & Gail Davis the amount of \$ 704.85 for overpayment of taxes on the Farmland assessed property.

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

- B. Resolution #74-12 – Resolution supporting Assembly Bill A-2753 and Senate Companion Bill S-1923 which ends the State diversion of energy tax receipts and restores funding to municipalities

RESOLUTION #74-12

A RESOLUTION SUPPORTING ASSEMBLY BILL A-2753 AND SENATE COMPANION BILL S-1923 WHICH ENDS THE STATE DIVERSION OF ENERGY TAX RECEIPTS AND RESTORES FUNDING TO MUNICIPALITIES

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

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WHEREAS, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policy makers should not exercise that right automatically; and

WHEREAS, while that right should be the exception, it has become the rule; and

WHEREAS, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Governing Body of the Township of Hardyston call for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

AND BE IT FURTHER RESOLVED, that we, respectfully, urge State Legislators to adopt A-2753 and S-1923, and end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

AND BE IT FURTHER RESOLVED, hat the Clerk is hereby authorized to forward certified copies of this resolution to Senator Steven Oroho, Assemblywoman Alison Littell-McHose, Assemblyman Gary Chiusano, Governor Christie and the New Jersey League of Municipalities.

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

C. Resolution #75-12 – Resolution authorizing execution of shared service agreements with Hamburg Borough

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

1. Amendment to Construction Services – Hamburg Borough
2. Zoning Officer - Hamburg Borough
3. Recreation – Littell Community Center - Hamburg Borough

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

D. Resolution #76-12 – 2012 Budget Transfer Resolution

Now, Therefore be it resolved by the Mayor and Council of the Township of Hardyston, State of New Jersey, That the following 2012 Budget Appropriation transfers be authorized:

Transfer To:		Transfer From:	
Tax Assessment S&W	8,700.00	Municipal Court S&W	8,700.00
Computer Tech OE	10,000.00	Admin S&W	10,000.00
Legal OE	7,500.00	Planning OE	7,500.00
Legal OE	3,000.00	Construction OE	3,000.00
Legal OE	7,000.00	Natural Gas OE	7,000.00
Legal OE	6,500.00	Construction S&W	6,500.00
Legal OE	10,000.00	Engineering OE	10,000.00
Legal OE	3,869.00	Celebration of Pub OE	3,869.00
Legal OE	10,000.00	Diesel Fuel	10,000.00

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Legal OE	2,131.00	Gasoline	2,131.00
Land Use S&W	1,600.00	Municipal Court OE	1,600.00
Other Insurance	7,974.00	Streets & Roads OE	7,974.00
Workers Comp	1,210.00	Admin S&W	1,210.00
Unemployment Ins	1,350.00	Admin S&W	1,350.00
Streets & Roads S&W	11,910.00	Streets & Roads OE	11,910.00
Social Security	11,500.00	Admin S&W	11,500.00
Police S&W	7,000.00	Police Car OE	7,000.00
Police S&W	23,000.00	Police OE	23,000.00
Communication S&W	5,000.00	Communication OE	5,000.00
Uniform Fire S&W	310.00	Uniform Fire OE	310.00
Total	139,554.00	Total	139,554.00

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

E. Letter of Interest for Volunteer Service – Jane L. Caiazzo

The Council and Ms. Caiazzo discussed her interest in serving on the Hardyston Township Zoning Board as an alternate member.

F. Correspondence

1. Ogdensburg Borough
2. Stillwater Township
3. Stillwater Township
4. State of NJ
5. Nicholson & Askin, LLC

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

MANAGERS REPORT:

- Township Manager stated that a meeting was held with CP Engineers regarding the methane gas testing they performed at the landfill. She stated that the test results were favorable.
- Township Manager stated that a meeting was held with FEMA regarding reimbursements for costs associated with Hurricane Sandy.
- Township Manager stated that the police testing has been completed and that the top five candidates have been notified.
- Township Manager stated that recreation fees are being finalized and should be completed in January.

BILLS TO BE PAID: A motion was made by Hamilton to approve the bill list as presented, seconded by Kula. 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.

ADJOURNMENT: A motion was made by Hamilton to adjourn at approximately 7:30 p.m., seconded by Ross. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk