

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
APRIL 16, 2013**

The meeting was called to order by Mayor Hamilton 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 Kula, Councilman Ross, Councilman Miller, Councilman Cicerale, 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 – March 2013
2. Tax Collector Report – March 2013
3. Construction Certificate Activity Report – March 2013
4. Construction Permit Activity Report – Hardyston – March 2013
5. Construction Permit Activity Report – Hamburg – March 2013
6. Construction Permit Activity Report – Franklin – March 2013
7. Construction Permit Activity Report – Newton – March 2013
8. Construction Permit Activity Report – Sussex – March 2013
9. Municipal Court Report – March 2013
10. Police Department Report – March 2013
11. Land Use Report – March 2013
12. Recreation Department Report – March 2013

Minutes:

1. Regular Minutes of 3/19/13
2. Executive Minutes of 3/19/13

Agreements/Applications/Licenses:

1. Raffle – NRA Foundation
2. GTBM, Inc. – Info- Cop Agreement Renewal - Police Department

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

ORDINANCES:

1ST READING:

2013-04

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CERTAIN PORTIONS OF CHAPTER 185, ZONING, OF THE REVISED GENERAL ORDINANCES TO ADDRESS SIGN CONTROLS ON A TOWNSHIP WIDE BASIS

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

Section 1. Chapter 185, Zoning, Section 185-4, Definitions, Subsection (C) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to amend and add the following definitions:

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SIGN, BANNER - A temporary advertising sign made of lightweight material that is supported by a lightweight pole or frame, or is affixed to an existing sign, building or other structure by ties, screws, nails or other temporary means.

SIGN, ELECTRONIC MESSAGE - An illuminated sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means

SIGN, SANDWICH BOARD - A portable sign easily moved from place to place on a stand or A type frame and having no permanent attachment to the ground.

SIGN, SUSPENDED - A sign hanging from a marquee, awning, porch or canopy.

SIGN, TEMPORARY - A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time

Section 2. Chapter 185, Zoning, Article XIX, Signs, Section 185-68 thru Section 185-76 of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

Article XIX.

Signs

§ 185-68. Purpose.

Signs shall be permitted only in compliance with the following regulations which are intended to provide, coordinated, informative and efficient signs in the Township.

§ 185-69. General regulations.

The following regulations shall apply to all permitted and preexisting nonconforming signs:

- A. No sign shall be constructed, displayed or erected unless written application has been made to the Zoning Officer by the owner of the property and a permit issued upon payment of a fee as set from time to time by the Township Council. *Editor's Note: See Ch. 88, Fees.*
- B. When a sign is a temporary sign as permitted in §185-71, the property owner or applicant shall submit a plot plan or survey indicating the location of the sign. The Zoning Officer will determine if the proposed location is safe and out of the public right of way. In the event that the Zoning Officer has concerns regarding the location of the proposed sign the Township Engineer will make a determination, and if necessary, recommend an alternative location.
- C. When a permanent sign is not included as part of an approved site plan, the property owner or applicant shall obtain site plan approval from the appropriate land use board. An application to replace existing conforming signs shall not require a board approval.
- D. All signs and supporting structures shall be maintained in a structurally safe condition and in good repair, including the maintenance of legibility and all lighting elements. The owner of the premises shall be responsible for the maintenance of the ground area surrounding signs in a neat and clean condition and all landscaping shall be maintained in good repair.
- E. Directional signs having areas of less than two square feet are exempt from area and location regulations except they shall be located a minimum of five feet from any property line, and further provided that they do not constitute a hazard to the traveling public as determined by the Township Zoning Officer or the Township Engineer.
- F. Applicant shall comply with all applicable county, state and federal sign regulations.
- G. No sign shall constitute a hazard to the traveling public as determined by the Township Zoning Officer or the Township Engineer.
- H. Whenever the Zoning Officer shall determine that there is a violation of any sign regulation, he or she shall direct that the sign shall be removed or brought into compliance within a specified time.

§ 185-70. Prohibited signs.

The following signs shall be prohibited in all zoning districts:

- A. Any sign which does not pertain to an occupant, service or product actually occupying or provided on the premises where such sign is located.

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- B. A sign attached to any building which projects more than six inches from the wall to which it is attached or which extends above the wall to which it is attached.
- C. Roof signs which extend above the highest point of the roof to which it is attached.
- D. Marquees and canopy signs except as permitted in § 185-73.
- E. Banners, streamers, advertising flags, twirlers and like objects except as permitted for temporary signs in §185-71.
- F. Signs posted on fences, posts, utility poles or trees. (Except for no trespassing, no hunting signs and similar restrictive signs.)
- G. Signs posted on municipal property without the consent of the governing body.
- H. Signs standing, installed or painted on sidewalks or curbs.
- I. Exterior moving, rotating, blinking or flashing signs of any nature except for electronic message signs as permitted in §185-76.1.
- J. Pole signs except as permitted in §§ 185-73 and 185-74.
- K. Sandwich boards, banners, placards, or other forms of advertisements except as permitted for temporary signs in §185-71.
- L. Sandwich boards, banners, placards, or other forms of advertisement which are carried by, worn by, or otherwise held by one or more individuals.
- M. Signs posted within a public right-of-way without the consent of the public agency which controls the affected right-of-way.

§ 185-70.1. Exempt signs.

The following signs shall be exempt from obtaining a zoning permit but shall comply with all placement and size requirements for the type of sign category under which they are classified (temporary, window signs & lettering, specific uses, multi-use/multi-tenant structures, residential, and non-residential):

- A. Political Signs (Not to exceed 4 square feet)
- B. Public Signs or Notices (Sign on behalf of a Municipal, County or State Agency)
- C. Sign Face changes on existing legally conforming signs.
- D. Directional signs such as No Parking, No Loading@ , Entrance@
- E. Community Organization Signs (Neighborhood Association, Church, Civic Organization)
- F. Real Estate signs for residential sales and rent in all residential zones. (Not to exceed 4 square feet.)
- G. American, State, County and Township Flags
- H. Yard Sale/ Garage Sale Signs (such signs shall be removed within 24 hours of the end of the event.)

§ 185-71. Temporary signs in all zones.

Temporary signs as defined in §185-4 shall be permitted as follows:

- A. Temporary signs shall be permitted identifying architects, builders, brokers and contractors on premises where a building is being constructed, altered or repaired. No sign shall be displayed for a period exceeding the time required for such construction, alteration or repair or for one year, whichever is less. Unless affixed to the principal building, such signs shall be set back at least 10 feet from all property lines. There shall be no more than one such sign on any property. Said sign shall not exceed six square feet in size and shall not stand more than four feet above ground level.
- B. One temporary sign shall be permitted announcing that the property on which it is located is for sale or rent, provided that such sign shall be displayed for only so long as such property is for sale or rent and shall be removed within seven days after such sale or rental. Unless such sign is attached to the principal building, it shall be no closer than 10 feet to any property line. Such sign shall not exceed six square feet in size, nor stand more than four feet above ground level.

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- C. Signs locating and advertising subdivisions of land projects requiring site plan approvals, which have received preliminary or final approval by the Township, provided that each such sign shall not exceed 24 square feet in area, shall not exceed two in number and shall not be located closer than 20 feet to any property line. Such sign permits shall be valid for not more than one year. All such signs shall be renewed annually by January 31st. Such signs shall be removed, in the case of land subdivision, when either 75% of the lots created have been built upon or after 75% of the lots have been sold by the developer or any combination thereof. , In the case of projects receiving site plan approval such signs shall removed upon the issuance of a certificate of occupancy.
- D. Grand opening signs, shall be considered temporary and include; suspended signs, banners, streamers, advertising flags, twirlers and like objects in non-residential zones. They may be allowed by permit from the Township Zoning Officer for a period not to exceed 90 Days for new business grand openings. Grand opening signs shall be erected no more than 30 days prior to the grand opening, and shall be removed not more than 60 days after the grand opening. Grand opening signs must be a minimum of 10 feet from any property line.
- E. Special promotion and event signs including banners, streamers, advertising flags, twirlers, suspended signs and sandwich board signs in non-residential zones may be granted by permit from the Township Zoning Officer. Special promotion and event signs may be displayed for not more than fourteen consecutive days in any 3 month period, and not more than fifty-six days in any calendar year. Alternatively, special promotion and event signs may be displayed 1 day per week throughout the year. Permits for weekly promotional displays shall be renewed with the Township Zoning Officer on a quarterly basis. Special promotion and event signs shall be erected no more than fourteen days prior to the event, and shall be removed not more than two days after the event. A waiver from the above requirements and restrictions can be requested from the Township Council. Special promotion and event signs must be a minimum of 10 feet from any property line and shall not impede with sight distance.
- F. Sandwich board signs as defined in §185-4 shall not exceed 36 inches in height, and each side of the sign shall not exceed seven square feet in area. Sandwich board signs may only be displayed during business hours and shall not have internal or external illumination, contain moving parts or have balloons, streamers, pennants or similar adornment attached to them. Sandwich board signs must be a minimum of 10 feet from any property line.
- G. Suspended signs as defined in §185-4 shall not exceed 60 inches in width and 30 inches in height. The bottom edge of the suspended sign shall be a minimum of 7 feet from the ground/sidewalk to avoid obstructing the entrance to the establishment.

§ 185-72. Window lettering and window signs.

Window lettering and signs shall be permitted only in the business zones. For the purpose of enforcing this chapter, window lettering and signs shall not be construed as signs, but shall be subject only to the following restrictions:

- A. All window lettering and window signs shall be inside the window.
- B. Permanent window lettering and window signs shall be permitted only if the space confining such lettering and signs or the background upon which it appears does not exceed 40% of the window area. Any painted area of any window shall be construed as window lettering or signs, whether or not such area actually contains lettering or advertising.
- C. Window lettering or window signs shall pertain only to that establishment occupying that portion of the premises where the window is located.
- D. Temporary window lettering or window signs, advertising special sales or events, shall be permitted subject to the following restrictions:
 - (1) Such lettering or window signs shall be subject to the length of time restrictions established for temporary grand opening and special sales or events signs pursuant to § 185-71;
 - (2) Such window lettering or window signs, in conjunction with permanent window lettering or sign, shall not cover, in the aggregate, more than 40% of the window area.

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- E. Illuminated window lettering and window signs which are not continuously lit, blink, flash, flicker, use sequential lighting, have a revolving message display or which otherwise produce a glare that interferes with pedestrian or vehicular traffic are prohibited.
- F. All window lettering and signs shall be maintained in good repair.

§ 185-73. Sign regulations for specific uses.

- A. Marquee and canopy signs. In addition to those other signs generally permitted under this section, theaters may display the following signs:
 - (1) Removable lettering on the front and/or sides of a canopy or marquee, which may be backlighted and which shall advertise current or coming attractions only.
 - (2) Not more than two additional signs, each not more than 12 square feet in size, may be attached to the front wall of the theater and which shall be used to advertise coming of current attractions only.
 - (3) Ticket booth signs shall be governed by regulations affecting window lettering and window signs.
- B. Service station signs. Automotive service stations and public garages shall be permitted to display only the following signs:
 - (1) One temporary sign, located at a minimum of 5 feet from the property line, specifically advertising special or seasonal servicing of motor vehicles, provided that each face of such sign does not exceed eight square feet.
 - (2) One nonmoving, freestanding pole sign advertising the name of the station or garage and/or the principal products sold, including any special company or brand name, insignia or emblem, provided that the actual sign area does not exceed 30 square feet for each face, and further provided that the bottom of each sign face shall be at least 10 feet above ground level and the total height of the sign from the ground to the top of the sign face shall not exceed 20 feet. The sign shall be located no closer than five feet to any property line.
 - (3) Additional signs or lettering displayed over individual entrance doors or bays, bearing legends, essentially the same or similar to the following: "washing, lubrication, repairs, mechanic on duty." There shall be no more than one such sign over each entrance or bay, such signs shall not exceed six square feet in size, nor shall the lettering on such signs be greater than 12 inches high.
 - (4) Customary lettering or other insignia which are an integral part of a fuel pump and consisting only of fuel name, lead warning sign, price indicator and any other sign or signs as required by law. Such sign shall not exceed three square feet in aggregate area on each pump.
 - (5) A single, non-illuminated credit card sign, not exceeding four square feet in size, may be placed on or near each pump island.
 - (6) Other signs that may be required by law.
- C. Signs accessory to parking areas, private and public. In all zones, signs designating entrance or exit, and/or street address, to or from a parking area shall be limited to one sign with a maximum area of four square feet for each exit or entrance. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of 32 square feet shall be permitted. Private driveway signs indicating the private nature of a driveway shall be permitted, provided that the size of any such signs shall not exceed four square feet. All such signs shall be located five feet from a property line and have a maximum height of 4 feet.

§ 185-74. Signs for multi-use or multi-structure developments on 10 acres or more.

Shopping centers, industrial parks, multifamily developments, multi-tenanted structures or multi-structure developments shall be governed by the following regulations:

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- A. Each such development as part of its site plan shall submit a signing plan to the Planning Board. Such signing plan shall include details on:
- (1) Letter style.
 - (2) Lighting.
 - (3) Color.
 - (4) Construction and materials.
 - (5) Height of sign.
 - (6) Height above grade or below roofline.
 - (7) Locations.
 - (8) Standards.
- B. The signing plan shall be based on an integrated design theme to include all of the elements in Subsection A (1) through (8) above. All of the above elements shall be designed to be in harmony and consistent with each other, the architecture and materials of principal structure and the landscaping plan. The Planning Board or Zoning Board, in its sole discretion, shall determine if a proposed signing plan meets the goals and objectives of this section.
- C. The total area of all signs affixed to nonresidential structures shall not exceed 20% of the building facade of the structure. The total area of all signs affixed to residential structures shall not exceed 2% of the building facade of the structure.
- D. Freestanding signs.
- (1) A standing pole sign shall be permitted in a nonresidential multi-use development. It shall not exceed 50 square feet in area for each face, the bottom of each sign face shall be at least 10 feet above ground level and the total height of the sign from the ground to the top of the sign face shall not exceed 20 feet, and shall be no closer than five feet to any property line.
 - (2) A freestanding monument sign shall be permitted in a multi-structure residential development not exceeding 10 feet in height and 50 square feet in area on each face, or there may be two single-face signs, each of which shall not exceed 50 square feet in area. Said sign or signs shall be at least 15 feet from any property line and shall be placed in such a way as to not impose on the line of sight. Nonresidential multi-use developments may erect the above-described monument signs in place of the pole sign permitted in Subsection D(1).
 - (3) Only one such freestanding sign shall be permitted on any single property, regardless of the number of establishments on the property, except that the Planning Board may authorize an additional freestanding sign if the property has access from more than one public street. The freestanding sign shall comply with all setback requirements of the zone.

§ 185-75. Signs in residential districts.

The following types of signs shall be permitted in residential districts:

- A. Signs accessory to parking areas for institutional uses. Signs designating entrance or exits to or from a parking area shall be limited to one sign for each such exit or entrance, with a maximum size of four square feet for each sign. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of 32 square feet shall be permitted. Private driveway signs indicating the private nature of a driveway shall be permitted, provided that the size of any such signs shall not exceed four square feet.
- B. Nameplate and identification signs for single-family dwellings. A sign indicating the name or address of the occupant may be permitted, provided that the sign shall be no larger than two square feet on each face. A permitted home occupation may be included with the name of the occupant.
- C. Institutional signs. Signs of schools, colleges, churches and other institutions of a similar public or semipublic nature may be erected and maintained, provided that:
- (1) The size of any freestanding sign shall not exceed 100 square feet and not more than one such sign is placed on a property, unless such property fronts upon more than one street, in which instance a sign may be erected on each frontage.

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- (2) Signs may be affixed to a maximum of two walls of a structure. The total sign area on each wall shall not exceed 2% of the wall, whichever is less.

§ 185-76. Signs in other nonresidential districts.

The following signs shall be permitted in nonresidential districts not regulated by § 185-74 of this article.

- A. Number and size of exterior wall signs. Exterior wall signs shall not exceed 20% of the facade of the building upon which they are located. Each establishment shall be allotted its proportionate share of the total sign area in a ratio of its frontage to the total building frontage.
- B. Rear and side wall signs. No signs shall be permitted on rear or side walls.
- C. Freestanding signs. There shall be permitted one freestanding pole or monument-type sign, provided that:

[Amended 3-1-2011 by Ord. No. 2011-01]

- (1) Pole signs shall:
- (a) Have a sign face that is at least 10 feet above the ground level and a total height of the sign shall not exceed 20 feet above the ground level.
 - (b) Be at least five feet from any property line.
 - (c) Not exceed 60 square feet of area on each face.
- (2) Monument signs shall:
- (a) Not exceed 10 feet in height.
 - (b) Be at least 15 feet from any property line and shall be placed in such a way as to not impose on the line of sight.
 - (c) Not exceed 50 square feet in area on each face.
- (3) The base of said signs shall be appropriately landscaped and maintained.

Section 3. Chapter 185, Zoning, Article XIX, Signs, of the aforesaid mentioned Revised General Ordinances is hereby amended as follows to add §185-76.1, in order to establish regulations and standards for electronic message signs.

§ 185-76.1. Electronic Message Signs.

Electronic signs as defined in §185-4 shall be permitted in the B-1, B-2, and R-C zones subject to the following conditions and shall require approval by the appropriate land use board.

- A. Shall be consistent with the requirements set forth for freestanding signs in § 185-76, including height, setbacks, and maximum area.
- B. Shall contain block letters only and shall consist of only one color on a neutral color background.
- C. Shall be no more than 24 square feet.
- D. Messages shall change at no less than 20 second intervals and shall not blink, flash or flicker rapidly when changing as to cause a distraction to drivers.
- E. Messages shall contain no more than 3 lines of text.
- F. Illuminated signs shall be turned off between the hours of 9:00 p.m. and 6:00 a.m. on lots located immediately adjacent to residential districts.

SECTION 4. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

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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 by Miller to approve Ordinance 2013-04 on first reading, seconded by Ross. All in favor. Motion carried.

2013-05

**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 24, 25, 2013; August 30, 31, 2013; between the hours of 8:30 a.m. and 2:30 p.m.

SECTION 2. 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 23 and County Route 515. The dates and times approved for said solicitation are as follows: October 19, 20, 2013 between the hours of 8:00 a.m. and 6:00 p.m.

SECTION 3. 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 25, 26, 27, 2013 and August 31 and September 1, 2013 between the hours of 8:00 a.m. and 6:00 p.m.

SECTION 4. 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 5. 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 6. 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.

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SECTION 7. This Ordinance may be renumbered for purposes of codification.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made by Miller to approve Ordinance 2013-05 on first reading, seconded by Cicerale. All in favor with Ross abstaining. Motion carried.

ORDINANCES:

2ND READING:

2013-03

CALENDAR YEAR 2013

**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 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year=s final appropriations, subject to certain exceptions; and,

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 2013 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 1.5% increase in the budget for said year, amounting to \$104,606.54 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 2013 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 \$244,081.93, and that the CY 2013 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.

Township Auditor, Charles J. Ferraioli, Jr. explained the purpose of this ordinance. 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

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favor. Motion carried. A motion was made by Miller to approve Ordinance 2013-03 on second reading, seconded by Ross. All in favor. Motion carried.

NEW BUSINESS:

A. Proclamation – Relay for Life of Sussex County

**Proclamation
Relay For Life of Sussex County**

WHEREAS, Relay For Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

WHEREAS, money raised during Relay For Life of Sussex County supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays – by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

WHEREAS, Relay For Life helped fund more than \$150 million in cancer research last year;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hardyston does hereby proclaim the week of May 16 as,

"RELAY FOR LIFE DAYS"

and encourages citizens to participate in the Relay For Life event at Sussex county Community College from 4:00 p.m. Saturday to 6:00a.m. Sunday.

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

B. Resolution #32-13 – Resolution opposing Assembly Bill 3780

RESOLUTION #32-13

RESOLUTION OPPOSING ASSEMBLY BILL 3780

WHEREAS, Assembly Bill 3780 was introduced on February 7, 2013; and

WHEREAS, said Bill would amend N.J.S.A. 54:1-35.3 by requiring that short sales shall be included in determining true value in certain circumstances and that the Director of the Division of Taxation shall utilize short sales in certain circumstances to determine the ratio of aggregate assessed to aggregate true valuation of real estate in each municipality; and

WHEREAS, said bill would further amend the rule establishing valuation standards to include the use of short sales; and

WHEREAS, short sales are by their nature transactions as a result of the Seller's distressed financial circumstances; and

WHEREAS, the determination of the ratio of aggregate assessed to aggregate true valuation has previously excluded all sales other than true arm's length transactions; and

WHEREAS, Assembly Bill 3780 attempts to include short sales as being arm's length transactions in certain circumstances; and

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WHEREAS, the Governing Body is of the opinion that the use of short sales under any circumstances in determining the ratio of aggregate assessed to aggregate true valuation would result in skewed and irrational results and would disrupt not only the assessment process, but

would also unjustly influence the municipal tax burden as compared to other municipalities in the county;

NOW, THEREFORE, be it resolved by the Mayor and Council of the Township of Hardyston that it does hereby oppose the adoption of Assembly Bill 3780; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Honorable Chris Christie, Governor, State of New Jersey, State House, P.O. Box 001, Trenton, NJ 08625; Honorable Sheila Y. Oliver, Speaker of the New Jersey Assembly, Suite 202, 15-33 Halsted Street, East Orange, NJ 07018; members of the Assembly Financial Institutions and Insurance Committee – Honorable Jack M. Ciattarelli, 1 East High St., Somerville 08876; Honorable Sean T. Kean, Bldg 2A, 1955 Highway 34, Wall, NJ 07719; Honorable John F. McKeon, 250 Main St., Madison, NJ 07940; Honorable Gabriela Mosquera, Suite 1, 129 Johnson Rd., Turnersville, NJ 08012; Honorable Gary S. Schaer, Suite 302, 1 Howe Ave., Passaic, NJ 07055; Honorable L. Grace Spencer, 223 Hawthorne Ave., Newark, NJ 07112; Honorable John S. Wisniewski, Suite A, 132 Main St., Sayreville, NJ 08872; Honorable Alison McHose, 115 Demarest Road, Suite 2B, Sparta, NJ 07871; the New Jersey League of Municipalities, 222 West State Street, Trenton, NJ 08608; and the Sussex County Board of Taxation.

A motion was made by Ross to approve the resolution as presented, seconded by Miller. All in favor with Cicerale voting “No”. Motion carried.

C. Resolution #33-13 – Nextel Site Acceptance and Release – 29 Stockholm-Vernon Road

RESOLUTION #33-13

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING AGREEMENT:

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

- Nextel Site Acceptance and Release – 29 Stockholm-Vernon Road

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

D. Resolution #34-13 – Self-Exam Resolution

**RESOLUTION #34-13
SELF-EXAMINATION OF BUDGET RESOLUTION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 THRU 7.5 the Township of Hardyston has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Hardyston meets the necessary conditions to participate in the program for the 2013 budget year, so now therefore

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
APRIL 16, 2013**

BE IT RESOLVED, by the Township Council of the Township of Hardyston that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated.
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE Director of the Division of Local Government Services.

Township Auditor, Charles J. Ferraioli, Jr. explained the purpose of this resolution. A motion was made by Ross to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

E. 2013 Budget Hearing

Township Manager gave a verbal and written presentation of the 2013 Municipal Budget. A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Resident Martin Schweighardt inquired about the solar panels and the SREC's. Another inquiry was about the Affordable Housing Units that the Township purchased, and the procedure for qualifying, and another resident had a question regarding the amount of foreclosures and short sales in the Township. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

F. Resolution #35-13 – 2013 Budget Amendment Resolution

Township Auditor, Charles J. Ferraioli, Jr. explained the purpose of this resolution. A motion was made by Ross to approve the budget amendment resolution as presented, seconded by Kula. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
APRIL 16, 2013**

G. 2013 Budget Adoption

A motion was made by Ross to adopt the 2013 Municipal Budget, seconded by Kula. All in favor. Motion carried.

H. Correspondence

1. Andover Township
2. Sandyston Township
3. Sandyston Township
4. Vernon Township
5. Vernon Township
6. Stanhope Borough
7. Byram Township
8. County of Sussex
9. County of Sussex
10. State of NJ
11. State of NJ
12. State of NJ
13. NJ Transit

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

BILLS TO BE PAID: A motion was made by Ross to approve the bill list as presented, seconded by Miller. 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. Resident Debbie Caganese of 26 Pale Star Court inquired as to why it took so long for the minutes of October 2012 to March 2013 to be posted on the website. Township Clerk stated that they were awaiting attorney review. 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 8:20 p.m., seconded by Miller. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk