

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
FEBRUARY 26, 2014**

The meeting was called to order by Deputy 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: Councilwoman Hamilton, Councilman Verrilli, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau. Councilman Cicerale and Mayor Kula were absent from this meeting.

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 – January 2014
2. Tax Collector Report – January 2014
3. Construction Certificate Activity Report – January 2014
4. Construction Permit Activity Report – Hardyston – January 2014
5. Construction Permit Activity Report – Hamburg – January 2014
6. Construction Permit Activity Report – Franklin – January 2014
7. Construction Permit Activity Report – Newton – January 2014
8. Construction Permit Activity Report – Sussex – January 2014
9. Municipal Court Report – January 2014
10. Sussex County Health Department Report – December 2013
11. Police Department Report – January 2014
12. OEM Meeting Minutes of 1/15/14
13. Land Use Report – January 2014
14. Littell Community Center Report – January 2014

Minutes:

1. Workshop Minutes of 1/22/14
2. Regular Minutes of 1/22/14

Agreements/Applications/Licenses:

1. Raffles – SB Foundation Inc.
2. Raffles – YMCA Metropolitan of the Oranges – Sussex County YMCA

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

ORDINANCES

1st READING: None

ORDINANCES

2nd READING: None

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NEW BUSINESS:

- A. Resolution #12-14 – Resolution authorizing the execution of the following shared service agreements:
1. Administrative Services – HTMUA
 2. Secretarial/Billing Services – HTMUA
 3. Maintenance and Service - HTMUA

RESOLUTION #12-14

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING SHARED
SERVICE AGREEMENTS**

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

1. Administrative Services - HTMUA
2. Secretarial/Billing Services – HTMUA
3. Maintenance and Service – HTMUA

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

- B. Resolution #15-14 – Resolution authorizing the execution of the following shared service agreements:
4. Recreation – Littell Community Center – Franklin Borough
 5. Recreation – Littell Community Center - Hamburg Borough

RESOLUTION #15-14

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING SHARED
SERVICE AGREEMENTS**

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

- a. Recreation – Littell Community Center – Franklin Borough
- b. Recreation – Littell Community Center - Hamburg Borough

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

- C. Tax Collector Resolution

1. Resolution #16-14 – Resolution authorizing issuance of duplicate Tax Sale Certificate for Block 17, Lot 10.37 to Nigel Cunniffe

RESOLUTION #16-14

**RESOLUTION AUTHORIZING THE ISSUANCE OF A
DUPLICATE TAX SALE CERTIFICATE PURSUANT TO
CHAPTER 99 OF THE PUBLIC LAWS OF 1997**

WHEREAS, the Tax Collector of Hardyston Township has previously issued a tax sale certificate to Nigel Cunniffe which certificate is dated September 28, 2011 covering premises commonly known and referred to as Lot 10.37 in Block 17 as set out on the municipal tax map then in use which certificate bears number 11-15.

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WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW THEREFORE, be I resolved by the Mayor and Governing Body of the Municipality of Hardyston Township that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$ 100.00 per certificate, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word “Duplicate” as required by law.

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

D. Resolution #17-14 – 2014 Salary Resolution

BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages effective January 1, 2014 shall be paid as follows:

Title	2014 Salary
	<u>Annual Salary</u>
Township Council	\$ 4,000.00
Mayor/Deputy Mayor:	
Marriage/Civil Union Ceremony Stipend (per ceremony for residents)	\$ 50.00
(per ceremony for non-residents)	\$ 200.00
Township Manager	\$ 161,301.54
Deputy Manager	\$ 8,323.20
Municipal Clerk/Registrar/Search Officer	\$ 73,848.00
Chief of Police	\$ 140,959.92
Public Works Director	\$ 109,521.87
Fleet Manager	\$ 2,000.00
Zoning Officer	\$ 32,952.12
Computer Technician	\$ 49,254.00
Tax Assessor	\$ 52,708.74
Tax Collector	\$ 67,917.31
Municipal Planner	\$ 67,626.00
Land Use and Grants Administrator	\$ 59,568.00
Construction Official	\$ 68,354.28
Building Subcode Official	\$ 87,122.28
Fire Official	\$ 18,746.97
Fire Prevention Inspector	\$ 8,923.00
Fire Prevention Inspector (hired after 1/1/10)	\$ 7,501.28
Housing Rehabilitation Program Inspector	\$300.00/unit
Municipal Court Administrator	\$ 57,320.00
Municipal Court Magistrate	\$ 36,367.18
Temporary Municipal Court Magistrate (per session)	\$925.00/session
Deputy Court Clerk	
For first three hours of court session	\$ 90.00
For each hour of court session exceeding three hours	\$16.39/hour
Emergency Management Coordinator	\$ 8,699.82
Dispatchers:	
Year One	\$ 39,510.00
Year Two	\$ 42,562.49
Year Three	\$ 45,323.83

Year Four	\$	48,327.46
Year Five	\$	52,424.72

Part-Time Dispatchers:	<u>Hourly Salary</u>	
Dispatcher In-Training	\$	12.00
Year One	\$	18.62
Year Two	\$	20.07
Year Three	\$	21.37
Year Four	\$	22.80
Year Five	\$	24.71

	<u>Hourly Salary</u>	
Senior Clerk/Radio Dispatcher	\$	26.19
Municipal Court Officer	\$	22.44
Road Supervisor	\$	32.20
Assistant Road Supervisor	\$	31.16
Laborer Without CDL hired before 1/1/08	\$	18.45
Laborer With CDL hired before 1/1/08	\$	20.66
Water and Sewer Operator	\$	35.47
Summer Seasonal Laborer/Driver Hired before 1/1/12	\$	12.86
Summer Seasonal Laborer/Driver Hired after 1/1/12	\$	12.00
Summer Seasonal Laborer	\$	10.00

Hardyston Township 2014 Salary Resolution - Page 2	<u>Hourly Salary</u>	
Winter Seasonal Laborer/Driver Without CDL	\$	13.00
Winter Seasonal Laborer/Driver With CDL	\$	15.00
Custodian		
Hired prior to 1/1/07	\$	18.37
Hired after 1/1/07	\$	13.70
Secretary/Clerical (hired after 10/1/12)	\$	15.97
Secretary/Clerical Temporary	\$	8.00
Administrative Assistant/Temporary	\$	11.00
Assistant to the Chief Financial Officer	\$	19.89
Secretary/Administration (Construction Technical Assistant & Police Secretary		
Hired before 6/28/05)	\$	21.66
Secretary/Administration hired after 12/31/04	\$	20.43
Utility Billing Specialist	\$	20.43
Secretary/Administration	\$	18.53
Recreation Director	\$	20.40
Recreation On-Call Staff	\$	9.97
Recreation Program Presenter Without Certification	\$	15.00
Recreation Program Presenter With Certification	\$	25.00
Electrical Subcode Official	\$	46.50
Plumbing Subcode Official	\$	38.85
Building Inspector		
Part-Time	\$	31.00

<u>Step</u>	<u>Hourly Salary</u>	
Driver/Laborer:		
Year One	\$	22.22
Year Two	\$	23.61
Year Three	\$	24.99
Year Four	\$	26.38
Year Five	\$	28.47
Year Six	\$	30.56

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

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- E. Resolution #18-14 – Resolution urging Governor Christie and the New Jersey State Legislature to enact legislation that will permanently extend the 2% cap on interest arbitration awards before April 2, 2014

RESOLUTION #18-14

**RESOLUTION URGING GOVERNOR CHRISTIE AND THE NEW JERSEY STATE
LEGISLATURE TO ENACT LEGISLATION THAT WILL PERMANENTLY EXTEND
THE 2% CAP ON INTEREST ARBITRATION AWARDS BEFORE APRIL 1, 2014**

WHEREAS, pursuant to the sunset provision contained in P.L. 2010, c. 105 the 2% cap on interest arbitration awards is set to expire on April , 2014; and

WHEREAS, this law powers county and municipal governments throughout the State to effectively control public safety employment salaries and personnel costs by capping interest arbitration awards at 2% for base salaries, which includes step increments and longevity pay; and

WHEREAS, county and municipal governments dedicate a substantial portion of their overall annual operating budgets for employee salaries, wages, health benefits, and other personnel costs; and

WHEREAS, county and municipal governments face a restrictive 2% property tax cap levy where municipalities and counties must prepare two comprehensive cap calculations and use the more restrictive one; and

WHEREAS, failure to extend the 2% cap on interest arbitration awards will force municipal and county governments to further reduce or even eliminate essential services, critical personnel and long-overdue infrastructure improvement projects; and

WHEREAS, it is in the best interest of municipal and county governments and property taxpayers through the State struggling to make ends meet to permanently extend the 2% cap on interest arbitration awards.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of Hardyston Township urges Governor Chris Christie and the New Jersey State Legislature to enact legislation that will permanently extend the 2% cap on interest arbitration awards before April 1, 2014; and

BE IT FURTHER RESOLVED that certified copies of the Resolution are forwarded to the Honorable Chris Christie, Governor of the State of New Jersey; Office of the Governor, P.O. Box 001, Trenton, NJ 08625; the Honorable Stephen M. Sweeney, President of the New Jersey State Senae, District 3, Kingsway Common, Suite 400, 935 Kings Highway, West Deptford, NJ 08086; the Honorable Vincent Prieto, Speaker of the General Assembly, District 32, 1249 Paterson Plank Rd., Secaucus, NJ 07094; the honorable Steven V. Oroho, State Senator-District 24, 115 Demarest Road, Suite 2B, Sparta, NJ 07871; the Honorable Alison Littell McHose, Assembly Representative – District 24, 115 Demarest Road, Suite 2B, Sparta, NJ 07871; the Clerk of the Board of Sussex County Freeholders, 1 Spring Street, Newton, NJ 07860; the Municipal Clerk of all Sussex County municipalities.

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

- F. Correspondence

1. Borough of Franklin
2. Washington Township
3. Township of Liberty
4. County of Sussex
5. County of Sussex
6. County of Sussex
7. County of Sussex
8. County of Sussex

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- 9. State of NJ
- 10. State of NJ

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

G. Zoning Board Annual Report

A motion was made by Hamilton to accept the annual Zoning Board report, seconded by Verrilli. All in favor. Motion carried.

H. 2014 Winter Season Summary

Bob Schultz, Director of Public Works, gave the Council a summary on snow removal within the Township and amount of salt used to date. He stated that the addition of the salt shed on the south side of town has proven valuable. He stated that even with circumstances beyond our control, the Township was able to provide safe passage on roadways.

BILLS TO BE PAID: A motion was made by Verrilli 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. Resident Martin Schweighardt stated that he has been in contact with the supervisor of the railroad company in charge of the railroad bridge at the intersection of Gingerbread Castle Road and Route 23 regarding the need for repair. He stated that he met with him recently and the supervisor took pictures of the damage and sent it to the engineering department of the railroad. He stated that he was told that there are plans in the near future to replace the bridge, but no date has been set. He also stated that although the bridge is in Hamburg Borough, he wanted to make the Council aware since this will impact access to the Hardyston Municipal Building from that direction.

Resident Roger O'Brien, Vice President of the Indian Fields Homeowners Association, expressed some concerns regarding the plowing of snow onto the sidewalks in Indian Fields. He also stated that the storm drains were covered with snow from the plows. Bob Schultz, Director of Public Works, stated that he has met with the maintenance person of Indian Fields regarding this issue in the past, and will meet with him again to see what can be done to resolve it. Township Attorney Fred Semrau stated that that with the amount of snow we have had so far this winter, there is only so much that can be done with the amount of resources the Township has and decisions have to be made for the safety of the residents. Township Attorney further stated that under the Municipal Services Act, financially, Indian Fields is much better off having the Township plow the development as opposed to hiring a private contractor.

Mr. O'Brien also had concerns regarding dogs in the neighborhood attacking residents. Township Manager stated that she will check into the matter with the Animal Control Officer. He also stated that he had asked for a list of residences in the Indian Fields community that have licensed dogs. He stated that he wanted this list to conduct a census of all unlicensed dogs in the Indian Fields community. He stated that he was told the dog license list was excluded under the Open Public Records Act (OPRA). Township Attorney told Mr. O'Brien he would e-mail him information that would help to clarify the matter.

Resident Elyse Savino asked about the Affordable Housing home in her neighborhood in Indian Fields that was recently sold by the Township for \$124,000. She stated that she recently received her tax assessment which is \$80,000 more than what the Affordable Housing home was sold for, and asked how the price for that home was set. Township Manager stated that the price is governed by the Council on Affordable Housing. Township Manager stated that it has to be considered "affordable" in order for the Township to get credit for the unit, and that the home was not purchased with tax dollars, but with developer fees paid to the Township. Ms. Savino asked if the home was taxed only on the \$124,000. Township Manager stated that it is only taxed on the \$124,000, but it is deed restricted, and it cannot be sold for more than a very marginal increase. Township Attorney stated that the Affordable Housing homeowner does pay the same amount of dues as the rest of the community for services.

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Resident Steve Isaacson of Indian Fields asked if he could obtain a copy of the salary resolution that was adopted at tonight's meeting. Township Manager stated that she will supply him with a copy. Mr. Isaacson also stated that he is against Resolution #18-14 which was also approved at tonight's meeting.

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 26th day of February, 2014, 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.
 - () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - (X) 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: Hamilton
Seconded by: Verrilli

MOTION	YES	NO	ABSTAIN	ABSENT
Kula	_____	_____	_____	___X___
Hamilton	__X__	_____	_____	_____
Miller	__X__	_____	_____	_____
Cicerale	_____	_____	_____	___X___
Verrilli	__X__	_____	_____	_____

Motion carried.

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

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

Jane Bakalarczyk, RMC/CMC
Municipal Clerk