

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

The meeting was called to order by Mayor Kula 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 Miller, Councilwoman Hamilton, Councilman Verrilli, Councilman Cicerale, Manager/Deputy Clerk Marianne Smith, 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 – February 2014
2. Tax Collector Report – February 2014
3. Construction Certificate Activity Report – February 2014
4. Construction Permit Activity Report – Hardyston – February 2014
5. Construction Permit Activity Report – Hamburg – February 2014
6. Construction Permit Activity Report – Franklin – February 2014
7. Construction Permit Activity Report – Newton – February 2014
8. Construction Permit Activity Report – Sussex – February 2014
9. Municipal Court Report – February 2014
10. Sussex County Health Department Report – January 2014
11. Sussex County Health Department Report – February 2014
12. Police Department Report – February 2014
13. Littell Community Center Report – February 2014
14. Land Use Report – February 2014

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

ORDINANCES

1st READING: None

ORDINANCES

2nd READING: 2014-04

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO
ESTABLISH CHAPTER 3, “ADMINISTRATION OF
GOVERNMENT,” ARTICLE XVI, “ASSESSMENT
COMMISSION,” OF THE CODE OF THE TOWNSHIP OF
HARDYSTON TO ESTABLISH A BOARD OF
ASSESSMENT COMMISSIONERS.**

WHEREAS, the Township of Hardyston desires to create an Assessment Commission for the assessment for benefits for local improvements in accordance with N.J.S.A. 40:56-21 et seq.

NOW, THEREFORE, BE IT ORDAINED 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
MARCH 26, 2014**

Section 1. Establish Chapter 3, "Administration of Government," Article XVI, "Assessment Commission" to state as follows:

ARTICLE XVI. ASSESSMENT COMMISSION

§ 3-66. Creation.

Pursuant to and in accordance with the provisions of N.J.S.A. 40:56-21 et seq., there is hereby created in the Township of Hardyston an Assessment Commission, the members of which shall be appointed by the Mayor with the advice and consent, by resolution, of the Township Council.

§ 3-67. Membership; terms of office; vacancies; Alternate Commissioners.

A. The Assessment Commission shall consist of three members, all of whom are residents of the Township, who shall be designated Commissioners.

B. The Commissioners shall be appointed for a term of three years. There shall also be two Alternate Commissioners appointed for a term of three years. All terms shall be computed from July 1 of the year of appointment. The Commissioners and Alternate Commissioners shall serve until their successors are appointed and shall qualify.

C. Vacancies shall be filled for the unexpired term only.

D. Alternate Commissioners shall serve as Commissioners in those cases where a Commissioner is unable to serve in connection with a specific project or projects.

§ 3-68. Conflict of interest.

In the event that any Commissioner shall be in any way interested in any local improvement, he shall be disqualified from exercising the powers hereinabove conferred with respect to that improvement, and the Mayor, with the advice and consent of the Township Council, shall appoint an Alternate Commissioner or, if said Alternate Commissioner shall not qualify, some other qualified person or persons to act in his place with respect to that improvement only.

§ 3-69. Powers and duties.

The Assessment Commission shall be and hereby is charged with the duty of making all assessments for benefits for local improvements within the Township of Hardyston in accordance with the duties imposed upon it by virtue of N.J.S.A. 40:56-21 et seq., inclusive, and shall, in addition, have and exercise all of the powers authorized by the aforesaid statutes.

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

§ 3-70. Procedures and guidelines.

A. The Commissioners shall be required to:

(1) Examine the subject property after completion of the improvement.

(2) Schedule a time, date and location for a hearing to be held in connection with assessment and shall notify all owners of all real estate affected directly by mail and by publication in the appropriate newspaper, all pursuant to N.J.S.A. 40:56-25.

(3) Conduct a hearing with a quorum of at least two Commissioners, all in accordance with N.J.S.A. 40:56-26.

(4) Determine what if any incidental damages to the property owner(s) should go toward reducing the amount of the assessment.

(5) Certify the amount of the assessment to the Mayor and Council by a written report duly signed and accompanied by a map showing the subject real estate.

B. The Assessment Commission shall report to the Mayor and Council as to its determination, pursuant to N.J.S.A. 40:56-30, within 45 days of the Commission being notified that assessments are required. The Commission shall conduct a hearing before issuing its report, and the property owners who may be assessed shall have the opportunity to address the Assessment Commission at the hearing.

C. Pursuant to N.J.S.A. 40:56-30, the report may be considered by the Mayor and Council at any meeting after receipt, provided that the Township Clerk gives at least two weeks' prior notice, which notice shall have been posted in five public places in the Township; or published in a newspaper circulating in the Township, once in each week for two weeks prior to the meeting; and by mailing a copy of the notice to the owner or owners named in the report, directed to the last known post-office addresses of said owner or owners. The affidavit of the Township Clerk shall be conclusive to evidence such mailing. The notice shall briefly state the object of the meeting with reference to the assessment. At that or any subsequent meeting, the Mayor and Council, after considering the report and map, may adopt and confirm the report with or without alteration, as may seem proper, and/or may refer the matter to any committee of the Council or to the Commission for revision or correction before taking final action.

SECTION 2.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.

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

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Township Manager clarified Ordinance 2014-04 for resident Roger O'Brien who inquired as to the purpose of the Ordinance. Township Manager explained that it is going to be utilized with respect to assessing improvement projects. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Hamilton to approve Ordinance 2014-04 on second reading, seconded by Miller. All in favor. Motion carried.

NEW BUSINESS:

- A. CJS Investments - Request for Waiver from Septic Permit Renewal Fees for Emerald Estates

CJS Investments, the developer of the Emerald Estates project on Wheatsworth Road, has contacted the Township to request a waiver of the \$40 per septic system renewal fee required by the County Health Department citing the economy and the status of the project as the need for the waiver of the fees.

A motion was made by Hamilton to approve the waiver of the fees, seconded by Verrilli. All in favor. Motion carried.

- B. Resolution #23-14 - Resolution accepting an Irrevocable Letter of Credit in the amount of \$177,865.20 and a cash bond in the amount of \$19,762.80 from Shotland Bauer, LLC for Ferndown at Crystal Springs – Phase 1

RESOLUTION #23-14

**RESOLUTION ACCEPTING AN IRREVOCABLE LETTER OF CREDIT IN THE
AMOUNT OF \$177,865.20 AND A CASH BOND IN THE AMOUNT OF \$19,762.80
FROM SHOTLAND BAUER, LLC FOR FERNDOWN AT CRYSTAL SPRINGS –
PHASE 1**

WHEREAS, the Hardyston Township Planning Board granted approval to Shotland Bauer, LLC for Ferndown at Crystal Springs – Phase 1; and

WHEREAS, as a condition of said approval of Ferndown at Crystal Springs – Phase 1, Shotland Bauer, LLC was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of \$197,628.00 and;

WHEREAS, Shotland Bauer, LLC has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$177,865.20 and a cash bond in the amount of \$19,762.80; and

WHEREAS, the letter of credit has been reviewed and approved as to form by the Township Attorney and Township Engineer.

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

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby accepts the above stated bonds from Shotland Bauer, LLC for Ferndown at Crystal Springs – Phase 1 as performance securities required by the Hardyston Township Planning Board.

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

C. Resolution #24-14 – Resolution authorizing the execution of the following shared service agreements:

1. Shared Service Agreement - Fire Official – Wantage Township

**RESOLUTION #24-14
RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING SHARED SERVICE
AGREEMENT**

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

1. Shared Service Agreement - Fire Official – Wantage Township

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

D. Fire Pump Replacement Proposal - North Church Technical Center Water System- EI Associates

Township Manager stated that an analysis was done by Associated Fire to see what needed to be done with the pump to update it to NFPA standards. She stated that their findings were that the generator that is currently there would not support the new pump. She stated that the generator would have to be upgraded, which would significantly increase the cost of the project, which will be paid for by a special assessment to the users. She stated that in order to keep this project as affordable as possible, the suggestion was to look at modifying the system and get rid of the electric pump and go with the diesel pump which does not require a generator, since it is fueled on its own. She stated that EI Associates can do this analysis within 30 days and would then prepare an additional proposal to do the specifications on the diesel pump. A motion was made by Verrilli to approve the proposal with the condition that this work will be completed within 30 days, seconded by Hamilton. All in favor. Motion carried.

At this time, Township Manager clarified the response given to the public at a prior meeting with regard to water utilization of the street sweeper. She stated that when the Township does street sweeping for Hamburg Borough under the shared service agreement, we draw water from Hamburg's fire hydrants. She stated that with regard to the use of water for street sweeping in Hardyston, the HTMUA took action in July 2013 to formalize the fact that they give permission to the Township to utilize the water and there is no charge to the residents.

E. Correspondence

1. Lafayette Township
2. Franklin Borough
3. Netcong Borough
4. Union Township
5. Franklin Borough
6. Franklin Borough
7. County of Sussex
8. County of Sussex
9. State of NJ
10. State of NJ
11. State of NJ
12. State of NJ
13. State of NJ

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

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

BILLS TO BE PAID: A motion was made by Hamilton to approve the bill list as presented, seconded by Miller. All in favor. Motion carried.

At this time, Mayor Kula read a letter sent to the Hardyston Township Mayor and Council from a resident expressing his gratitude for the quick response received from Sergeant O'Rourke, Patrolman Castiglione and Patrolman Petershack when he suffered cardiac arrest at his home on February 15.

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Resident Roger O'Brien, Vice President of the Indian Fields Homeowners Association, brought up the problems he had mentioned at a previous meeting with regard to dogs in the neighborhood and dog owner's not picking up after their pets. He stated that the Homeowner's Association will begin to fine dog owners who are not picking up after their pets. Township Manager suggested including some information on health risks from the Animal Control Officer in their next letter to the association.

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 7:20 p.m., seconded by Miller. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk