

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 24, 2014**

The meeting was called to order by Deputy Mayor Miller at approximately 8:10 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 Cicerale, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau. Mayor Kula and Councilman Verrilli 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. Police Department Report – August 2014
2. Littell Community Center Report – August 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: 2014-12

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
AMENDING CHAPTER 22, "FIRE DEPARTMENT" OF THE TOWNSHIP CODE TO
REFLECT CHANGES IN FIRE COMPANY NAMES, QUALIFICATION
REQUIREMENTS, ATTENDANCE POLICY, EXEMPTION REQUIREMENTS AND
APPLICATION PROCESS**

WHEREAS, the Mayor and Township Council seek to clarify the names of the Township's two fire companies; and

WHEREAS, the Mayor and Township Council seek to clarify the qualification requirements for membership in the Hardyston Township Volunteer Fire Department; and

WHEREAS, the Mayor and Township Council seek to clarify the attendance requirements and record keeping function; and

WHEREAS, the Mayor and Township Council seek to clarify the exemption requirements; and

WHEREAS, the Mayor and Township Council seek to clarify the application process.

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:

1. Chapter 22, "Fire Department" of the Code of the Township of Hardyston is hereby amended and shall read in its entirety as follows:

§22-1. Establishment

The Hardyston Township Volunteer Fire Department is hereby created and established with jurisdictional boundaries coextensive with the boundaries of the township.

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§22-2. Names of fire companies.

The Hardyston Township Volunteer Fire Department shall be composed of two companies known as "Company No. 1" and "Company No. 2," and such additional companies as the Hardyston Township Council may authorize and approve. Members of the companies shall also be members of the Department.

§22-3. Qualifications.

No person shall hereafter become a member of the Hardyston Township Volunteer Fire Department or any unit thereof unless he or she is:

- A. A citizen of the United States and meets the age requirement of the Department by-laws;
- B. Physically fit to perform the duties of a fire fighter evidenced by a certificate to that effect by a practicing physician of the State of New Jersey after physical examination for that purpose;
- C. A resident of the State of New Jersey;
- D. Conforms to the requirements as stated in the by-laws of the Department;
- E. Submits to background checks as per township ordinance.

§22-4. Records of attendance at required duty.

Every member of the Fire Department shall in each year perform at least 50% of duty to be composed of actual attendance at fires and drills and a record shall be kept of such attendance and duty by the officer designated by the Fire Department by-laws and reported to the Township Council annually.

§22-5. Exempt Certificates.

Every member of the Fire Department shall be entitled to an exempt fire fighter's certificate when it appears that at the time of his or her appointment he or she met the requirements of N.J.S.A. 40A:14-56 and that he or she performed, during a period of seven years, 50% of fire duty in each year respectively.

§22-6. Application for membership.

Every person hereafter seeking to join the Fire Department shall make application to the Department, and upon his or her election to membership in accordance with the by-laws of the Department, he or she shall become a member in good standing of the Fire Department. The election of members of the Fire Department shall be immediately reported to the Township Clerk who shall keep an accurate and up-to-date record of all members of the Department. The members of the Department shall be deemed to be exercising a governmental function, and the adoption of this section, which has been at the request of the Fire Department shall be deemed to constitute a contract as required by N.J.S.A. 40A:14-68.

§22-7. Officers.

There shall be a Chief of the Department who shall be elected by the members of the Department. The Department shall also elect any other officers as provided for in the by-laws of the Department. All officers elected by the Department shall, upon approval of the Township Council, be sworn in at the annual reorganization meeting of the Township Council.

§22-8. Duties of Chief.

The Chief of the Fire Department shall be in command of the Department and all fires and fire-related incidents within the Township of Hardyston. The Chief shall be responsible for all decisions involving the use of fire apparatus within or without the township. He or she shall be responsible for the action and direction of the Department when officially summoned for duty and for other matters pertaining to the overall efficiency of fire fighting within the township. The Chief shall render monthly and annual reports to the Township Council covering such firematic activities as fires, drills, etc., but may delegate a subordinate to keep such records.

§22-9. Firematic Committee.

The Firematic Committee for the Department shall consist of the Chief and such other officers as may be designated in the by-laws of the Department.

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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.

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.

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. No public comment. 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 2014-12 on second reading, seconded by Cicerale. All in favor. Motion carried.

2014-13

AN ORDINANCE TO AMEND THE ESTABLISHED MINIMUM AND MAXIMUM SALARIES FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HARDYSTON TO PROVIDE THE METHOD FOR THE PAYMENT OF ANNUAL SALARY INCREMENTS AT THE DISCRETION OF THE TOWNSHIP COUNCIL

BE IT ORDAINED by the Township Council of the Township of Hardyston that Section 2 be amended as follows:

Section 2. The minimum and maximum rates of compensation for each employee or class of employees who are employed on an hourly basis shall be and are hereby fixed as follows:

<u>POSITION</u>	<u>MINIMUM HOURLY</u>	<u>MAXIMUM HOURLY</u>
Electric Sub-Code Official	\$15.00	\$50.00

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. A motion was made by Hamilton to approve Ordinance 2014-13 on second reading, seconded by Cicerale. All in favor. Motion carried.

NEW BUSINESS:

A. Resolution #74-14 – Salary Resolution Amendment

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

<u>Position</u>	<u>Hourly Salary</u>
Electric Sub-Code Official	\$47.43

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

B. Resolution #75-14 – Resolution authorizing the extension of a shared service agreement with the Sussex County Municipal Utilities Authority for the provision of designated Class A fiber recyclable material handling and marketing with profit sharing

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RESOLUTION #75-14

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXTENSION OF
A SHARED SERVICES AGREEMENT WITH THE SUSSEX COUNTY MUNICIPAL UTILITIES
AUTHORITY FOR THE PROVISION OF DESIGNATED CLASS A FIBER RECYCLABLE
MATERIAL HANDLING AND MARKETING WITH PROFIT SHARING**

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter "SCMUA"), among other things, operates a recycling program within Sussex County as provided in the Sussex County District Solid Waste Management Plan; and

WHEREAS, the Uniform Shared Services and Consolidation Act, (N.J.S.A. 40A:65-1, et. seq.) (hereinafter, "the Act") provides that local units of government may enter into a contract to provide or receive any service that either local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating units. (N.J.S.A. 40A:65-4.); and

WHEREAS, the Township of Hardyston has entered into a contract for services of the SCMUA in the form of performing designated Class A Fiber recyclable material handling and marketing with profit sharing; and

WHEREAS, the Township of Hardyston seeks to extend such terms of said contract for a term expiring August 31, 2015; and

WHEREAS, SCMUA has the ability and is desirous of making its Recycling Facility and recycling marketing capabilities available to Hardyston Township under the terms and conditions set forth in the Shared Services Agreement.

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:

1. The Mayor and Township Clerk are hereby authorized and directed to extend the Shared Services Agreement, a copy of which is attached hereto, with the SCMUA for the provision of designated Class A Fiber recyclable material handling and marketing with profit sharing whereby the term of said agreement shall expire on August 31, 2015.
2. The Mayor and Clerk are hereby authorized to execute any additional non-substantial amendments and/or modifications to the Agreement without the consent of the Township Council.
3. This Resolution shall take effect immediately.

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

- C. Resolution #76-14 – Resolution supporting legislation that would impose a 2% property tax levy cap on regional school districts

It was the consensus of the Council to carry this item to a future meeting.

- D. Correspondence

1. Vernon Township
2. Jefferson Township
3. Jefferson Township
4. Jefferson Township
5. Hampton Township
6. Hampton Township

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

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

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PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Resident Marty Schweighardt asked about disposal of electronics. Council informed him that the Sussex County Municipal Utilities Authority has a one day free collection event several times a year. 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 24th day of September, 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.
 - (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: Hamilton
 Seconded by: Cicerale

MOTION	YES	NO	ABSTAIN	ABSENT
Kula	_____	_____	_____	___x___
Hamilton	___x___	_____	_____	_____
Miller	___x___	_____	_____	_____
Cicerale	___x___	_____	_____	_____
Verrilli	_____	_____	_____	___x___

Motion carried.

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

ADJOURNMENT: A motion was made by Hamilton to adjourn at approximately 8:25 p.m., seconded by Cicerale. All in favor. Motion carried.