

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 22, 2016

The meeting was called to order by Mayor Hamilton at approximately 8:30 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 Miller, Councilman Cicerale, Councilman Verrilli, Manager Marianne Smith, Clerk Jane Bakalarczyk 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 – May 2016
2. Tax Collector Report – May 2016
3. Construction Certificate Activity Report – May 2016
4. Construction Permit Activity Report – Hardyston – May 2016
5. Construction Permit Activity Report – Hamburg – May 2016
6. Construction Permit Activity Report – Franklin – May 2016
7. Construction Permit Activity Report – Newton – May 2016
8. Construction Permit Activity Report – Sussex – May 2016
9. Construction Permit Activity Report – Wantage – May 2016
10. Police Department Report – May 2016
11. Municipal Court Report – May 2016
12. Littell Community Center Report – May 2016
13. Land Use Report – May 2016

Minutes:

1. Regular Minutes of 2/24/16
2. Workshop Minutes of 3/9/16
3. Regular Minutes of 3/9/16
4. Regular Minutes of 3/23/16
5. Workshop Minutes of 4/13/16
6. Regular Minutes of 4/13/16
7. Regular Minutes of 4/27/16
8. Executive Minutes of 4/27/16

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

ORDINANCES

1st READING:

2016-07

**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
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: August 13 & 14, 2016; September 3 & 4, 2016; between the hours of 8:30 a.m. and 4:30 p.m.

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SECTION 2. The approvals authorized herein are subject to and expressly conditioned upon the following:

- a. The Hardyston Township Fire Department'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 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.

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 2016-07 on first reading, seconded by Kula. All in favor. Motion carried.

2016-08

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING
AND SUPPLEMENTING CHAPTER 88, FEES, SECTION 88-8,
MISCELLANEOUS FEES, OF THE REVISED GENERAL ORDINANCES**

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

SECTION 1. Chapter 88, Fees, Section 88-8, Miscellaneous Fees, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 88-8. Miscellaneous fees.

[Amended 9-19-2000 by Ord. No. 2000-17; 4-2-2002 by Ord. No. 2002-6; 3-18-2003 by Ord. No. 2003-5; 3-18-2004 by Ord. No. 2004-3; 2-15-2005 by Ord. No. 2005-1; 10-30-2007 by Ord. No. 2007-16; 10-19-2010 by Ord. No. 2010-18]

- A. Copying; single copies: Copy rates shall be based upon those set forth pursuant to N.J.S.A. 47:1A-5(b) and any other applicable laws. In addition, pursuant to N.J.S.A. 39:4-131, an administrative fee of \$5.00 will be charged for each motor vehicle accident report requested by any means other than in person during regular business hours.
- B. Township Code books: \$189.80.
- C. (Reserved)
- D. Land Use Ordinance Book (map included): \$43.
[Amended 2-21-2012 by Ord. No. 2012-02]
- E. Yearly supplement to zoning book: no charge.

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- F. Zoning Map: \$5.
- G. (Reserved)
- H. Duplication of meeting compact discs: \$0.40.
- I. (Reserved)
- J. Returned check fee: Amount authorized by N.J.S.A. 40:5-18.
- K. (Reserved)
- L. (Reserved)
- M. Summer recreation day camp registration fee.
 - (1) First child for one session: \$60.
 - (2) Each additional child per session: \$50.
 - (3) First child for two sessions: \$115.
 - (4) Each additional child for two sessions: \$95.
- N. Master Plan (color copy): \$100.
- O. Master Plan (CD) (electronic version): \$0.40.

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.

SECTION 3. 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 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made by Kula to approve Ordinance 2016-08 on first reading, seconded by Verrilli. All in favor. Motion carried.

2016-09

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF BLOCK 36, LOT 41 ON THE HARDYSTON TOWNSHIP MAP AND COMMONLY KNOWN AS 7 COLSON TERRACE. STOCKHOLM, NEW JERSEY

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange; and

WHEREAS, the Hardyston Township Volunteer Fire Department (“HTVFD”) has had a long-standing working relationship wherein the Township of Hardyston, in consideration and appreciation of the volunteerism and fire protection services that have been provided, desires to work with the HTVFD and fund various capital improvements to HTVFD’s facility; and

WHEREAS, in order to Township to assist in these capital improvements, it is necessary that the property is owned by the municipality; and

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WHEREAS, the HTVFD has agreed to donate Block 36, Lot 41, commonly known as 7 Colson Terrace, Stockholm, NJ to the Township of Hardyston; and

WHEREAS, the Mayor and Township Council of the Township of Hardyston has determined that it is in the interest of the Township to acquire said property; and

NOW THEREFORE BE IT ORDAINED, by the Mayor and 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 authorizes the acquisition of Block 36, Lots 41, known as 7 Colson Terrace, Stockholm for the public purpose of providing a suitable facility for the dedicated volunteers of the Hardyston Township Volunteer Fire Department.

SECTION 2. The said land to be conveyed to the Township of Hardyston is described on Schedule A which is on file in the Township Clerk's Office.

SECTION 3. The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance, which may include but not be limited to a long-term lease with the Hardyston Township Volunteer Fire Department.

SECTION 4. No debt is to be authorized by the enactment and passage of this ordinance.

SECTION 5. 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.

SECTION 6. 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 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 2016-09 on first reading, seconded by Kula. All in favor. Motion carried.

ORDINANCES

2nd READING:

2016-05

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>
Secretary/Clerical	\$8.38	\$22.00
Seasonal/Temporary/Clerical	\$8.38	\$14.00
Senior Clerk/Radio Dispatcher	\$8.38	\$30.00
Assistant to Recreation Director	\$8.38	\$17.00

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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 Kula to approve Ordinance 2016-05 on second reading, seconded by Cicerale. All in favor. Motion carried.

2016-06

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$425,000.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Township of Hardyston, County of Sussex, New Jersey, as follows:

Section 1: The sum of Four hundred twenty-five thousand dollars (\$425,000.00) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purpose:

For Various Capital Improvements or Purposes for the Township of Hardyston.

Section 2: In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 hereof is not a Current Expense and is an improvement, which the Township of Hardyston may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed on to the extent of their inconsistency:

Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided 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 Verrilli to approve Ordinance 2016-06 on second reading, seconded by Kula. All in favor. Motion carried.

NEW BUSINESS:

A. Resolution #39-16 – 2016 – 2017 Annual Liquor License Renewals

RESOLUTION #39-16

LIQUOR LICENSE RENEWAL

WHEREAS, the following Liquor License is to be renewed effective July 1, 2016, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

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NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2016 for the following license holders.

1. Anthony Pignataro Corp. – #1911-33-004-006
2. RBAA, LLC - #1911-44-003-010
3. Crystal Springs Beverages, Inc.- #1911-33-006-009
4. HGF, Inc.- #1911-33-005-009
5. Grand Cascades Lodge Liquor, LLC - #1911-36-007-001
6. Hamburg Golf Course Beverage, Inc. - #1911-33-002-010

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

- B. Resolution #40-16 – Resolution in support of Senate Bill S-2254 and Assembly Bill A-3821 which affirms the Legislative intent of the Fair Housing Act

RESOLUTION #40-16

A RESOLUTION IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH AFFIRMS THE LEGISLATIVE INTENT OF THE FAIR HOUSING ACT

WHEREAS, the Township of Hardyston supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

WHEREAS, recently the Ocean County Superior Court included a distinct “gap period” analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

WHEREAS the Fair Housing Act (FHA) and existing case law, requires that “present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period.” [N.J.S.A. 52:27D-307(c)]; and

WHEREAS, the “gap issue” arises out of COAH’s inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

WHEREAS, any retroactive “gap” obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

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WHEREAS, Senate Bill S-2254 sponsored by Senators Greenstein and Bateman and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the legislative intent of the Fair Housing Act so as to preclude significant, unfair impacts and instead progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the provision of affordable housing.

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of June, 2016 by the Township of Hardyston, Sussex Country , that:

1. Hardyston Township strongly urges New Jersey Legislators to reaffirm the legislative intent of the Fair Housing Act (FHA) immediately and **clarify** that affordable housing need is the sum of present and prospective need for a ten year period.
2. Hardyston Township supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor and Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, Senator Steven Oroho, Assemblyman Parker Space, Assemblywoman Gail Phoebus, Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and Assemblywoman Mila Jasey and the New Jersey League of Municipalities.

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

- C. Resolution #41-16 – Use of Building Agreement with Department of Military & Veterans Affairs, State of New Jersey, for Littell Community Center

RESOLUTION #41-16

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING CONTRACT/AGREEMENT

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

1. Use of Building Agreement with Department of Military & Veterans Affairs, State of New Jersey, for Littell Community Center

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

- D. Resolution #42-16 – Resolution authorizing the sale of certain property known as 8 Greenhill Road, Block 13, Lot 8

RESOLUTION #42-16

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY KNOWN AS 8 GREENHILL ROAD, BLOCK 13, LOT 8, HARDYSTON, NJ WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP

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WHEREAS, Hardyston Township is the owner of certain property known as 8 Greenhill Road, Block 13, Lot 8, Hardyston, NJ; and

WHEREAS, the Mayor and Township Council of Hardyston Township does hereby determine that said property is no longer needed for public use; and

WHEREAS, Hardyston Township desires to sell said property to an adjacent property owner pursuant to N.J.S.A. 40A:12-13.2.

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. Hardyston Township hereby declares that the property known as 8 Greenhill Road, Block 13, Lot 8 is no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Township Council of Hardyston Township hereby authorizes the sale of said property to Beth Kelly, (“Purchaser”) an adjacent property owner, for the sum of \$5,000.
3. The Township makes no representation as to the title or any other aspects of the property to be sold.
4. The acceptance of a deed by the purchaser from the Township shall extinguish any claims the said purchaser may have against Hardyston Township in connection with the quality of title conveyed.
5. The conveyance by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Township prior to the conveyance and discloses that the Township holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor’s Acts will be the form of conveyance. The Township will include with its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
6. If the property being sold is an under-sized lot, the under-sized property shall merge into the purchaser’s current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the Purchaser as to her current residence, not for subdivision purposes.
7. The resolution shall take effect immediately.

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

E. North Church Gravel – Soil Removal Permit Modification and Extension

After review of the updated set of plans and application relating to the North Church Gravel soil removal operation which proposes to extend the permit on Block 62, Lot 10 and also requests permission to expand the permitted area by adding Block 62, Lot 34.01 which fronts along Wheatsworth Road, a motion was made by Miller and seconded by Kula, to approve the extension of the soil permit for this property in accordance with the applicant’s request, and to extend the soil removal license for this soil removal site for the balance of year 2016, all of which is subject to the conditions stated in the Township Engineer’s letter dated June 2, 2016. All in favor. Motion carried.

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F. Shauger Terrace - Structure Fire

A motion was made by Miller to authorize the Township Manager, Township Attorney and the Township Construction Official to take necessary action including, but not limited to, the demolition of the structure at 1 Shauger Terrace, as it has been determined to be an unsafe structure by the Construction Official, seconded by Cicerale. All in favor. Motion carried.

G. Correspondence

1. Vernon Township
2. West Milford Township
3. West Milford Township
4. West Milford Township
5. Franklin Borough
6. County of Sussex
7. State of NJ
8. State of NJ
9. State of NJ
10. State of NJ
11. State of NJ
12. State of NJ

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

BILLS TO BE PAID: A motion was made by Kula 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. 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 Verrilli to adjourn at approximately 8:40 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk