

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 13, 2017**

The meeting was called to order by Mayor Kula at approximately 7:55 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 Cicerale, Councilman Verrilli, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Sue Sharpe and Leslie Phiefer 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 – August 2017
2. Tax Collector Report – August 2017
3. Construction Certificate Activity Report – August 2017
4. Construction Permit Activity Report – Hardyston – August 2017
5. Construction Permit Activity Report – Hamburg – August 2017
6. Construction Permit Activity Report – Franklin – August 2017
7. Construction Permit Activity Report – Newton – August 2017
8. Construction Permit Activity Report – Sussex – August 2017
9. Construction Permit Activity Report – Wantage – August 2017
10. Littell Community Center Report – July 2017
11. Littell Community Center Report – August 2017
12. Police Department Report – August 2017
13. Municipal Court Report – July 2017
14. Land Use Report – August 2017

Agreements/Applications/Licenses:

1. Raffle License – St. Monica’s R.C. Church
2. Raffle License – Berkeley College Foundation, Inc.
3. Raffle License – Franklin Lakes Borough Education Foundation
4. Raffle License – Department for Persons with Disabilities
5. Raffle License – Make-A-Wish Foundation NJ
6. Raffle License – Ellie Reynolds ALS Foundation
7. Raffle License – Vernon Youth Football & Cheerleading, Inc.
8. Raffle License – Wallkill Valley Booster Club
9. Raffle License – Hamburg Volunteer Fire Department

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

ORDINANCES

1st READING:

2017-06

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY SUPPLEMENTING CHAPTER 163, TAXATION, OF THE CODE OF THE TOWNSHIP OF HARDYSTON BY ESTABLISHING ARTICLE III, PROPERTY TAX REFUNDS, §163-5, 100% DISABLED VETERAN TAX REFUNDS

WHEREAS, pursuant to N.J.S.A. 54:4-3.30, the dwelling house and the lot whereupon the same is erected, of any citizen and resident of this State, honorably

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 13, 2017**

discharged or released under honorable circumstances, from active service, in time of war, in any branch of the Armed Forces of the United States, who has been or shall be declared by the United States Veterans Administration or its successor to have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100 percent permanent disability, and not so evaluated solely because of hospitalization or surgery and recuperation, sustained through enemy action, or accident, or resulting from disease contracted while in such active service, shall be exempt from taxation on proper claim made therefor; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.31, upon review and approval of the required documentation by the municipal tax assessor, the assessor shall allow said exemption from taxation for the tax year in which the claim was filed; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the governing body of each municipality, by appropriate resolution, may return all taxes collected on property from prior years which would have been exempt had proper claim been timely made in writing; and

WHEREAS, the statutory intent to grant discretion to the governing body of every municipality has been affirmed by recent court decisions that have held that a municipality has discretion to grant or deny a taxpayer a retroactive refund of property taxes that has been paid from the effective date of the disability as determined by the United States Department of Veterans Affairs as set forth in N.J.S.A. 54:4-3.32; and

WHEREAS, the Mayor and Municipal Council of the Township of Hardyston desire to establish a formal policy providing that a retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the current year of the submission of a proper claim to the tax assessor as required by N.J.S.A. 54:4-3.30 and, if timely filed, the prior year, but in no event greater than a twenty-four month period in the aggregate.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Municipal Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey as follows:

SECTION 1. Chapter 163, Taxation, of the Code of the Township of Hardyston is hereby amended and supplemented to establish **Article III, Property Tax Refunds, §163-5. 100% Disabled Veteran Tax Refunds**, which shall read in its entirety as follows:

ARTICLE III. Property Tax Refunds

§ 163-5. 100% Disabled Veteran Tax Refunds.

A refund of property taxes pursuant to N.J.S.A. 54:4-3.32 shall be granted provided that the applicant submits a complete application to the tax assessor as required by N.J.S.A. 54:4-3.30. The refund of taxes may be granted retroactively only to the date that the complete application was submitted to the tax assessor.

SECTION 2. All Ordinances of the Township of Hardyston that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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.

SECTION 5. This Ordinance may be renumbered for codification purposes.

A motion was made by Miller to approve Ordinance 2017-06 on first reading seconded by Cicerale. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 13, 2017**

2017 - 07

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON TO AMEND SECTION 147-8(O) OF
CHAPTER 147 TO AMEND THE REQUIREMENTS FOR FIRE SUPPRESSION SYSTEM
INSTALLATION AND MAINTENANCE**

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

SECTION 1. Chapter 147, Site Plan and General Development Plan Review, Section 8, Design Standards and Required Site Improvements, Subsection (O) of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

O. Fire protection facilities. The purpose of this subsection is to insure that adequate fire protection facilities are provided within residential developments. In the CR and R-4 Zones, a public potable and fire suppression water system shall be provided in accordance with the Residential Site Improvements Standards (RSIS), N.J.A.C. 5:21-1 et seq., for residential developments utilizing sewage collection and treatment. In all other zones, a fire suppression water system shall be provided for all residential preliminary major subdivisions and all major preliminary site plans for nonresidential developments proposing new construction in excess of 1,000 square feet or where a change of use from a non-life to a life hazard use as identified by the New Jersey Uniform Fire Code and the New Jersey Uniform Construction Code is to occur. The system shall be installed in accordance with the following standards:

(1) Where a public or private central water supply is available and has been approved by the Township of Hardyston, fire hydrants shall be installed to provide a source of water for firefighting. Where a public or private central water supply is not available for a residential subdivision, underground water storage tanks shall be located and installed within the development. The location of the tank shall be approved by the reviewing board with input from the Hardyston Fire Department. Any fire-suppression tank provided shall be located such that the distance from the proposed suction point for the tank to the required building setback line of each proposed lot shall not exceed 2,000 feet. This length shall be measured along the center line of the right-of-way. This distance shall also include the length of the driveway, measured along the driveway for flag lots and lots with common driveways. When more than one tank is required to meet this requirement, the spacing between tanks shall not exceed 3,000 feet. Each tank shall be located within the public right-of-way or an easement acceptable to the Township of Hardyston.

(a) Tanks constructed to service residential subdivisions that will not have a homeowners' association shall be dedicated to the Township. Regular, quarterly inspections shall be performed by the Township Fire Official pursuant to Chapter 94 of the Township Code to ensure operability.

[1] The maintenance for tanks constructed to service residential subdivisions in which the roads have not been dedicated to the Township will be the responsibility of the developer or the community association (whichever has majority interest in the property) until it is formally dedicated to the Township. Regular, quarterly inspections shall be performed by the Township Fire Official pursuant to Chapter 94 of the Township Code to ensure operability.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 13, 2017**

- (b) For nonresidential sites, underground water tanks shall be installed in a location acceptable to the reviewing board with input from the Hardyston Fire Department.

[1] Regular maintenance and certifications shall remain the responsibility of the property owner. Regular, quarterly inspections shall be performed by the Township Fire Official pursuant to Chapter 94 of the Township Code to ensure operability.

- (c) All tanks must have paved access within seven linear feet of its suction point. Alternate materials may be utilized to provide access to the tank after approval by the Township Engineer and Hardyston Fire Department. A protective barrier must be placed in front of the tank in order to prevent damage to the tank, subject to approval by the Township Engineer. A permanent sign, in accordance with the requirements of Chapter 94, § 94-15, of the Township Code, shall be installed at every tank location to show the existence and capacity of such tank. In addition, when tanks are located in the vicinity of a roadway or parking area, fire lanes shall be established and maintained pursuant to the requirements of Chapter 94 of the Township Code.

- (d) The minimum capacity of every underground storage tank within a residential subdivision shall be 20,000 gallons. Tank capacities for nonresidential developments shall be based on the highest degree of hazard of the principal structures to be protected but in no case shall the tank capacity be less than 20,000 gallons. The fire protection systems shall be approved by the reviewing board with input from the Hardyston Fire Department. Unless an equivalent alternate fire protection system in compliance with the Uniform Construction Code is authorized by the reviewing board, underground water storage tanks will be provided and shall be constructed and installed as follows. All underground water storage tanks shall be (minimum) single-walled fiberglass construction. The tank shall be installed in accordance with the manufacturer's recommendations and NFPA standards. Tanks shall, at a minimum, include the following features:

[1] One flange with six-inch draw tube.

[2] Four four-inch flanges.

[3] Six-inch dry hydrant NST female connection; each connection must have internal conical strainer, snap ring, and yellow dust cap. PVC pipe must pass through all adapters into tank.

[4] A functional and operational water level gauge of suitable design shall be provided. The gauge shall be of a size that insures it is legible from the street.

[5] Four-inch fill connection with two two-and-one-half-inch NST female connections with dust caps.

- (e) This water supply is intended solely for minimal first-attack storage.
- (f) In all subdivisions where a fire protection system is required, no building permit shall be issued for a principal structure upon any lot within the subdivision or development until fire protection to the extent necessary for

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 13, 2017**

such structure is installed and its operability has been tested and approved by the Hardyston Township Volunteer Fire Department, and it meets the requirements of this subsection. In addition, all residential subdivision applicants shall submit to the Township, prior to the issuance of any building permit, an engineer's certification from the applicant's engineer that the fire suppression system is operational and meets the requirements of this subsection.

- (2) The hydrants, tank size, design and location in conjunction with a site plan application for a nonresidential structure shall be approved by the reviewing board with input from the Hardyston Fire Department.

A motion was made by Miller to approve Ordinance 2017-07 on first reading, seconded by Cicerale. All in favor. Motion carried.

2017 – 08

**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 AND STANDARDS FOR FENCES IN INDUSTRIAL ZONES**

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

ORDINANCES
2nd READING:

None

NEW BUSINESS:

A. Tax Collector Resolution

1. Resolution #47-17 – Disabled Veteran Tax Exemption Refund – David Henderson – Block 16.02, Lot 29 – 2 Rock Oak Court

RESOLUTION # 47-17

WHEREAS, Block 16.02 Lot 29 also known as 2 Rock Oak Court and owned by Daniel Henderson, and

WHEREAS, on February 21, 2017 Mr. Henderson was approved for a permanently disabled Veteran and has full exempt status, thru the Department of Veteran Affairs, and

WHEREAS, Scott Holzhauer Tax Assessor for Hardyston Township has approved this exemption effective February 21, 2017. And since that time Freedom Mortgage Company has paid the May 1 and August 1 taxes in error on behalf of Mr. Henderson.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Daniel Henderson the May and August quarters that were paid in error by his mortgage company in the amount of \$ 3,585.32.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 13, 2017**

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

- B. Resolution #48-17 - Resolution authorizing execution of agreement between the Hardyston/Franklin Municipal Alliance and the Sussex County Board of Chosen Freeholders

RESOLUTION #48-17

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:

- 1. Hardyston/Franklin Municipal Alliance – Sussex County Board of Chosen Freeholders

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

- C. Resolution #49-17 – Salary Resolution Amendment

RESOLUTION #49-17

2017 SALARY & WAGES FOR TOWNSHIP OFFICIALS AND EMPLOYEES

BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages effective May 15, 2017 shall be paid as follows:

<u>Position</u>	<u>Hourly Salary</u>
Assistant to the Chief Financial Officer	\$22.68
Secretary/Administration Hired After 12/31/04	\$22.68

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

- D. Correspondence

- 1. Hopatcong Borough
- 2. Liberty Township
- 3. Green Township
- 4. Town of Newton
- 5. County of Sussex
- 6. State of NJ
- 7. State of NJ
- 8. State of NJ
- 9. State of NJ
- 10. Garofalo & O'Neill, P.A.
- 11. Dykstra Associates
- 12. Jersey Central Power & Light

A motion was made by Cicerale to approve the correspondence as presented, seconded by Miller. 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.

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 8:05 p.m., seconded by Miller. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk