

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JANUARY 24, 2018

The meeting was called to order by 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: Deputy Mayor Verrilli, Councilwoman Hamilton, Councilman Kula, Councilman Kaminski, 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 – December 2017
2. Tax Collector Report – December 2017
3. Construction Certificate Activity Report – December 2017
4. Construction Permit Activity Report – Hardyston – December 2017
5. Construction Permit Activity Report – Hamburg – December 2017
6. Construction Permit Activity Report – Franklin – December 2017
7. Construction Permit Activity Report – Newton – December 2017
8. Construction Permit Activity Report – Sussex – December 2017
9. Construction Permit Activity Report – Wantage – December 2017
10. SCHD Report – November 2017
11. Land Use Report – December 2017
12. Police Department Report – December 2017
13. Municipal Court Report – December 2017
14. Littell Community Center Monthly/Year End Reports – December 2017

Agreements/Applications/Licenses:

1. Trailer Court License Renewal – Stanley Tabaka
2. Trailer License Renewal – Elizabeth McDole
3. Raffle License – Special Olympics NJ
4. Raffle License – Birth Haven
5. Raffle License - Pope John HS Education Foundation

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

ORDINANCES

1st READING:

2018-02

AN ORDINANCE OF THE COUNCIL OF THE TOWNSHIP OF HARDYSTON AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS BLOCK 67.11 , LOT 11, AS PART OF THE TOWNSHIP'S MARKET TO AFFORDABLE HOUSING PROGRAM

Purpose Statement:

The purpose of this Ordinance shall be to authorize the sale of real property known as 1 Spruce Run, Block 67.11, Lot 11 in the Township of Hardyston as part of the Township's market to affordable housing program.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JANUARY 24, 2018**

WHEREAS, the Township owns Block 67.11 Lot 11, 1 Spruce Run (“the property”) in the Township of Hardyston (“Township” or “Hardyston”); and

WHEREAS, the property is a low-income housing unit that the Township desires to sell to as part of the Township’s Market to Affordable Housing Program; and

WHEREAS, the Township Council has determined that it should convey the property to a certified moderate income buyer as part of the Township’s Market to Affordable Housing Program for the purpose of addressing the Township’s affordable housing obligations pursuant to the Township’s Housing Element and Fair Share Plan and the New Jersey Council on Affordable Housing (“COAH”) Substantive Rules (N.J.A.C. 5:97-1 et seq).

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Hardyston that the Township shall convey 1 Spruce Run, Block 67.11, Lot 11 in the Township, for consideration in the amount of \$120,000, and in accordance with the terms of a Contract for Sale to be executed by the Buyer and the Township.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that the Mayor and Council of the Township of Hardyston, the Township Manager and Clerk, the Township Housing Liason, and Vogel, Chait, Collins and Schneider, P.C., as Special Counsel to the Township of Hardyston are hereby authorized to prepare and execute any and all documentation to effectuate the sale of the property described herein.

Severability.

If any section, paragraph, subdivision clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, sub-division, clause or provision and the remainder of the Ordinance shall be deemed valid and effective.

Effective Date.

This ordinance shall take effect after publication and passage in accordance with law.

A motion was made by Kula to approve Ordinance 2018-02 on first reading, seconded by Hamilton. All in favor. Motion carried.

2018-03

**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 IN THE DISCRETION OF THE TOWNSHIP COUNCIL**

BE IT ORDAINED by the Township Council of the Township of Hardyston as follows:

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JANUARY 24, 2018**

Section 1. The minimum and maximum salary range for officers or employees of the Township of Hardyston who are employed on an annual salary basis shall be and is hereby fixed as follows:

POSITION	MINIMUM	MAXIMUM
Township Council	\$ 4,000.00	\$ 7,500.00
Mayor/Deputy Mayor: Marriage/Civil Union Ceremony Stipend (per ceremony)	\$ 50.00	\$ 200.00
Township Manager	\$ 125,000.00	\$ 185,000.00
Deputy Manager	\$ 8,000.00	\$ 25,000.00
Director of Public Works	\$ 75,000.00	\$ 140,000.00
Fleet Manager	\$ 1,500.00	\$ 4,000.00
Police Chief	\$ 90,000.00	\$ 167,000.00
Acting Police Chief	\$ 40,000.00	\$ 110,000.00
Township Clerk/Registrar/Search Officer	\$ 40,000.00	\$ 95,000.00
Deputy Clerk/Deputy Registrar	\$ -	\$ 35,000.00
Chief Financial Officer/Treasurer	\$ 25,000.00	\$ 60,000.00
Tax Collector/Search Officer	\$ 45,000.00	\$ 85,000.00
Tax Assessor	\$ 25,000.00	\$ 67,000.00
Municipal Planner	\$ 50,000.00	\$ 90,000.00
Computer Technician	\$ 30,000.00	\$ 70,000.00
Radio Dispatcher	\$ 33,000.00	\$ 70,000.00
Land Use Administrator	\$ 35,000.00	\$ 75,000.00
Construction Code Official	\$ 55,000.00	\$ 125,000.00
Building Subcode Official	\$ 35,000.00	\$ 98,000.00
Administrative Assistant – Public Works	\$ 2,000.00	\$ 4,000.00
Municipal Court Administrator	\$ 35,000.00	\$ 75,000.00
Deputy Court Clerk (per session)	\$ 50.00	\$ 100.00
Municipal Court Magistrate	\$ 20,000.00	\$ 45,000.00
Temporary Municipal Court Magistrate (per session)	\$ 900.00	\$ 1,100.00
Zoning Officer	\$ 5,000.00	\$ 50,000.00
Recycling Coordinator	\$ 1.00	\$ 3,000.00
Fire Official	\$ 8,500.00	\$ 35,000.00
Fire Prevention Inspector	\$ 5,000.00	\$ 12,000.00
Emergency Management Coordinator	\$ 2,000.00	\$ 12,000.00

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:

POSITION	MINIMUM HOURLY	MAXIMUM HOURLY
Planning Intern	\$ 14.00	\$ 18.00
Road Supervisor	\$ 24.25	\$ 43.00
Assistant Road Supervisor	\$ 24.00	\$ 39.00
Laborer/Driver	\$ 16.72	\$ 38.00
Seasonal Laborer/Driver	\$ 10.00	\$ 20.00
Laborer	\$ 14.00	\$ 25.00
Laborer with CDL	\$ 16.00	\$ 27.00
Water & Sewer Operator	\$ 30.00	\$ 45.00
Custodian	\$ 10.00	\$ 19.50
Senior Clerk/Radio Dispatcher	\$ 8.60	\$ 32.00
Dispatcher In Training	\$ 12.00	\$ 14.00
Municipal Court Officer	\$ 20.00	\$ 27.00
Plumbing Subcode Official	\$ 15.00	\$ 45.00
Electric Subcode Official	\$ 15.00	\$ 54.00
Sub-Code Inspector (Plumbing, Electric, Fire, Const., Mech.)	\$ 15.00	\$ 35.00
Assistant to Chief Financial Officer	\$ 10.00	\$ 27.00
Secretary/Administrative	\$ 10.00	\$ 27.00
Secretary/Clerical	\$ 8.60	\$ 25.00
Seasonal/Temporary/Clerical	\$ 8.60	\$ 14.00

Recreation Director	\$ 18.00	\$ 28.00
Assistant to Recreation Director	\$ 8.60	\$ 17.00
Recreation Program Presenter	\$ 12.00	\$ 28.00
Recreation On-Call Staff	\$ 9.00	\$ 11.00

Section 3. Any officer or employee of the Township of Hardyston who is at any time receiving less than the maximum compensation or salary as hereinabove provided may, as hereinafter provided, be given an additional annual increment of salary until the maximum salary has been reached.

Section 4. No officer or employee shall be entitled to receive an additional increment of salary until the same has been approved by resolution of the Township Council, and no officer or employee shall receive more than one (1) additional increment of salary in any one calendar year.

Section 5. Nothing herein contained shall be so construed as to make mandatory the payment of annual salary increments to any officer or employee of the Township of Hardyston. Salary or wage increases shall be contingent upon the availability of funds and shall be granted on a merit basis.

Section 6. The Township Council reserves the right to pay a salary to any new employee during his or her probationary period of ninety (90) days which may be less than the minimum rate of salary or compensation as herein above provided. However, upon the satisfactory completion of such probationary period said employee shall be paid not less than the minimum salary provided for the particular office or employment.

Section 7. The Township Council further reserves the right to pay a salary to any new employee at any figure between the minimum and maximum salary provided for such office or position and not necessarily the minimum salary.

Section 8. The adoption of this Ordinance shall not operate to either increase or decrease the present pay of any officer or employee of the Township of Hardyston, and the salaries or compensations provided by existing ordinances shall remain in full force and effect until such time as the Township Council may grant and approve such additional increments of salary as may be deemed advisable pursuant to the terms of this Ordinance. A resolution of the Township Council establishing specific salaries or wages may be made retroactive to January 1st of the year in which the resolution is adopted.

Section 9. Salaries shall be paid in the same manner and the same time as heretofore provided by ordinance.

Section 10. All ordinances or parts of ordinances which may be inconsistent with the terms of this ordinance are to the extent of such inconsistency hereby repealed.

A motion was made by Kula to approve Ordinance 2018-03 on first reading, seconded by Kaminski. All in favor. Motion carried.

ORDINANCES
2nd READING:

2018-01

**AN ORDINANCE OF THE COUNCIL OF THE TOWNSHIP OF
HARDYSTON AUTHORIZING THE SALE OF REAL
PROPERTY KNOWN AS BLOCK 16.15, LOT 1, Qualifier C0502
AS PART OF THE TOWNSHIP’S MARKET TO AFFORDABLE
HOUSING PROGRAM**

Purpose Statement:

The purpose of this Ordinance shall be to authorize the sale of real property known as 26 Clubhouse Road, Block 16.15, Lot 1 C0502 in the Township of Hardyston to Buyer, Gail Babcock, as part of the Township’s market to affordable housing program.

WHEREAS, the Township owns Block 67.15 Lot 1 C0502, 26 Clubhouse Road (“the property”) in the Township of Hardyston (“Township” or “Hardyston”); and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JANUARY 24, 2018**

WHEREAS, the property is a low-income housing unit that the Township desires to convey to Gail Babcock, 3 Seminole Road, Lafayette, NJ 07848 (“the Buyer”) as part of the Township’s Market to Affordable Housing Program; and

WHEREAS, the Township Council has determined that it should convey the property to the Buyer as part of the Township’s Market to Affordable Housing Program for the purpose of addressing the Township’s affordable housing obligations pursuant to the Township’s Housing Element and Fair Share Plan and the New Jersey Council on Affordable Housing (“COAH”) Substantive Rules (N.J.A.C. 5:97-1 et seq).

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Hardyston that the Township shall convey 26 Clubhouse, Block 16.15, Lot 1 C0502 in the Township to Buyer Gail Babcock, for consideration in the amount of \$95,000.00, and in accordance with the terms of a Contract for Sale to be executed by the Buyer and the Township.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that the Mayor and Council of the Township of Hardyston, the Township Manager and Clerk, the Township Housing Liason, and Vogel, Chait, Collins and Schneider, P.C., as Special Counsel to the Township of Hardyston are hereby authorized to prepare and execute any and all documentation to effectuate the sale of the property described herein.

Severability.

If any section, paragraph, subdivision clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, sub-division, clause or provision and the remainder of the Ordinance shall be deemed valid and effective.

Effective Date.

This ordinance shall take effect after publication and passage in accordance with 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 2018-01 on second reading, seconded by Kaminski. All in favor. Motion carried.

NEW BUSINESS:

A. Resolution #08-18 – Resolution authorizing the execution of the following shared service agreements:

1. Park Maintenance – Hardyston Township Board of Education
2. Solid Waste and Recycling Removal – Hardyston Township Board of Education
3. Land Use Administrator – Andover Township
4. Recreation – Littell Community Center – Franklin Borough
5. Recreation – Littell Community Center - Hamburg Borough
6. Zoning and Property Maintenance – Hamburg Borough

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JANUARY 24, 2018**

RESOLUTION #08-18

**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. Park Maintenance – Hardyston Township Board of Education
- b. Solid Waste and Recycling Removal – Hardyston Township Board of Education
- c. Land Use Administrator – Andover Township
- d. Recreation – Littell Community Center – Franklin Borough
- e. Recreation – Littell Community Center - Hamburg Borough
- f. Zoning and Property Maintenance – Hamburg Borough

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

B. Resolution #09-18 – Resolution to amend the Plan Document for Township Employees

RESOLUTION #09-18

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND
STATE OF NEW JERSEY, TO AMEND THE PLAN DOCUMENT
FOR TOWNSHIP EMPLOYEES**

WHEREAS, the Township of Hardyston seeks to amend its Plan Document effective March 1, 2018 to update eligible classes of employees and participants for Township provided partial or Township insurance benefits; and

WHEREAS, the amendment more clearly specifies those employees who are eligible to participate in said Plan.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, that the amendment to the Plan Document effective March 1, 2018, which is on file with the Township Clerk, is hereby adopted.

BE IT FURTHER RESOLVED that the Township Manager may take such necessary steps to effectuate this amendment.

This Resolution shall take effect immediately upon adoption.

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

C. Correspondence

1. Sussex Borough
2. Sussex Borough
3. Branchville Borough
4. Sparta Township
5. West Milford Township
6. West Milford Township
7. County of Sussex
8. Debra Lynn Nicholson, Esq.

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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JANUARY 24, 2018

BILLS TO BE PAID: A motion was made by Hamilton to approve the bill list as presented, seconded by Verrilli. 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. A friend of the Bock family provided the Council with sketches and asked for approval to place a bench in the park on Wheatsworth Road in memory of Thomas “Tommy” Bock. A motion was made by Hamilton to approve the request subject to the approval of the Department of Public Works Director, and asked that he work with the DPW Director with regard to the placement of the bench, seconded by Miller. All in favor. Motion carried.

Residents of Sundance Terrace shared concerns with regard to vehicle parking during snow storms and stated that walkways were being blocked with snow by the snow plows. Township Manager stated that she will discuss these issues with the Police Department and the Department of Public Works.

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 January, 2018, 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. (Eastern Concrete Materials, Inc. tax appeal; Sparta Mountain; Tort Claim – David Hook)
 - (X) b. (8) Personnel matters. (Employee Health Insurance Plan Document amendment)
 - () 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).

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JANUARY 24, 2018**

Motion to adopt: Verrilli
Seconded by: Hamilton

MOTION	YES	NO	ABSTAIN	ABSENT
Hamilton	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Kula	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Miller	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Verrilli	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Kaminski	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

Motion carried.

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 8:20 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk