

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JANUARY 23, 2019

The meeting was called to order by Mayor Hamilton 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 Kula, Councilman Miller, Councilman Verrilli, Councilman Kaminski, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Edward Pasternak 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 2018
2. Tax Collector Report – December 2018
3. Construction Certificate Activity Report – December 2018
4. Construction Permit Activity Report – Hardyston – December 2018
5. Construction Permit Activity Report – Hamburg – December 2018
6. Construction Permit Activity Report – Franklin – December 2018
7. Construction Permit Activity Report – Newton – December 2018
8. Construction Permit Activity Report – Sussex – December 2018
9. Construction Permit Activity Report – Wantage – December 2018
10. Municipal Court Report – December 2018
11. Littell Community Center Report – December 2018
12. Land Use Report – December 2018
13. Sussex County Health Department Report – December 2018
14. Police Department Report – December 2018
15. Zoning Board – Annual Report 2018

Minutes:

1. Regular Minutes of 8/22/18
2. Executive Minutes of 8/22/18
3. Regular Minutes of 9/26/18
4. Executive Minutes of 9/26/18
5. Workshop Minutes of 10/10/18
6. Regular Minutes of 10/10/18
7. Regular Minutes of 10/24/18
8. Executive Minutes of 10/24/18
9. Regular Minutes of 11/28/18
10. Regular Minutes of 12/12/18
11. Executive Minutes of 12/12/18

Agreements/Applications/Licenses:

1. R & R Radar, Inc. – Traffic Radar Maintenance Agreement - Police Department
2. Security Design Group, LLC/Meridien – Service Agreement - Access Control & Security Alarm System – Police Department
3. Morpho Trak, Inc. – Maintenance and Support Agreement – Police Dept.
4. KML Technology – 911 Emergency Phone System Service Agreement - Police Department
5. WTH Technology, Inc. – Think GIS Client Support Agreement – Police Dept.
6. Gramco – Liberty Digital Interview Recording System – Police Dept.
7. Porter Lee Corp. – Crime Fighter BEAST Evidence Software – Police Dept.
8. Trailer Court License Renewal – Eileen & Russell Post
9. Trailer Court License Renewal – Stanley Tabaka
10. Fire Department – New Member Application – Christopher Martinez

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

ORDINANCES

1st READING:

2019-01

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 185, ZONING, SECTION 185-58(S), RESORT ORIENTED HOUSING IN CONNECTION WITH A GOLF COURSE IN ORDER TO AMEND THE BULK REQUIREMENTS FOR SINGLE-FAMILY DETACHED DWELLING UNITS PERMITTED AS A CONDITIONAL USE IN ACCORDANCE WITH ARTICLE XVI, REGULATIONS GOVERNING CONDITIONAL USES

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

SECTION 1. Chapter 185, Zoning, Section 58, Specific Conditions for Conditional Uses, Subsection (S), Resort oriented housing in connection with a golf course, Item (4) of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

S. Resort oriented housing in connection with a golf course.

(4) Single-family detached dwellings:

(a) Minimum lot area: 7,500 square feet.

(b) Minimum lot width: 55 feet.

(c) Yard requirements:

[1] Minimum front yard (from private road): 25 feet.

[2] Minimum rear yard: 25 feet.

[3] Minimum side yard: 8 feet.

(d) Maximum percent of lot coverage by impervious surfaces: 45%.

(e) Maximum Building Height: 2-1/2 stories or 35 feet.

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 2019-01 on first reading, seconded by Verrilli. All in favor. Motion carried.

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2019-02

**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 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>
Confidential Assistant	\$23.00	\$30.00

A motion was made by Kula to approve Ordinance 2019-02 on first reading, seconded by Miller. All in favor. Motion carried.

ORDINANCES
2nd READING:

None

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #07-19 – Veteran deduction refund – Block 67.07, Lot 1.66 – 13 Sweet Water Lane

Resolution #07-19

WHEREAS, Block 67.07 Lot 1.66 also known as 13 Sweet Water Lane, Hardyston and owned by Camiel Bolle, and

WHEREAS, Mr. Bolle had been receiving a Veteran Deduction until 2013 due to a deed change. After further review, Mr. Bolle has Life Rights to the property so the deduction should not have been removed by the Tax Assessor's Office, and

WHEREAS, Mr. Bolle is to be reimbursed for (6) years that he has not received the deduction.

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be authorized to refund Mr. Bolle the amount of \$ 1,500.00 for Veteran Deductions that he had not received.

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

Municipal Court Administrator	\$	63,285.91
Municipal Court Magistrate	\$	33,937.44
Temporary Municipal Court Magistrate (per session)		\$925.00/session
Deputy Court Clerk	\$	
For first three hours of court session	\$	100.00
For each hour of court session exceeding three hours		\$16.71/hour
Emergency Management Coordinator	\$	9,605.31
Dispatchers:		
Year One	\$	43,622.23
Year Two	\$	46,992.43
Year Three	\$	50,041.20
Year Four	\$	53,357.43
Year Five	\$	57,881.12

Part-Time Dispatchers:		
Dispatcher In-Training	\$	12.00
Year One	\$	18.62
Year Two	\$	20.07
Year Three	\$	21.37
Year Four	\$	22.80
Year Five	\$	27.27
Senior Clerk/Radio Dispatcher	\$	28.92
Municipal Court Officer	\$	24.78
Road Supervisor	\$	34.86
Assistant Road Supervisor	\$	33.73
Laborer/Driver	\$	33.08
Laborer With CDL hired before 1/1/08	\$	22.36
Laborer With CDL hired after 10/1/2017	\$	21.91
Water and Sewer Operator	\$	38.39
Summer Seasonal Laborer/Driver Hired after 1/1/12	\$	15.00
Summer Seasonal Laborer	\$	10.00

Winter Seasonal Laborer/Driver	\$	20.00
Custodian		
Municipal Complex	\$	13.80
Littell Center	\$	10.20
Secretary/Clerical - Construction	\$	17.63
Secretary/Clerical - Administration	\$	14.08
Secretary/Clerical Temporary	\$	8.85
Secretary/Administration (Technical Assistant to Construction Official & Police Secretary Hired before 6/28/05)	\$	23.92
Secretary/Administration - Construction & Administration	\$	23.59
Secretary/Administration - Tax Assessor	\$	22.70
Assistant to the Chief Financial Officer	\$	23.59
Recreation Director	\$	23.59
Recreation On-Call Staff	\$	10.00
Recreation Program Presenter Without Certification	\$	15.00
Recreation Program Presenter With Certification	\$	25.00
Electrical Subcode Official	\$	52.37
Plumbing Subcode Official	\$	41.82
Plumbing Subcode Inspector	\$	33.66
Building Inspector - Part Time	\$	30.60

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

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C. Resolution #10-19 – 2018 Budget Transfers

Resolution # 10-19			
Now, Therefore be it resolved by the Township Council of the Township of Hardyston, State of New Jersey, That the following 2018 Budget Appropriation Reserves transfers be authorized:			
Account From	Amount	Account To	Amount
General Administration S&W	\$ 1,931.37	Administration OE	\$ 1,931.37
General Admin. Admin. Supplies	\$ 2,609.58	Administration OE	\$ 2,609.58
Election Expenses	\$ 545.05	Administration OE	\$ 545.05
Tax Collector OE	\$ 1,100.07	Administration OE	\$ 1,100.07
Tax Assessment OE	\$ 2,832.09	Administration OE	\$ 2,832.09
Engineering OE	\$ 2,346.00	Administration OE	\$ 2,346.00
Land Use S&W	\$ 249.87	Administration OE	\$ 249.87
Planning Board OE	\$ 1,682.76	Administration OE	\$ 1,682.76
Zoning Board OE	\$ 327.91	Administration OE	\$ 327.91
Zoning Board OE	\$ 276.29	Social Security	\$ 276.29
Construction Offic. OE	\$ 3,864.03	Streets & Roads OE	\$ 3,864.03
Waiver Health Insurance	\$ 78.08	Streets & Roads OE	\$ 78.08
Insurance Unemployment Ins.	\$ 7.45	Streets & Roads OE	\$ 7.45
Disability Insurance	\$ 1,128.91	Streets & Roads OE	\$ 1,128.91
Police S&W	\$ 36,524.08	Streets & Roads OE	\$ 36,524.08
Communications S&W	\$ 7,112.67	Streets & Roads OE	\$ 7,112.67
Uniform Fire Safety S&W	\$ 676.53	Streets & Roads OE	\$ 676.53
Uniform Fire Safety OE	\$ 363.54	Streets & Roads OE	\$ 363.54
Streets & Roads S&W	\$ 21,122.68	Streets & Roads OE	\$ 21,122.68
Public Health Serv. OE Hepatitis	\$ 500.00	Streets & Roads OE	\$ 500.00
Animal Control OE	\$ 1,655.48	Streets & Roads OE	\$ 1,655.48
Senior Citizen Bus Service	\$ 445.00	Streets & Roads OE	\$ 445.00
Recreation S&W	\$ 353.00	Streets & Roads OE	\$ 353.00
Utility & Bulk Expenses Electric	\$ 4,131.65	Streets & Roads OE	\$ 4,131.65
Utility & Bulk Expenses Telephone	\$ 2,370.29	Streets & Roads OE	\$ 2,370.29
Utility & Bulk Expenses Nat. Gas	\$ 4,159.05	Streets & Roads OE	\$ 4,159.05
Utility & Bulk Expenses Fuel Oil	\$ 854.35	Streets & Roads OE	\$ 854.35
Utility & Bulk Expenses Gasoline	\$ 6,326.28	Streets & Roads OE	\$ 6,326.28
Utility & Bulk Expenses Diesel	\$ 5,373.10	Streets & Roads OE	\$ 5,373.10
Defined Contribution Plan	\$ 347.56	Streets & Roads OE	\$ 347.56
Municipal Court S&W	\$ 139.71	Streets & Roads OE	\$ 139.71
Municipal Court OE	\$ 64.86	Streets & Roads OE	\$ 64.86
Insurance Employee Group	\$ 50,000.00	Streets & Roads OE	\$ 50,000.00
Insurance Employee Group	\$ 10,000.00	Legal OE	\$ 10,000.00
	\$ 171,499.29		\$ 171,499.29

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

D. Resolution #11-19 – NJDEP Treatment Works Application – Consent By
Governing Body – Lake Gerard Co., LLC – 37 South Shore Drive – Septic System

RESOLUTION #11-19

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

- NJDEP Treatment Works Application – Consent By Governing Body – Lake Gerard Co., LLC – 37 South Shore Drive —Septic System

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

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E. HTMUA Appointments

A motion was made by Kula to reappoint Michael O’Grady as Alternate 1 to a 5 year term, seconded by Kaminski. All in favor. Motion carried.

F. 2019 Soil Removal/Quarry License/Junkyard/Auto Auction Renewals:

1. Beaver Run Farms (Stavola) – Soil Removal & Quarry – Block 68, Lot 3
2. Beaver Run Farms (Stavola) – Soil Removal – Block 69, Lot 2.01

A motion was made by Miller to approve the above Soil Removal/Quarry Licenses as per the recommendation of the Township Engineer as stated in his letter dated January 16, 2019, seconded by Kula. All in favor. Motion carried

3. Eastern Concrete Materials, Inc. – Quarry

A motion was made by Miller to approve the annual license as per the recommendation of the Township Engineer as stated in his letter dated January 16, 2019, seconded by Kaminski. All in favor. Motion carried.

4. North Church Gravel, Inc. – Soil Removal

A motion was made by Kula to approve the annual license as per the recommendation of the Township Engineer as stated in his letter dated January 16, 2019, seconded by Verrilli. All in favor. Motion carried.

5. Central Auto Liquidators - Junkyard/Auto Auction

A motion was made by Miller to approve the annual licenses and extend the term of the licenses and future licenses to January 31 of the following year as per the recommendation of the Township Engineer as stated in his letter dated January 16, 2019, seconded by Verrilli. All in favor. Motion carried.

- G. Resolution #12-19 – Resolution to authorize settlement of tax appeal for Block 41, Lot 11, CELL 1 – Crown Castle

RESOLUTION #12-19

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE SETTLEMENT OF
TAX APPEAL FOR BLOCK 41, LOT 11 CELL 1**

WHEREAS, a tax appeal was filed by Crown Castle for the tax years 2011, 2012, 2013, 2014, 2015, 2016, 2017 & 2018 for property known as Block 41, Lot 11, Cell 1 and commonly known as 2, Hardyston, New Jersey; and

WHEREAS, settlement of the appeal is in the best interest of the Township.

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 settlement of the above referenced tax appeal filed at the Tax Court of New Jersey is hereby authorized as follows:

Crown Castle
29 Stockholm-Vernon Rd
Block 41, Lot 11, Cell 1

Tax Year	Original Assessment	Proposed Assessment
2011	\$769,400	\$769,400
2012	\$769,400	\$769,400
2013	\$769,400	\$769,400
2014	\$817,600	\$817,600
2015	\$817,600	\$630,600

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2016	\$817,600	\$630,600
2017	\$817,600	\$630,600
2018	\$817,600	\$630,600

BE IT FURTHER RESOLVED, that the municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

This Resolution shall take effect immediately.

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

H. Correspondence

1. Sandyston Township
2. Hampton Township
3. Byram Township
4. Byram Township
5. Town of Newton
6. Wantage Township
7. Vernon Township
8. Stillwater Township
9. Stillwater Township
10. Sandyston Township
11. Andover Borough
12. Andover Township
13. Blairstown Township
14. Green Township
15. County of Sussex
16. State of NJ
17. State of NJ
18. State of NJ
19. Dykstra Walker Design Group
20. State of NJ
21. State of NJ

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

BILLS TO BE PAID: A motion was made by Kula 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. Resident and Wallkill Valley Regional High School student, John Spadora, stated that he is running for NJ FBLA Northern Region Vice President and asked the Council if they would consider making a donation toward his campaign. A motion was made by Verrilli to make a \$300.00 donation toward his campaign, seconded by Kaminski. All in favor with Kula abstaining. Motion carried. A few other questions raised by residents regarding street parking during snowstorms, recycling and Christmas tree pick up were addressed by the Council. Bohdan Senyszyn discussed his concerns with the Council relating to the Brecia Farms development. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

At this time, Township Manager updated the Council on the High Ridge Properties (MDSAS) litigation which has been resolved. She stated that the Township Attorney recommends that the Township begin foreclosure proceedings if the lien holder fails to bring the taxes to a current status.

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EXECUTIVE SESSION:

BE IT RESOLVED by the Township Council of the Township of Hardyston on the 23rd day of January, 2019, 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: Kula
Seconded by: Verrilli

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 Kula to come out of Executive Session, seconded by Kaminski. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
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- I. Resolution #13-19 – Resolution authorizing the execution of an employment agreement between Carrine Piccolo-Kaufer and the Township of Hardyston

RESOLUTION #13-19

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT
BETWEEN CARRINE PICCOLO-KAUFER AND THE TOWNSHIP OF
HARDYSTON**

WHEREAS, the Township Manager, Marianne Smith, is scheduled to retire on June 30, 2019; and

WHEREAS, the Mayor and Council have established a succession plan to fill the position of Township Manager and to ensure the smooth transition following Ms. Smith's retirement; and

WHEREAS, the Mayor and Council of the Township of Hardyston and Carrine Piccolo-Kaufer have agreed to terms whereby Ms. Piccolo-Kaufer shall be appointed as Township Manager effective August 1, 2019; and

WHEREAS, the Parties wish to memorialize the terms of this arrangement in an Employment Agreement between the Township of Hardyston and Carrine Piccolo-Kaufer; and

WHEREAS, the Township Attorney has reviewed and approved of the proposed Employment Agreement; and

WHEREAS, a copy of the Employment Agreement is on file with the Township Clerk.

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) That the Employment Agreement between the Township of Hardyston and Carrine Piccolo-Kaufer is hereby approved.

2) That the Mayor is hereby authorized to execute the Employment Agreement between the Township of Hardyston and Carrine Piccolo-Kaufer.

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

ADJOURNMENT: A motion was made by Verrilli to adjourn at approximately 8:55 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk