

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
MARCH 27, 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, Deputy Manager Carrine Kaufer, 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 – February 2019
2. Tax Collector Report – February 2019
3. Construction Certificate Activity Report – February 2019
4. Construction Permit Activity Report – Hardyston – February 2019
5. Construction Permit Activity Report – Hamburg – February 2019
6. Construction Permit Activity Report – Franklin – February 2019
7. Construction Permit Activity Report – Newton – February 2019
8. Construction Permit Activity Report – Sussex – February 2019
9. Construction Permit Activity Report – Wantage – February 2019
10. Municipal Court Report – February 2019
11. Littell Community Center Report – February 2019
12. Land Use Report – February 2019
13. Sussex County Health Department Report – February 2019
14. Police Department Report – February 2019

Agreements/Applications/Licenses:

1. Kennel License – The Pet Spa & Resort
2. Raffle License – YMCA Metropolitan of Oranges

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

ORDINANCES

1st READING:

2019-03

CALENDAR YEAR 2019

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

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WHEREAS, the Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$74,253.58 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Hardyston, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Township of Hardyston shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$259,887.52, and that the CY 2019 municipal budget for the Township of Hardyston be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

A motion was made by Miller to approve Ordinance 2019-03 on first reading, seconded by Kula. All in favor. Motion carried.

2019-04

**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 23 and County Route 515. The dates and times approved for said solicitation are as follows: July 6 & 7, 2019 (Rain date October 12 & 13, 2019); between the hours of 8:00 a.m. and 4:00 p.m.

SECTION 2. 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: May 25 & 26, 2019 (Rain date September 21 and 22, 2019); between the hours of 8:00 a.m. and 4:00 p.m.

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SECTION 3. 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 4. 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 5. 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 6. This Ordinance may be renumbered for purposes of codification.

SECTION 7. 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 2019-04 on first reading, seconded by Verrilli. All in favor. Motion carried.

ORDINANCES

2nd READING:

None

NEW BUSINESS:

A. Open Board Positions

Council held an informal interview with John Bazelewich and Ed Zinck. Mr. Bazelewich expressed interest in serving on the Hardyston Township Municipal Utility Authority and Mr. Zinck expressed interest in serving on the Hardyston Township Planning Board. It was the consensus of the Council to take their interest in serving on these boards into consideration.

B. Proclamation – Child Abuse Prevention Month

PROCLAMATION

CHILD ABUSE PREVENTION MONTH

WHEREAS, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Sussex County; and

WHEREAS, every child is entitled to be loved, cared for, nurtured, feel secure and be free from verbal, sexual, emotional and physical abuse, and neglect; and

WHEREAS, child abuse and neglect not only directly harm children, but also increase the likelihood of criminal behavior, substance abuse, health problems, and risky behavior;

WHEREAS the effects of child abuse are felt by communities as a whole, and need to be addressed by the entire community;

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WHEREAS, effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community;

NOW THEREFORE, be it resolved that the Township Council of the Township of Hardyston, Sussex County does proclaim April as Child Abuse Prevention Month, and calls upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

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

- C. Resolution #27-19 - Resolution providing for increase in reserve for uncollected taxes percentage

**RESOLUTION #27-19
RESOLUTION PROVIDING FOR INCREASE IN
RESERVE FOR UNCOLLECTED TAXES PERCENTAGE**

WHEREAS, the Township of Hardyston collected only 96.87% of the 2018 taxes due to a large taxpayer being delinquent as a result of unfavorable economic conditions in the local economy and real estate markets for 2018, and

WHEREAS, the Township of Hardyston's average collection percentage for the prior 3 years is 97.39%, as calculated below, and

	<u>Collection Percentage</u>
2018	96.87
2017	97.69
2016	<u>98.19</u>
Total	<u>292.75</u>
3-Year Average	97.58%

WHEREAS, the lower percentage collected in 2018 has an effect on the "Reserve for Uncollected Taxes" in 2019, and

WHEREAS, the Governing Body desires to anticipate 97.56% collection for 2019, to help reduce the "Reserve for Uncollected Taxes", with prior written consent of the Director of Local Government Services,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Hardyston, County of Sussex, State of New Jersey, that the prior written consent of the Director of Local Government Services be requested to anticipate 97.56% collection of taxes in 2019 in figuring the "Reserve for Uncollected Taxes".

BE IT FURTHER RESOLVED that one certified copy of this resolution be forwarded to the Office of the Director of Local Government Services.

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

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- D. Resolution #28-19 – NJDEP Treatment Works Application – Consent By Governing Body – AQUA New Jersey – Wits End Drive – Block 67.01, Lot 1.01 – Mountain Ridge Development

RESOLUTION #28-19

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 – AQUA New Jersey – Wits End Drive – Block 67.01, Lot 1.01 – Mountain Ridge Development**

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

- E. Resolution #29-19 – Developers Agreement – SMS Hardyston – Mountain Ridge/Ridgefield Commons

RESOLUTION #29-19

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

- Developer’s Agreement – SMS Hardyston – Mountain Ridge/Ridgefield Commons

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

- F. 2019 Municipal Budget Introduction

Township Manager and Council discussed the 2019 Municipal Budget. A motion was made by Kula to approve the 2019 Municipal Budget as introduced, seconded by Miller. All in favor with Kaminski voting “No”. Motion carried. Public hearing and adoption of the budget is scheduled for April 24, 2019.

- G. Correspondence

1. Stanhope Borough
2. Franklin Borough
3. Byram Township
4. Sussex Borough
5. Andover Township
6. Lafayette Township
7. Hampton Township
8. Hampton Township
9. Hampton Township
10. Ogdensburg Borough
11. State of NJ
12. State of NJ
13. SRG Site Remediation Group
14. Hamburg Borough

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

BILLS TO BE PAID: A motion was made by Kaminski to approve the bill list as presented, seconded by Verrilli. 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. No public comment. 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 27th day of March, 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: Kaminski

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 Miller to come out of Executive Session, seconded by Verrilli. All in favor. Motion carried.

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- H. Resolution #30-19 – Resolution authorizing an employment agreement between the Director of Public Works and the Township of Hardyston

RESOLUTION #30-19

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND
STATE OF NEW JERSEY AUTHORIZING AN EMPLOYMENT
AGREEMENT BETWEEN THE DIRECTOR OF PUBLIC WORKS
AND THE TOWNSHIP OF HARDYSTON**

WHEREAS, the Mayor and Council wish to memorialize the terms of the Director of Public Works, Robert Schultz; and

WHEREAS, the Township Attorney has presented an Employment Agreement for the Council's consideration which memorializes the terms of Robert Schultz's employment with the Township; 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, that the Mayor is hereby authorized to execute the Employment Agreement with Robert Schultz dated March 27, 2019.

This Resolution shall take effect immediately upon adoption.

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

- I. Resolution #31-19 – 2019 Salary Resolution Amendment

RESOLUTION #31-19

2019 SALARY & WAGES FOR TOWNSHIP OFFICIALS AND EMPLOYEES

BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages shall be paid as follows:

<u>Position</u>	<u>Annual Salary</u>
Director of Public Works (Effective 4/1/2019)	\$126,351.00

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

ADJOURNMENT: A motion was made by Miller to adjourn at approximately 9:00 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk