

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 9, 2010**

The meeting was called to order by Mayor Kievit at approximately 9:55 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 Ross, Councilwoman Hamilton, Councilman Kula, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau. Councilman Miller was absent from this meeting.

### **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.**

#### **Agreements/Applications/Licenses:**

1. Raffle – Hamburg Fire Department Auxiliary
2. Trailer Court License – Helen Tabaka
3. Trailer License – Elizabeth McDole
4. Kennel License – The Pet Spa & Resort
5. Electronic Police Forms, LLC – 2010 Annual Maintenance/Support Agreement

#### **Minutes:**

1. Regular Minutes of 1/12/10
2. Executive Session Minutes of 1/12/10
3. Regular Minutes of 1/19/10
4. Executive Minutes of 1/19/10
5. Regular Minutes of 2/2/10
6. Workshop Minutes of 2/2/10
7. Executive Session Minutes of 2/2/10

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

#### **NEW BUSINESS:**

##### **A. Resolution #17-10 – Budget Transfer Resolution**

Now, Therefore be it resolved by the Township Council of the Township of Hardyston, State of New Jersey, That the following 2009 Budget Appropriation Reserves transfers be authorized:

Transfer From:		Transfer To:	
Telephone	5,020.00	Street Lighting	5,020.00
Fuel Oil	9,583.80	Street Lighting	9,583.80
Recycling OE	715.70	Street Lighting	715.70
Public Health HEP B OE	500.00	Street Lighting	500.00
Animal Control OE	329.80	Street Lighting	329.80
Municipal Court OE	1,047.00	Street Lighting	1,047.00
Municipal Court S&W	376.00	Street Lighting	376.00
Uniform Fire S&W	850.00	Street Lighting	850.00
Zoning Official OE	423.40	Street Lighting	423.40
Zoning Official S&W	54.80	Street Lighting	54.80
Communication OE	242.80	Street Lighting	242.80
Construction OE	353.60	Street Lighting	353.60
Natural Gas OE	5,109.00	Streets & Roads OE	5,109.00
Gasoline OE	3,216.00	Streets & Roads OE	3,216.00
Diesel OE	2,501.00	Streets & Roads OE	2,501.00
Equipment Repair	717.30	Streets & Roads OE	717.30
Legal	2,269.60	Administration OE	2,269.60
Totals	33,309.80	Totals	33,309.80

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 9, 2010**

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

- B. Resolution #18-10 – Resolution authorizing acceptance, approval and execution of the Memorandum of Understanding with the New Jersey State Police VRO

**WHEREAS**, the Township of Hardyston, County of Sussex, State of New Jersey (hereinafter referred to as the “Township”) has been advised of a new process recently enacted by the New Jersey State Police, Bureau of Investigation (“SBI”) that modifies the procedures for voluntary youth organizations to obtain background checks on volunteers and employees; and

**WHEREAS**, SBI has modified the procedure to provide that all non-profit youth organizations must register with the Volunteer Review Operations (“VRO”) of the SBI; and

**WHEREAS**, the Township, as part of that new protocol, must enter into a Memorandum of Understanding with the VRO in order to participate in the program; and

**WHEREAS**, the Memorandum of Understanding has been reviewed by the Township Manager and the Township Attorney and found to be acceptable as to form and content.

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

1. The Township accepts and approves the Memorandum of Understanding to be entered into with the Volunteer Review Operation (VRO).
2. The Township authorizes and directs the Mayor, Township Clerk and Township Manager to execute any and all necessary documents in order to implement the intent of this resolution.

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

- C. Resolution #19-10 – Resolution in opposition to Senate Bill 458

**WHEREAS**, Senate Bill 458 calls for a referendum to consolidate the municipal tax assessor, municipal tax collector, municipal health services and municipal animal control services at the county; and

**WHEREAS**, Senate Bill 458 does not give the municipality any option if the county voters case a majority to consolidate; and

**WHEREAS**, consolidation would cause unnecessary hardships on citizens who rely on the municipal tax office for information and assistance, particularly the community’s senior citizens who depend on tax offices for assistance in completing tax freeze and rebate forms; and

**WHEREAS**, without proper study there is no proof that consolidation will save any public money; and

**WHEREAS**, Senate Bill 458 calls for a master plan for the consolidation of the tax assessment and tax collection functions after enactment of the proposal without giving the public opportunity to review and comment on the proposed master plan; and

**WHEREAS**, current state statutes place responsibility to collect all property taxes due and distribute same to the other taxing authorities, as well as enforcing laws on delinquents; and

**WHEREAS**, current statutes provide for the reserve for uncollected taxes to be included in the municipal budget which is monitored by the local tax collector; and

**WHEREAS**, under the proposed Bill, residents of Hardyston Township who seek to confer with the tax assessor or review information regarding their own real estate tax

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
MARCH 9, 2010**

assessment would, under such circumstances, have to retrieve such information at the County Administration building in Newton; and

**WHEREAS**, tax collectors provide a vital service to residents at a local level which includes answering questions and inquiries of residents; and

**WHEREAS**, under the proposed Bill, local municipalities such as the Township of Hardyston which have planned and carefully assessed properties in accordance with classification and understanding of various neighborhoods, real estate trends and characteristics of various aspects of the municipality will no longer have the benefit of such a local tax assessor; and

**WHEREAS**, under such proposed legislation, tax appeal litigation may be controlled and ultimately settled at a cost to residents of Hardyston Township by the County as opposed to the local government which ultimately plans for and budgets for such litigation; and

**WHEREAS**, while consolidation and shared services may be beneficial, this proposed legislation is not supported by a study or cost justification for moving certain local services from residents which they serve, however the costs will still be incurred by local residents; and

**WHEREAS**, these vital services will no longer be provided and be accessible at the local level in the municipality.

**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 governing body does hereby oppose the passage and enactment of Senate Bill 458.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be sent to Senate President Stephen Sweeney, Senator Jeffrey Van Drew, Chairman of the Community & Urban Affairs Committee, and Senator Steven V. Oroho representing this district as a sign of the Township's opposition to Senate Bill 458.

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

- D. Resolution #20-10 – Resolution reducing the performance bond for site improvements associated with the Brecia Farms subdivision located on Lot 16, Block 68, along Grumm Road

WHEREAS, the Hardyston Township Planning Board granted final subdivision approval to David Hook for the Brecia Farms Subdivision; and

WHEREAS, David Hook has posted a letter of credit in the amount of \$627,272.64, and a cash bond in the amount of \$69,696.96 ; and

WHEREAS, David Hook has requested a reduction in the bonding amount due to substantial completion of site improvements; and

WHEREAS, the Township Engineer has reviewed the request of David Hook, inspected the site and prepared a letter addressed to the Township Council dated February 10, 2010 stating that he has observed substantial completion of a portion of the site improvements; and

WHEREAS, based on his site inspection, the Township Engineer believes that release of a portion of the performance bond is appropriate and has recommended the following performance bond be maintained:

Total Bond Amount	\$453,030.24
Surety amount	\$407,727.22
Cash amount	\$ 45,303.02

NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that the bond for Brecia Farms be reduced in accordance with the recommendation of the Township Engineer.

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
MARCH 9, 2010**

A motion was made by Hamilton to approve a “good will” shared services agreement with the Hardyston Board of Education, seconded by Ross. All in favor. Motion carried.

**BILLS TO BE PAID** A motion was made by Ross to approve the bill list as presented, seconded by Hamilton. 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 Hamilton to adjourn at approximately 10:00 p.m., seconded by Ross. All in favor. Motion carried.

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Jane Bakalarczyk, RMC/CMC  
Municipal Clerk