

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

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

### **DISCUSSION ITEMS:**

#### **A. Plan Endorsement Application Update**

Carrine Piccolo-Kaufer, Assistant Planner stated that one of the initial requirements in pursuing State Plan Endorsement is for the Township to establish a Plan Endorsement Advisory Committee. She stated that the advisory committee is required to consist of a minimum of 5 members to be appointed by the mayor with the consent of the Council. She stated that the Council will be required to adopt a resolution appointing all members. She stated that the committee is required to consist of a representative from the Township Council, a Class IV Planning Board member, a member from either the Zoning Board or EDC and two members of the public that are not already appointed/elected to a public position. She stated that the committee will be responsible for preparing the petition, attending meetings, and conducting the self-assessment report and required community visioning. The Council agreed to establish a Plan Endorsement Advisory Committee.

#### **B. Affordable Housing Plan Update**

Carrine Piccolo-Kaufer, Assistant Planner stated that SEED Corp. has contacted her with the possibility of partnering with Capitol Care for the development of another group home for individuals with developmental disabilities. She stated that the Township's Housing Element and Fair Share Plan included partnering with SEED Corp. for the development of at least two group homes for COAH credit. She stated that since the completion of the Silver Lake Road group home, the Township has not received any complaints from neighborhood residents or the police or emergency service departments. She stated that due to the relative success of the first group home, SEED Corp. and Capitol Care would like to begin working together to complete an additional group home. She stated that as with the previous group home, Capitol Care would require a subsidy from the Township's Affordable Housing Trust Fund in order to complete the project. She stated that if the Council feels that this is a good option to address the Township's affordable housing obligation, she will work with SEED Corp. and Capitol Care to move the project along as soon as possible. Councilwoman Hamilton recused herself from this discussion due to a conflict. The Council agreed to move forward to consider this project.

#### **C. Zoning Ordinance Review – Zoning Board Annual Report**

Carrine Piccolo-Kaufer, Assistant Planner handed out the annual report that the Zoning Board puts together every year outlining any variances that were granted throughout the year. She stated that this report also contains any recommendations of changes that the Zoning Board would like to see to the Land Use Ordinance for the Township. She stated that if the Council is in agreement with their recommendations, these changes will be incorporated into the overall review which is scheduled to be completed this year.

#### **D. Fire Department Presentation**

This presentation was postponed to a future meeting.

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

E. Legal Matters

1. Shadowing Authorization – Township Attorney stated that a form has been developed with the assistance of the Township’s Risk Manager for volunteers who wish to “shadow” a township employee for educational purposes. He stated that this form would have the volunteer register and acknowledge the fact that, while it is endorsed that they can shadow a township employee with the approval of the Township Manager, they are not an employee of the Township. Moreover, Worker’s Compensation would not be available to them. He stated that they would be basically waiving any rights to any type of claim for any injuries, and that they are doing the “shadowing” at their own risk. Township Manager stated that this item will be placed on the regular agenda to follow.
2. Hardyston Mercantile Mall – Township Attorney Fred Semrau stated that there is a long outstanding performance guarantee with respect to this project. He stated that there are certain things that it was bonded for, but it is questionable whether these are items that would even be permitted to be bonded for such as curbing, etc. He stated that the work still remains outstanding. He stated that he has looked at the records from over the past 15 years along with the Township Engineer. He stated that he has had communications with the bonding company and the bonding company feels that the statute of limitations has long since expired, and they were never noticed that the work had not been completed. He stated that the Township has exercised all that it can short of litigation, and it is not even clear if the work that needs to be completed was something that should have been allowed to be bonded for in the first place. Councilman Ross asked if the owner has been approached to complete these improvements. Township Manager stated that he has been contacted and has made some improvements to the buildings, but feels he is not required to put the top coat paving on the parking lot. Township Manager stated that she will reach out to him again.
3. Sexual Harassment Training Seminar – Fire Department – Township Attorney stated that the Fire Department has put together a sexual harassment policy and will be holding a training seminar at the firehouse.
4. Good Will Inter-Local Agreement with Hardyston Board of Education – Township Attorney Fred Semrau stated that from time to time there has been a request for services and assistance between the Township and the Board of Education. He stated that this agreement documents and allocates the responsibilities of the respective parties. Township Manager stated that this agreement was done at the request of George Morville, the Township’s Risk Manager. Township Manager stated that this item will be placed on the regular agenda to follow.
5. Brecia Farms Subdivision – A request has been made for a reduction of the performance bond. Township Attorney stated that the reduction has been recommended by the Township Engineer, however, there is a substantial amount of property taxes due on this property. He stated that the developer has agreed that the cash portion that would normally be refunded to him can be applied towards outstanding taxes. The resolution authorizing the bond reduction will be placed on the regular agenda to follow.
6. S-458 (Collection, Assessment, Health and Animal Control Bill) – Township Attorney stated that if this bill were to be approved it would consolidate the Tax Collector, the Tax Assessor, Health Services and Animal Control Services at the County level with charge backs to the municipalities. He stated that there is no study or information that shows it would be beneficial from a cost standpoint and that the personal service to the taxpayers would be lost. A resolution opposing this bill has been placed on the regular agenda to follow.

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

7. MOU Regarding Background Checks – Township Attorney stated that this relates to background checks and as part of new protocol the Township must enter into a Memorandum of Understanding with the New Jersey State Police VRO (Volunteer Review Operations). The resolution authorizing acceptance, approval and execution of the Memorandum of Understanding with the New Jersey State Police VRO has been placed on the regular agenda to follow.

F. Junkyard License Review – Central Auto Liquidators, Inc.

Township Manager stated that the Zoning Officer has inspected the premises and there are some compliance issues that will need to be addressed by the property owner. The Zoning Officer has given the property owner a deadline of April 1, 2010 for compliance.

G. Mailbox Replacement Policy and On-Street Parking During Winter Months

Township Manager and Robert F. Schultz, DPW Director discussed the current mailbox replacement policy. A discussion was also held regarding the problems with on-street parking during winter snow storms and the difficulty it creates for emergency vehicles and plows. Councilwoman Hamilton suggested sending out a reminder notice with the next tax bill. The Council agreed.

H. Status Report on Capital Projects

1. Solar Energy Generating Facility – Township Manager stated that the project is complete and it has received approval from the Office of Clean Energy.
2. South Side Sub-Station – Township Manager stated that the shell is near completion and the finished product has met our goal of restoring the historical look of the site.
3. Fire Pumper Truck Replacement – Township Manager stated that the truck is under construction and funds are reserved for refurbishment of old garbage truck packer body. She stated that once the new truck is received and put in operation, work will immediately begin to retrofit old chassis for public works utilization.
4. North Church Road Public Works Building – Township Manager stated that the land survey has been completed and final design work is near completion by the architect.
5. Revaluation – Township Manager stated that the revaluation has been completed and final assessments have been incorporated into the new tax book. She stated that the assessment cards will be mailed to property owners by March 15, 2010. She further stated that property owners have until May 1, 2010 to file a formal appeal of their assessment.

I. Revocation of Sewer Allocation HFH – Municipal Tax Lien

Township Manager stated that the HTMUA had to revoke sewer allocation from HFH for failure to pay their quarterly sewer charges.

J. Report of 2009 Accomplishments and 2010 Goals and Objectives

Township Manager asked the Council if they had any questions or comments on the report she previously provided to them. The Council had no questions or comments.

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

K. Monthly Reporting Scope Changes and Additions

Township Manager stated that she has asked the DPW, Planning and the Construction Department to provide some additional information in their monthly reporting.

L. County 911 Consolidation Study

Township Manager presented the Council with a copy of the County 911 Consolidation Study for their review.

M. 2010 Preliminary Budget Discussion

Township Manager discussed budget issues with regard to State Aid, health insurance costs, capital funding, and possible inter-local agreements.

N. Application to Receive Sustainable Community Recognition

Township Manager and Carrine Piccolo-Kaufer, Assistant Planner explained that the Sustainable Jersey Program is a certification program for New Jersey municipalities that have taken steps to “go green”, control costs and save money, and promote overall sustainability in their communities. Ms. Piccolo-Kaufer explained that in order for the township to register for the program, the Council would have to pass a resolution stating their intent to pursue Sustainable Jersey certification and designate a person to take charge of the process. She stated that after registering the Township the first step in achieving certification will be to establish a “green team”, which is a mandatory requirement for all participating municipalities. She further stated that the township would then identify which actions they have completed or plan to complete and submit all required documentation. She stated that municipalities that receive the certification are recognized at an annual awards ceremony at the League’s Annual Conference in November, and are recognized on the Sustainable Jersey website. She stated that if Hardyston receives the certification, it would provide publicity for the Township’s ongoing efforts to save on energy costs and promote healthy lifestyle choices. The Council was on-board with pursuing the certification.

O. Employee and Community Wellness Programming Update

Township Manager stated that a committee has been established and that the committee would first focus on employees, but the committee would like to expand it out to the community with possible programs such as health and wellness seminars. She stated that a meeting of the Wellness Committee is scheduled for March 10, 2010.

**PUBLIC COMMENT** (in accordance with P.L. 2002, c.80): A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Resident Frank Lacatena commented on the on-street parking during snow storms and concurs that it is a problem especially for emergency vehicles. He also asked about the status of Savannah’s Restaurant, which is located in the southern section of the township, because of a notice that was published in the New Jersey Herald regarding a liquor license transfer. Township Manager stated that there has been no transfer application filed with the Clerk’s office and Township Attorney Fred Semrau stated that he will look into the matter. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

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

**EXECUTIVE SESSION:**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston on the 9th day of March, 2010, that:

1. Prior to the conclusion of this **Workshop 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: Hamilton\_  
Seconded by: Ross

<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Ross	<u>  x  </u>	_____	_____	_____
Kievit	<u>  x  </u>	_____	_____	_____
Kula	<u>  x  </u>	_____	_____	_____
Hamilton	<u>  x  </u>	_____	_____	_____
Miller	_____	_____	_____	<u>  x  </u>

Motion carried.

A motion was made by Hamilton to come out of Executive Session, seconded by Ross. All in favor. Motion carried.

**COUNCIL COMMENTS:** No further comments.

**ADJOURNMENT:** At approximately 9:55 p.m., a motion was made by Ross to adjourn seconded by Hamilton. All in favor. Motion carried.

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Jane Bakalarczyk, RMC/CMC

Municipal Clerk