

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
MARCH 12, 2014**

The meeting was called to order by Mayor Kula at approximately 7:30 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 Miller, Councilwoman Hamilton, Councilman Verrilli, Councilman Cicerale, Manager/Deputy Clerk Marianne Smith, and Township Attorney Tracy Wang of Dorsey & Semrau.

**SALUTE THE FLAG**

**ORDINANCES**

**1st READING:**

**2014-03**

**CALENDAR YEAR 2014**

**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 .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,

**WHEREAS**, the Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2014 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 3.0% increase in the budget for said year, amounting to \$216,447.42 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 herein above 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 2014 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 \$252,521.99, and that the CY 2014 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.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 12, 2014**

A motion was made by Miller to approve Ordinance 2014-03 on first reading, seconded by Cicerale. All in favor. Motion carried.

**2014-04**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO ESTABLISH CHAPTER 3, "ADMINISTRATION OF GOVERNMENT," ARTICLE XVI, "ASSESSMENT COMMISSION," OF THE CODE OF THE TOWNSHIP OF HARDYSTON TO ESTABLISH A BOARD OF ASSESSMENT COMMISSIONERS.**

**WHEREAS**, the Township of Hardyston desires to create an Assessment Commission for the assessment for benefits for local improvements in accordance with N.J.S.A. 40:56-21 et seq.

**NOW, THEREFORE, 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.** Establish Chapter 3, "Administration of Government," Article XVI, "Assessment Commission" to state as follows:

**ARTICLE XVI. ASSESSMENT COMMISSION**

**§ 3-66. Creation.**

Pursuant to and in accordance with the provisions of N.J.S.A. 40:56-21 et seq., there is hereby created in the Township of Hardyston an Assessment Commission, the members of which shall be appointed by the Mayor with the advice and consent, by resolution, of the Township Council.

**§ 3-67. Membership; terms of office; vacancies; Alternate Commissioners.**

A. The Assessment Commission shall consist of three members, all of whom are residents of the Township, who shall be designated Commissioners.

B. The Commissioners shall be appointed for a term of three years. There shall also be two Alternate Commissioners appointed for a term of three years. All terms shall be computed from July 1 of the year of appointment. The Commissioners and Alternate Commissioners shall serve until their successors are appointed and shall qualify.

C. Vacancies shall be filled for the unexpired term only.

D. Alternate Commissioners shall serve as Commissioners in those cases where a Commissioner is unable to serve in connection with a specific project or projects.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 12, 2014**

§ 3-68. Conflict of interest.

In the event that any Commissioner shall be in any way interested in any local improvement, he shall be disqualified from exercising the powers hereinabove conferred with respect to that improvement, and the Mayor, with the advice and consent of the Township Council, shall appoint an Alternate Commissioner or, if said Alternate Commissioner shall not qualify, some other qualified person or persons to act in his place with respect to that improvement only.

§ 3-69. Powers and duties.

The Assessment Commission shall be and hereby is charged with the duty of making all assessments for benefits for local improvements within the Township of Hardyston in accordance with the duties imposed upon it by virtue of N.J.S.A. 40:56-21 et seq., inclusive, and shall, in addition, have and exercise all of the powers authorized by the aforesaid statutes.

§ 3-70. Procedures and guidelines.

A. The Commissioners shall be required to:

- (1) Examine the subject property after completion of the improvement.
- (2) Schedule a time, date and location for a hearing to be held in connection with assessment and shall notify all owners of all real estate affected directly by mail and by publication in the appropriate newspaper, all pursuant to N.J.S.A. 40:56-25.
- (3) Conduct a hearing with a quorum of at least two Commissioners, all in accordance with N.J.S.A. 40:56-26.
- (4) Determine what if any incidental damages to the property owner(s) should go toward reducing the amount of the assessment.
- (5) Certify the amount of the assessment to the Mayor and Council by a written report duly signed and accompanied by a map showing the subject real estate.

B. The Assessment Commission shall report to the Mayor and Council as to its determination, pursuant to N.J.S.A. 40:56-30, within 45 days of the Commission being notified that assessments are required. The Commission shall conduct a hearing before issuing its report, and the property owners who may be assessed shall have the opportunity to address the Assessment Commission at the hearing.

C. Pursuant to N.J.S.A. 40:56-30, the report may be considered by the Mayor and Council at any meeting after receipt, provided that the Township Clerk gives at least two weeks'

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 12, 2014**

prior notice, which notice shall have been posted in five public places in the Township; or published in a newspaper circulating in the Township, once in each week for two weeks prior to the meeting; and by mailing a copy of the notice to the owner or owners named in the report, directed to the last known post-office addresses of said owner or owners. The affidavit of the Township Clerk shall be conclusive to evidence such mailing. The notice shall briefly state the object of the meeting with reference to the assessment. At that or any subsequent meeting, the Mayor and Council, after considering the report and map, may adopt and confirm the report with or without alteration, as may seem proper, and/or may refer the matter to any committee of the Council or to the Commission for revision or correction before taking final action.

**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, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.**This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

A motion was made by Hamilton to approve Ordinance 2014-04 on first reading, seconded by Miller. All in favor. Motion carried.

**ORDINANCES**  
**2nd READING:**

**None**

**NEW BUSINESS:**

- A. Resolution #19-14 – Farmland Preservation Program Application – Mark Miskovic & Phyllis Lofton, Block 75, Lot 72.01 and Block 75, Lot 72.02

**RESOLUTION #19-14**

BE IT RESOLVED that the Mayor and Council of the Township of Hardyston, in the County of Sussex, State of New Jersey, does hereby express its support for the Farmland Preservation program and gives preliminary approval of the following application(s).

BE IT ALSO RESOLVED that approval is given for this application to be submitted to the State Agriculture Development Committee by the Sussex County Agriculture Development Board for County reimbursement consideration when State funding for farmland preservation is available.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 12, 2014**

Mark Miskovic & Phyllis Lofton,  
Miskovic Farm

Block 75, Lot 72.01  
± 129.63 acres  
Block 75, Lot 72.02  
± 7.02 acres

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

- B. Resolution #20-14 – Resolution providing for increase in Reserve for Uncollected Taxes Percentage

**RESOLUTION #20-14  
RESOLUTION PROVIDING FOR INCREASE IN  
RESERVE FOR UNCOLLECTED TAXES PERCENTAGE**

WHEREAS, the Township of Hardyston collected only 96.83% of the 2013 taxes due to an increase in taxpayers being delinquent as a result of unfavorable economic conditions in the local economy and real estate markets for 2013, 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>
2013	96.83
2012	97.11
2011	<u>97.84</u>
Total	<u>291.78</u>
3-Year Average	97.26%

WHEREAS, the lower percentage collected in 2013 has an effect on the "Reserve for Uncollected Taxes" in 2014, and

WHEREAS, the Governing Body desires to anticipate 97.16% collection for 2014, 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 97.16% collection of taxes in 2014 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 Hamilton to approve the resolution as presented, seconded by Verrilli. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 12, 2014**

C. Resolution #21-14 – 2013 Budget Transfer Resolution

**Resolution #21-14**

Now, Therefore be it resolved by the Township Council of the Township of Hardyston, State of New Jersey, That the following 2013 Budget Appropriation Reserves transfers be authorized:

Transfer From:		Transfer To:	
Gasoline	3,453.16	Tax Assessor OE	3,453.16
Gasoline	395.16	Police Uniform OE	395.16
Diesel Fuel	3,404.84	Police Uniform OE	3,404.84
Court OE	987.11	Administration OE	987.11
Aid to Ambulance	268.60	Build & Grds OE	268.60
Construction S&W	1.00	Unemployment Ins	1.00
Totals	8,509.87	Totals	8,509.87

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

D. Resolution #22-14 - Resolution authorizing the execution of the following shared service agreements:

1. Temporary Fire Official – Vernon Township
2. Municipal Housing Liaison – Sparta Township
3. Street Sweeping – Hamburg Borough

**RESOLUTION #22-14**

**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:

1. Temporary Fire Official – Vernon Township
2. Municipal Housing Liaison – Sparta Township
3. Street Sweeping – Hamburg Borough

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

E. 2014 Budget Introduction

Township Manager gave a written and verbal presentation of the 2014 Municipal Budget. A motion was made by Hamilton to approve the 2014 Municipal Budget as introduced, seconded by Miller. All in favor. Motion carried. Public hearing and adoption of the budget is scheduled for April 9, 2014.

**BILLS TO BE PAID:** A motion was made by Hamilton to approve the bill list as presented, seconded by Miller. 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 Debbie Caggianese asked where the truck fills up with water for the street sweeping of Hamburg Borough. She stated that she noted that the truck was filling up in Indian Fields. Township Manager and Councilman Cicerale stated that the water the sweeper fills up with is a small amount the Hardyston DPW takes from the fire hydrant

and it is not metered water. Councilman Cicerale stated that the residents do not pay for it. He stated that it is an agreement that Hamburg Borough has with the HTMUA.

Resident Roger O'Brien asked whether the water from the fire hydrant was coming out of the same source as their drinking water. Councilman Cicerale stated that it does, since it comes out of the well, but it does not go through meters. Mr. O'Brien also stated that he is still waiting to hear from the DPW as to whether the Township Engineer has to inspect a meter on the irrigation system that appears to be broken. Township Manager stated that she believes the meters are the homeowner's responsibility, but she will check with the Township Engineer. Resident Debbie Caggianese asked when the HTMUA meetings are held. Councilman Cicerale stated that they are held the first Monday of each month.

Resident Roger O'Brien expressed his gratitude to the Council and to the Township Attorney for providing him with information he requested in a timely manner. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Miller to adjourn at approximately 7:50 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk