

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
AUGUST 15, 2006**

The meeting was called to order by Mayor Hamilton at 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: Councilman Kievit, Councilman Lasinski, Councilman Ross, Manager Marianne Smith and Clerk Jane Bakalarczyk

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 – July 2006
2. Construction Official Report – July 2006
3. Tax Collector Report – July 2006
4. Sales Listing Report – 1/1/06 – 7/31/06
5. Planning Board – Minutes/Resolutions
6. Finance Officer Report – June 2006
7. Municipal Court Report – July 2006
8. HTMUA – Minutes of 6/14/06
9. Interdepartmental Land Use Meeting – Minutes of 7/27/06

Minutes:

1. Regular Minutes of 7/18/06
2. Executive Session Minutes of 7/18/06
3. Workshop Minutes of 8/8/06
4. Executive Session Minutes of 8/8/06

Licenses:

1. On-Premise 50/50 Raffle – Pass It Along
2. Off-Premise 50/50 Raffle – Cedar Mountain SCA
3. Tricky Tray – Cedar Mountain SCA
4. Raffle – NRA Foundation NJ State Fund Committee

Applications:

1. Fire Department New Member Application – Donald R. Emory

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

OLD BUSINESS:

ORDINANCES:

1st READING: 2006-17

**AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING
LIAISON FOR THE PURPOSE OF ADMINISTERING HARDYSTON
TOWNSHIP'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE
FAIR HOUSING ACT.**

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BE IT ORDAINED by the Mayor and Township Council of Hardyston Township in the County of Sussex and State of New Jersey that the following amendments be made to the Code of the Township of Hardyston.

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of Hardyston Township's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Section 2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MUNICIPAL HOUSING LIAISON – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Hardyston Township.

ADMINISTRATIVE AGENT - The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Hardyston Township to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low-and moderate-income households.

Section 3. Establishment of Municipal Housing Liaison Position and Compensation; Powers and Duties.

Establishment of position of Municipal Housing Liaison. There is hereby Established the position of Municipal Housing Liaison for Hardyston Township.

- A. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Hardyston Township, including the following responsibilities which may not be contracted out:
 - (1) Serving as Hardyston Township's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 - (2) Monitoring the status of all restricted units in Hardyston Township's Fair Share Plan;
 - (3) Compiling, verifying and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in Hardyston Township as described in F. below.

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- C. Subject to approval by COAH, Hardyston Township may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of Hardyston Township. If Hardyston Township contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- D. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- E. Administrative powers and duties assigned to the Municipal Housing Liaison.

Section 4. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 5. Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

A motion was made by Kievit to approve Ordinance 2006-17 on first reading, seconded by Ross. All in favor with Lasinski voting "No". Motion carried.

**ORDINANCES:
2nd READING:**

2006-13

AN ORDINANCE TO AMEND CHAPTER 88,
SECTION 2, OF THE CODE OF THE TOWNSHIP OF HARDYSTON,
CONSTRUCTION CODE FEES

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BE IT ORDAINED by the Township Council of the Township of Hardyston that Chapter 88, Section 2, of the Code of the Township of Hardyston is hereby amended as follows:

A. Construction permit fees (88.2)

The fee for a construction permit shall be the sum of all subcode applications, plus all administrative and miscellaneous fees listed in 1 through 11 below. All fees will be rounded to the nearest dollar and shall be paid before the permits are issued, unless otherwise stated. The minimum construction permit fee shall be \$50.00.

Building Subcode fees are as follows:

1. For new construction for buildings of Use Groups F and S the fee shall be \$0.018 per cubic foot and \$0.028 per cubic foot for all other Use Groups provided that the minimum fee shall be \$50.00. The fee for new commercial farm structures as per N.J.A.C. 5:23-3.2(d) shall be 0.0005 per cubic foot. For pre-manufactured construction, in addition to applicable cubic footage, fees shall be computed at a rate of \$35.00 per \$1,000.00 of the estimated cost of onsite construction associated with completion of the structure.
2. For renovations, alterations, and repairs are based on the estimated cost of the work. The fee shall be \$20.00 per \$1,000 up to \$100,000.00; provided that the minimum fee shall be \$50.00. From \$100,000.00 up to and including \$500,000.00, the additional fee shall be in the amount of \$12.00 per \$1,000.00. Above \$500,000.00, the additional fee shall be in the amount of \$10.00 per \$1,000.00 of the estimated cost above \$500,000.00.
3. The fee for open decks, porches and raised platforms shall be \$.25 per square foot provided that the minimum fee shall be \$50.00.
4. Fees for combination renovations and additions shall be the sum of the fees computed separately in accordance with (1), (2) and (3) above.
5. The fee for a permit to re-roof an existing structure shall be \$35.00 for all structures of Use Group R-5 and \$15.00 per \$1,000.00 of the estimated cost of the work for all other Use Groups, with a minimum fee of \$50.00.
6. The fee for a permit to re-side or veneer an existing structure shall be \$35.00 for all structures of Use Group R-5 and \$15.00 per \$1,000.00 of the estimated cost of the work for all other Use Groups, with a minimum fee of \$50.00.
7. Fees for retaining walls shall be as follows:
 - a. The fee for a retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be \$150.00.
 - b. The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall be \$75.00.
 - c. The fee for a newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of the construction as per #2 above.
8. The fee for temporary structures and structures for which volume cannot be computed, such as aboveground swimming pools and open structural towers, shall be \$125.00. The fee for an in-ground swimming pool shall be \$175.00. These fees shall include all required pool enclosures.
9. The fee for fencing exceeding six feet in height shall be \$50.00.
10. The fee for a permit to construct a sign shall be \$1.00 per square foot computed on one side only for single or double-faced signs provided that the minimum fee shall be \$50.00.
11. Reserved.
12. The fee for installation or replacement of storage systems of flammable and combustible liquids shall be \$25.00 per tank up to and including those with a capacity of 1,000 gallons, and \$50.00 per tank for those with capacities exceeding 1,000 gallons.

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13. The fee for a demolition permit issued for the removal of underground storage tanks for flammable and combustible liquids shall be \$50.00 per tank up to and including those with a capacity of 1,000 gallons and \$50.00 per tank for those with capacities exceeding 1,000 gallons.
14. The fee for a permit to demolish a building or structure shall be as follows: Use Groups R-3 and R-5 shall be \$50.00; buildings and structures incidental to Use Groups R-3 and R-5 shall be \$25.00 and all other Use Groups shall be \$100.00.
15. The fee for mechanical inspection in a Use Group R-3 or R-5 structure by a mechanical inspector shall be \$50.00 for the first device and \$10.00 for each additional device. No separate fee shall be charged for gas, fuel oil, or water piping connections associated with the mechanical equipment inspected.

Plumbing Subcode fees are as follows:

1. The fee for each fixture, stack or appliance connected to the plumbing system shall be \$8.00.
2. The fee for each special device including grease traps, oil separators, air conditioning or refrigeration units, water and sewer connections, flammable and combustible liquid storage tanks, backflow preventers, steam or hot water boilers, gas piping, active solar systems, sewer pumps, interceptors and fuel oil piping shall be \$40.00.
3. The minimum permit fee for work including the plumbing subcode shall be \$50.00.

Fire Protection Subcode fees are as follows:

1. Wet or dry sprinkler suppression systems as per the following numbers of heads:

1 - 50	\$ 50.00
51 - 100.....	100.00
101 - 400.....	150.00
401 - 1000.....	400.00
Over 1000	650.00
2. Fee for each standpipe..... \$150.00
3. Fee for each gas or oil fired appliance not connected to the plumbing system..... \$ 25.00
4. Commercial kitchen exhaust system, each \$ 50.00
5. Pre-engineered suppression systems, each \$ 75.00
6. Fuel storage tanks (underground or above ground, installation only) each:

1 to 1000 gallons	\$ 25.00
1001 to 4000 gallons	50.00
Over 4000 gallons	100.00
7. Smoke or heat detectors:

1 – 20.....	\$35.00
21 - 100.....	50.00
101 - 200.....	100.00
201 - 400.....	150.00
401 - 1000.....	250.00
Over 1000	350.00
8. Manual or automatic alarm systems..... \$ 50.00
9. Central control system..... \$ 50.00

The fire protection subcode fee shall be a minimum of \$40.00 for single-family dwellings; and \$75.00 for all other structures.

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Electrical Subcode fees are as follows:

1. The fees for electrical receptacles, fixtures and devices are as follows:
 - a. For the first block consisting of one to 50 receptacles, fixtures, or device.. \$50.00
 - b. For each additional block consisting of up to 25 receptacles, fixtures, or devices\$8.00

2. The fees for electrical devices/generators/transformers, motors, or air conditioner feeders and disconnects are as follows:
 - a. For each electrical device/generator/transformer or motor rated up to 10 kw or 10 hp;..... \$15.00
 - b. For each electrical device/generator/transformer rated over 10 kw to 45 kw; For each motor rated over 10 hp to 50 hp; or \$ 40.00
 - c. For each electrical device/generator/transformer rated over 45 kw to 112.5 kw; For each motor rated over 50 hp to 100 hp; or For each air conditioner feeder and disconnect, Commercial: 51 hp or over, plus unit \$ 85.00
 - d. For each electrical device/generator/transformer rated over 112.5 kw \$420.00
 - e. For each motor over 100 hp \$420.00

3. The fees for service panels/service entrances/sub panels are as follows:
 - a. For each service panel/service entrance/sub panel from 0 to 200 amps \$ 40.00
 - b. For each service panel/service entrance/sub panel over 200 to 1,000 amps \$ 85.00
 - c. For each service panel/service entrance/sub panel over 1,000 amps \$423.00

4. The fee charged for electrical work for each permanently installed private swimming pool, spa, hot tub or fountain as defined in the building subcode shall be a flat fee of \$45.00 which shall include any required bonding, and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles, and heaters, etc., excepting panel boards and under-water lighting fixtures. For public swimming pools, the fee shall be charged on the basis of number of electrical fixtures and rating of electrical devices involved in accordance with 1 through 3 above.

5. The fees for pool permit, with UW lights \$ 5.00

6. The fees for storable pool/spa/hot tub \$ 5.00

7. The fees for signs \$ 5.00

8. The fees for light standards \$ 5.00

9. The minimum permit fee for work including the Electrical subcode shall be \$50.00.

Administrative and Miscellaneous Fees:

1. The fee for plan review shall be twenty percent (20%) of the amount to be charged for the construction permit and shall be paid before the plans are reviewed. This fee shall be credited toward the amount of the construction permit fee.

2. The fee to process an application for a variance pursuant to N.J.A.C. 5:23-2.10 shall be as follows:
 - a. Class I Structure \$100.00
 - Resubmission \$ 50.00

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| b. | Class II Structure | \$ 50.00 |
| | Resubmission | \$ 25.00 |
| c. | Class III Structure | \$ 30.00 |
| | Resubmission | \$ 15.00 |
3. An administrative surcharge fee of fifteen percent (15%) shall be charged on each subcode application issued by any third party agency contracted by the Township of Hardyston.
 4. The fee for the reinstatement of a lapsed permit shall be twenty percent (20%) of the original fee calculated per subcode application; provided that the minimum fee shall be as per subcode.
 5. The fee for each construction permit and certificate of occupancy issued for an asbestos hazard abatement project shall be as set forth in N.J.A.C. 5:23-8.10, 1 and 2.
 6. The fee for a permit for lead hazard abatement work shall be \$125.00. The fee for a lead hazard abatement clearance certificate shall be \$25.00.
 7. The fees for certificates of occupancy are as follows:

a.	Certificate of occupancy for one and two family dwellings.....	\$50.00
b.	Certificate of occupancy for accessory buildings to one and two family dwellings	\$ 20.00
c.	Certificate of occupancy for buildings or structures of all other Use Groups.....	\$75.00
d.	Certificate of occupancy for accessory buildings of all other UseGroups	\$ 35.00
e.	Multiple certificates of occupancy for all Use Groups, per unit.....	\$50.00
f.	Certificates of occupancy for Change of Use Group only	\$100.00
g.	Certificates of Continued Use or occupancy	\$150.00
h.	The fee for first issuance or renewal of a Temporary Certificate of Occupancy shall be	\$ 30.00
 8. Certificates of Compliance as required by N.J.A.C. 5:23-2.23(k) are as follows:

a.	High pressure boilers (12 months)	\$ 50.00
b.	Refrigeration systems (12 months)	\$ 25.00
c.	Pressure vessels (12 months)	\$ 50.00
d.	Cross connections and backflow preventers (12 months)	\$ 50.00
 9. State of New Jersey permit fee shall be in the amount of \$0.00265 per cubic foot of volume of all new construction and \$1.35 per \$1,000.00 of estimated cost for alterations and repairs or as currently posted in the regulations. These fees are set by and shall be accounted for and forwarded to the Bureau of Regulatory Affairs as per N.J.A.C. 5:23-4.19(C)1.
 10. The fee for a change of contractor shall be \$ 15.00
 11. The fee for a letter stating that no certificate of continued occupancy is required shall be \$ 20.00

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. A motion was made by Kievit to approve Ordinance 2006-13 on second reading, seconded by Lasinski. All in favor. Motion carried.

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2006-14

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON AMENDING SECTION 185-9D ENTITLED "AFFORDABLE HOUSING DEVELOPMENT FEES" OF CHAPTER 185 ENTITLED "ZONING" TO INCREASE THE AFFORDABLE HOUSING TRUST FUND FEE FOR COMMERCIAL AND INDUSTRIAL USES TO TWO (2) PER CENT

NOW THEREFORE, be it ordained by the Township Council of the Township of Hardyston, State of New Jersey as follows:

SECTION 1.

Subsection 185-9D(1)(a) of Section 185.9D entitled "Affordable housing development fees" is amended to delete the number "... .5%" after the phrase "mandatory commercial and industrial development fee shall be..." and to replace it with the number "...2%".

SECTION 2. Severability. - If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 3. This ordinance shall take effect after publication and passage according to law.

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. A motion was made by Kievit to approve Ordinance 2006-14 on second reading, seconded by Ross. All in favor with Lasinski voting "No". Motion carried.

2006-15

AN ORDINANCE TO REPLACE CHAPTER 100 OF THE HARDYSTON TOWNSHIP CODE ENTITLED "GAMES OF CHANCE"

BE IT ORDAINED by the Township Council of the Township of Hardyston that Chapter 100 of the Hardyston Township Code, entitled "Games of Chance", be and is hereby replaced as follows:

Section 1.

§100-1 Games of Chance

Application shall be made for a license to conduct games of chance in accordance with the Bingo Licensing Law (N.J.S.A. 5:8-24 *et seq.*) and the Raffles Licensing Law (N.J.S.A. 5:8-50 *et seq.*) and applicable provisions of the New Jersey Administrative Code.

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§100-2 Issuing Authority

The authority to approve the granting of bingo and raffle licenses is delegated to the municipal clerk.

§100-3 Games of chance permitted on Sundays

It shall be legal to conduct games of chance on Sundays within the Township of Hardyston.

Section 2. Severability. If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Ordinance. Any ordinance or portion thereof that may be inconsistent with the ordinance is hereby repealed to the extent of the inconsistency.

Section 3. Effective date. This Ordinance shall take effect in the time and manner prescribed by law.

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. A motion was made by Kievit to approve Ordinance 2006-15 on second reading, seconded by Ross. All in favor. Motion carried.

2006-16

**AN ORDINANCE CREATING CHAPTER 27 OF THE
HARDYSTON TOWNSHIP CODE ESTABLISHING A
HOTEL AND MOTEL OCCUPANCY TAX**

WHEREAS, P.L. 2003, c. 114 (codified as N.J.S.A. 40:48F-1 *et seq.*) authorizes the governing body of a municipality to adopt an ordinance imposing a hotel and motel occupancy tax at a uniform percentage rate not to exceed 3% on charges of rent for every occupancy of a room or rooms in a hotel or motel.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston that Chapter 27 of the Hardyston Township Code, entitled "Hotel and Motel Occupancy Tax", be adopted as follows:

Section 1.

§27-1 Hotel and Motel Occupancy Tax.

- A. There is hereby established a hotel and motel occupancy tax which is fixed at a uniform rate of 3% on charges of rent for every occupancy of a room or rooms in a hotel or motel in the Township of Hardyston.
- B. For purposes of this chapter an occupant is a person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel or motel.
- C. The hotel and motel occupancy tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room.
- D. All taxes imposed by this chapter shall be paid by the occupant.
- E. A vendor shall not assume or absorb any tax imposed by the chapter.

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F. A vendor shall not in any manner advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the tax will be assumed or absorbed by the vendor, that the tax will not be separately charged and stated to the customer, or that the tax will be refunded to the customer.

G. Each assumption or absorption by a vendor of the tax shall be deemed a separate offense and each representation or advertisement by a vendor for each day the representation or advertisement continues shall be deemed a separate offense.

H. The penalty for violation of this chapter shall be a fine of not less than \$100.00 nor more than \$2,000.00.

I. The tax imposed by this chapter shall be collected on behalf of the Township by the person collecting the rent from the hotel or motel customer. Each person required to collect the tax imposed by this chapter shall be personally liable for the tax imposed, collected or required to be collected hereunder. Any such person shall have the same right to collect the tax from a hotel or motel customer as if the tax were a part of the rent and payable at the same time; provided, however, that the chief fiscal officer of the Township shall be joined as a party in any action or proceeding brought to collect the tax.

Section 2.

A copy of this Ordinance shall be transmitted to the State Treasurer.

Section 3. Severability and repealer. If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Ordinance.

Any ordinance previously adopted or portion thereof that may be inconsistent with the ordinance is hereby repealed to the extent of the inconsistency.

Section 4. Effective date. This Ordinance shall take effect in the time and manner prescribed by law.

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. A motion was made by Kievit to approve Ordinance 2006-16 on second reading, seconded by Lasinski. All in favor. Motion carried.

NEW BUSINESS

A. Tax Collector Resolution

RESOLUTION # 04-06

WHEREAS, Block 41 Lot 11 Qualification BLDG cell tower for 29 Stockholm was assessed and billed for property taxes in 2001, and

WHEREAS after speaking to Scott Holzhauser this parcel was created in error and the property taxes for 2001 should be canceled as per the Auditors,

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NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector cancel the amount of \$ 3,918.84 for 2001 taxes.

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

B. Appointment to Planning Board

1. Alternate I – Brian Kaminski
2. Alternate II – Stanley Kula

A motion was made by Ross to appoint Stanley Kula to the Alternate II position on the Planning Board and move Brian Kaminski up to the Alternate I position, seconded by Lasinski. All in favor. Motion carried.

C. Appointment to HTMUA

1. Full Member – Stanley Kula

A motion was made by Ross to appoint Stanley Kula to fill the unexpired term of Wayne Ricker who recently resigned from the Board, seconded by Kievit. All in favor. Motion carried.

D. Resolution of the Township of Hardyston naming certain properties to participate in the Farmland Preservation Program

BE IT RESOLVED that the Mayor and Council of the Township of Hardyston, County of Sussex, State of New Jersey, does hereby express its support for the Farmland Preservation Program and gives final approval of the following applications for the 2007 funding round of the State Agriculture Development Committee contingent upon final approval from the State Agriculture Development Committee:

Pam Kronyak	Block 70, Lot 1
	Block 71, Lot 1
	Block 74, Lot 20

Total Acres: Approximately 56 acres

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

E. Resolution canceling outstanding check balances

Whereas, Certain Accounts within the Township of Hardyston, with outstanding check balances from checks not returned or unclaimed; and

Whereas, It is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective account balance or credited to surplus;

Now, Therefore, be it resolved, by the Mayor and Council of the Township of Hardyston, that the following outstanding check balances within the following checking accounts be canceled:

Check #	Fund Name	Amount
2078	Clearing Account	\$ 420.99
22325	Payroll Account	\$ 36.06
22519	Payroll Account	\$ 36.06

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22621	Payroll Account	\$	36.06
22806	Payroll Account	\$	2.96
22869	Payroll Account	\$	113.03
22977	Payroll Account	\$	31.56

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

F. Amusement Device License – Skylands Ice World

A motion was made by Ross to approve the 2006-2007 Amusement Device License for Skylands Ice World conditional upon passing the required inspections of the Fire Official and the Police Department, seconded by Kievit. All in favor. Motion carried.

G. Resolution authorizing the Township Manager to execute the following:

1. NJDEP Treatment Works Application – Christian Faith Fellowship Church Expansion (Block 75, Lots 60, 61 & 62)

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

H. Resolution awarding bid For One (1) New 2006 New Holland L170 Skid Steer Loader Or Equivalent to Seely Equipment & Supply Co.

WHEREAS, bids for One New Holland L170 Skid Steer Loader or Equivalent were advertised according to law in the New Jersey Herald; and

WHEREAS, bids for said purchase were opened at the Hardyston Township Municipal Building at 11:00 a.m. on Wednesday, August 9, 2006; and

WHEREAS, bids have been reviewed by the Department of Public Works and the Township Attorney; and

WHEREAS, Seely Equipment & Supply Co. submitted the low bid, in the amount of \$23,400.00; and

WHEREAS, the Township Treasurer has certified that adequate funds exist in the 2006 Budget; and

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby awards the bid for One New Holland L170 Skid Steer Loader or Equivalent to Seely Equipment & Supply Co. in the amount of \$23,400.00.

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

- I. Resolution releasing a cash bond in the amount of \$25,880.00 and a Letter of Credit in the amount of \$100,000.00 to GNB Holdings, LLC (All County Fuel Oil Company)

WHEREAS, as part of the Planning Board approval, All County Fuel Oil Company/GNB Holdings, LLC was required to post performance bonds for site improvements; and

WHEREAS, All County Fuel Oil Company/GNB Holdings, LLC has posted a Cash Bond in the amount of \$25,880.00 and a Letter of Credit in the amount of \$100,000.00 in compliance with the Planning Board approval and upon the recommendation of the Township Engineer; and

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WHEREAS, All County Fuel Oil Company/GNB Holdings, LLC has requested a release of these bonds due to completion of improvements; and

WHEREAS, the Township Engineer has reviewed the request of All County Fuel Oil Company/GNB Holdings, LLC and has inspected the site improvements constructed in conjunction with this project and found the project to be in general conformance with the approved site plan; and

WHEREAS, the Township Engineer has recommended release of these bonds.

NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that the bonds be released in accordance with the recommendation of the Township Engineer.

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

J. Resolution authorizing the Township Manager to execute the following:

1. Shared Service Agreement between Franklin Borough Board of Education and Hardyston Township – Utilization of Hardyston Township Fueling Facility

BE IT RESOLVED by the Township Council of the Township of Hardyston that the Township Manager is hereby authorized to execute the following contracts, leases and/or agreements:

1. Shared Service Agreement between Franklin Borough Board of Education and Hardyston Township – Utilization of Hardyston Township Fueling Facility

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

K. Resolution authorizing the Township of Hardyston to enter into a “Renewal” Cooperative Pricing Agreement with the Morris County Cooperative Pricing Council

A Resolution authorizing the Township of Hardyston to enter into a “Renewal” Cooperative Pricing Agreement with the Morris County Cooperative Pricing Council, hereinafter referred to as the “Lead Agency” for the conduct of certain functions relating to the purchase of work materials and supplies for their respective jurisdictions.

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

This Resolution shall be known and may be cited as the “Renewal” Cooperative Pricing Council Resolution of the Township of Hardyston.

Pursuant to the provisions of N.J.S. 40A:11-11(5), the Township Council of the Township of Hardyston is hereby authorized to enter into a “Renewal” Cooperative Pricing Agreement with the Lead Agency or any other contracting unit within the County of Morris or adjoining counties for the purpose of work, materials and supplies.

The Lead Agency entering into contracts on behalf of the Township of Hardyston shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

All resolutions or parts thereof inconsistent with this resolution shall be and the same are hereby repealed.

This “Renewal” Cooperative Pricing Council Resolution shall be effective October 1, 2006 and such membership shall be for the duration of (five (5) years) of the “Renewal” Cooperative

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Pricing Agreement, expiring September 30, 2011, unless the "Lead Agency" and the Division of Local Government Services, elects to withdraw.

This Resolution shall take effect immediately upon final passage and publication according to law.

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

- L. Resolution of the Township Council of the Township of Hardyston expressing its intent to provide the funds necessary for the satisfaction of the Township's Affordable Housing Obligations

WHEREAS, the Township of Hardyston desires to continue complying with its affordable housing obligations for the Council On Affordable Housing's (COAH's) third housing cycle, which includes the period between January 1, 2004 and December 31, 2014; and

WHEREAS, on December 6, 2005, the Township Planning Board adopted an amendment to its approved Master Plan Housing Element and Fair Share Plan; and

WHEREAS, on December 6, 2005, the Township Council formally endorsed the adopted Housing Element and Fair Share Plan and resolved to file the adopted and endorsed plan with the Council On Affordable Housing; and

WHEREAS, the Township filed the adopted and endorsed Housing Element and Fair Share Plan with the Council On Affordable Housing on December 13, 2006; and

WHEREAS, the Township is committed to implementing the plan; and

WHEREAS, the Township anticipates that funding for the plan shall be addressed, in part, through development fees collected pursuant to the Township's Development Fee Ordinance and/or through growth share fees collected pursuant to the Township's Growth Share Ordinance; and

WHEREAS, the Township also is aware that it is possible that the anticipated funding may not suffice to satisfy the full costs of this affordable housing program; and

WHEREAS, the Township wishes to express its commitment to cover the costs of any shortfalls between the full costs of its plan, and thereby demonstrate that its affordable housing program is realistic.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston, County of Sussex, State of New Jersey, that the governing body hereby agrees to

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provide the funding of any shortfalls of the full cost of its plan, which accrue either due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that said shortfalls shall be funded through the general revenue fund by bonding, or any other legal means which the governing body deems reasonable and appropriate to meet said funding shortfall.

A motion was made by Kievit to approve the resolution as presented, seconded by Ross. All in favor with Lasinski voting "No". Motion carried.

M. Resolution authorizing the Township Manager to execute the following:

1. NJ Department of Military and Veterans Affairs – Facility Use Agreement

BE IT RESOLVED by the Township Council of the Township of Hardyston that the Township Manager is hereby authorized to execute the following contracts, leases and/or agreements:

1. NJ Department of Military and Veterans Affairs – Facility Use Agreement
#07057

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

N. Correspondence

1. Township of Wantage
2. Township of Wantage
3. Borough of Dunellen
4. Township of Hampton
5. NJ State League of Municipalities
6. NJ State League of Municipalities
7. NJ State League of Municipalities
8. NJ State League of Municipalities
9. NJ State League of Municipalities
10. NJ State League of Municipalities
11. NJ State League of Municipalities
12. NJ State League of Municipalities
13. NJ State League of Municipalities
14. NJ State League of Municipalities
15. NJ State League of Municipalities
16. NJ State League of Municipalities
17. NJ State League of Municipalities
18. NJ State League of Municipalities
19. NJ State League of Municipalities
20. NJ State League of Municipalities
21. NJ State League of Municipalities
22. NJ State League of Municipalities
23. NJ State League of Municipalities
24. NJ State League of Municipalities
25. Council On Affordable Housing Newsletter
26. Schoor DePalma

A motion was made by Ross to approve the correspondence, seconded by Lasinski. All in favor. Motion carried.

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MANAGERS REPORT: Township Manager Marianne Smith gave a written and verbal overview of status of operations at the mid-year point as of July 2006.

BILLS TO BE PAID: A motion was made by Ross to approve the bill list as presented, seconded by Kievit. All in favor with Kievit abstaining on payment to DeVita. Motion carried.

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Two residents of Shady Lane had concerns with regard to runoff and standing water as a result of Ridgefield Commons construction. The residents were told that their concerns would be referred to the Township Engineer. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

EXECUTIVE SESSION: WHEREAS, NJSA 10:4-12 allows for a Public body to go into closed session during a Public meeting, and

WHEREAS, the Township Council of the Township of Hardyston has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public.

WHEREAS the regular meeting of this council will reconvene.

NOW THEREFORE BE IT RESOLVED, that the Township Council of Hardyston Township will go into closed session for the following reason as outlined in NJSA 10:4-12:

X Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose right could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

Motion to adopt: Ross
 Seconded by: Hamilton
 Discussion: None

<u>MOTION</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ross	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Kievit	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Lasinski	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Hamilton	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Armstrong	<u> </u>	<u> </u>	<u> </u>	<u> x </u>

Motion carried.

ADJOURNMENT: A motion was made by Ross to adjourn, seconded by Kievit. All in favor. Motion carried.

 Jane Bakalarczyk, RMC/CMC
 Municipal Clerk