

TOWNSHIP OF HARDWICK
WARREN COUNTY, NEW JERSEY

December 1, 2010
Monthly Meeting

The monthly meeting of the Hardwick Township Committee was held on this date at the Municipal Building, 40 Spring Valley Road, Hardwick New Jersey. This meeting was called to order at 6:35 PM by the Township Clerk Judith Fisher. Mrs. Fisher noted that this meeting was being held in accordance with the "Open Public Meetings Act. Mrs. Fisher then led the public in a pledge of allegiance. Present were Mayor Duffy, Deputy Mayor, Alfred Carrazzone, and Committeeman James Perry. Also present were CPWM Thomas Campbell, CFO Amy Maronpot, Attorney Michael Lavery, Deputy Clerk Beth Dwyer, Township Engineer Ted Rodman and Township Clerk Judith Fisher.

Executive Session

Mr. Perry moved that the Committee adjourn to Executive Session at 6:36 PM to discuss Litigation regarding Mr. Beard, an Attorney Client matter regarding an old Bond Ordinance and a Contractual matter regarding Little Hill Foundation. Mr. Carrazzone seconded the motion and a voice vote of the committee was unanimous.

Resolution

Whereas, Section 8 of the Open Public Meeting Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

Whereas, this public body is of the opinion that such circumstances presently exists.

Now, therefore, be it resolved, by the Township Committee of the Township of Hardwick, in the County of Warren and the State of New Jersey as follows;

1. The public shall be excluded from that portion of this meeting
2. The general nature of the subject matter to be discussed is as follows;
 - a. Pending Litigation regarding Mr. Beard and his Certificate of Occupancy
 - b. Attorney Client Privilege regarding an old Bond Ordinance
 - c. Contractual Matter with Alina Lodge
3. As nearly as can be ascertained, the matter or matters to be discussed at this time will be disclosed to the public when such matters are resolved.

Time In: 6:30pm

Present: Kevin Duffy, Alfred Carrazzone and James Perry

Also Present: Attorney, Michael Lavery, Deputy Clerk, Beth Dwyer and Township Clerk, Judith Fisher

Time Out: 7.08 PM

Motion was made by Mr. Perry to return to regular session, seconded by Mr. Carrazzone. Motion carried and a voice vote was unanimous

Mr. Lavery noted that he met in closed session with the Committee where they discussed three matters;

1. Contractual Matter – Alina Lodge
2. Pending Litigation Matter with Mr. Beard regarding a Certificate of Occupancy
3. Attorney Client Matter regarding an old Bond Ordinance

Mr. Lavery noted that no official action was taken at this time. Copies of the minutes will be made available at such time as the Committee determines that there is no harm to the public interest. Mr. Lavery noted for the record that Committeeman Perry excused himself from any discussion regarding Alina Lodge due to a conflict of interest.

Payment of Bills

Mr. Perry moved that the bills presented before the Committee tonight be paid. This motion was then seconded by Mr. Carrazzone. Motion carried and a roll call vote followed: Mr. Perry, yes, Mr. Carrazzone, yes, Mayor Duffy, yes.

Engineer Report

Mr. Rodman reported that he met with the Mr. Martin, owner of the home located at 18 Paulinskill Road, to discuss driveway issues related to water runoff. In addition Mr. Rodman noted that the township is holding \$1200.00 escrow money which we might be able to use to make the required

improvements to the 18 Paulinskill Road driveway. The bond was posted to insure the driveway was installed according to approved plan. Mr. Lavery will write a memo to the person who posed the bond indicating the money will be used to make the necessary driveway improvements.

Mr. Martin reviewed with the Committee, specifics regarding water run off and the steps he has taken thus far to remediate the problem. Mr. Martin also noted that he owns the adjacent lot to 18 Paulinskill Road and suggested that if escrow monies are being held for this property it might be used to remediate 18 Paulinskill. Mr. Martin, Mr. Rodman and Mr. Campbell will meet at the site to look at what might be done to resolve the water issue.

Mr. Rodman reviewed the Recreation and Open Space Inventory (ROSI) plan. He had been contacted by Mr. Canace from the Land Conservancy to prepare. Details were reviewed and once property is documented on the ROSI the Township will not be able to sell the property, even if the Township does not take Green Acres funding. Mr. Rodman must list, in the ROSI, all land owned by the township including public park land or open space. Once property is listed on the ROSI it is locked up. You must list all property the township owns and list the intended usage such as the installation of solar panels.

Suggestions included asking Bob Canace to attend the next Committee meeting to review his understanding of the ROSI. Also it was recommended that Mr. Rodman speak with the Chairman of the Open Space committee and with Joe Dunn for their recommendations regarding open land in Hardwick.

DPW Report

Mr. Campbell suggested the Committee prepare to accept River View Drive formally. Mr. Lavery suggested that EMR's Engineer's prepares a Metes and Bounds Description of the roadway. This document would then be submitted to Mr. Rodman for review. Once this is done, the Township would have Mr. Lavery prepare an ordinance to accept River View Drive. Mr. Lavery will send a letter to EMR documenting what issues still need to be resolved prior to accepting the road. Mr. Campbell noted that there were still a few minor items that remained to be repaired. He was asked to prepare a list of these items for the Attorney as the acceptance of the road would then be subject to these repairs.

Mr. Campbell talked about the River View Drive cell tower. Verizon started excavation for their building and moved boulders under the pine trees which is unacceptable. Mr. Campbell was asked to get the contractors name so that Mr. Rodman can address this issue with them and have it corrected.

Attorney Report

Mr. Lavery had nothing more to report other than what was reviewed in the Executive Session.

Township Clerk Report

Mrs. Fisher had nothing to report.

OEM and Fire Warden Report

No representative present.

CFO Report

Mrs. Maronpot reviewed her reports with the Committee

Resolutions

Schuler Property

RESOLUTION AUTHORIZING HARDWICK TOWNSHIP TO PROVIDE FUNDING FOR ACQUISITION OF THE SCHULER PROPERTY

WHEREAS, property owned by Karen A. Schuler, known on the official tax map of Hardwick Township (the "Township") as Block 503, Lot 5.01 (the "Property"), consisting of 21.01 acres contains environmental features that the Township seeks to protect through its Open Space Program, and;

WHEREAS, The Nature Conservancy (TNC) of New Jersey, a non-profit land trust with headquarters in Chester, New Jersey, has a contract to purchase the Property, and;

WHEREAS, three (3) acres of the Property will be subdivided along with the existing house on the Property for possible sale as an Affordable Housing Unit, which is desirable to the Township, resulting in approximately 18 acres of the Property being preserved as permanent open space, and;

WHEREAS, TNC has obtained two appraisals of the fair market value of the property, and;

WHEREAS, the State of New Jersey Green Acres Program has certified the value of the property to be \$4,600 per acre, or a total of \$82,800, and;

WHEREAS, TNC has applied for a grant from the Warren County Open Space Trust for a grant in the amount of \$70,000, and will provide additional private funding to purchase the Property, and;

WHEREAS, TNC has requested that the Township provide financial assistance from the Hardwick Open Space Trust to purchase the Property, and;

WHEREAS, the Township Open Space and Farmland Preservation Committee has recommended that the Township Committee provide \$12,250 from the Township Open Space Trust to TNC to acquire the Property;

NOW, THEREFORE BE IT RESOLVED, by a majority of the members of the Governing Body of the Township of Hardwick, County of Warren, State of New Jersey, that the members authorize a grant to The Nature Conservancy of New Jersey in the amount of \$12,250 from the Hardwick Open Space Trust Fund for the acquisition of the Property, that these funds shall be used exclusively for fee acquisition of the Property and that they seek to effectuate the Resolution and hereby approve it on the date indicated below:

Mr. Duffy reviewed the above Resolution authorizing the township to provide funding for the acquisition of the Schuler property. He noted that the township worked with Nature Conservancy to purchase land bordering Stillwater on Millbrook Stillwater Road. The township's portion of this acquisition is \$12,250.00 which will come from Open Space Funds. The home, which has been vacated for five to six years, will be cut out of a three acre parcel and administer by Warren County Habitat for Humanities. The plan is to have the home used as a COAH rehab unit. Mr. Perry made the motion to adopt this Resolution as presented tonight, seconded by Mr. Carrazzone. Motion carried and a roll call vote followed: Mr. Perry, yes, Mr. Carrazzone, yes, Mayor Duffy, yes.

Cancel 2010 Taxes Deemed Uncollectible

WHEREAS, a resolution is required by the Tax Collector to cancel 2010 taxes deemed uncollectible, and

WHEREAS, the following property has 2010 taxes that must be canceled of record;

Block	Lot	Owner	Amount
1101.01	8	Township of Hardwick	\$1,622.26

NOW, THEREFORE BE IT RESOLVED by the Township Committee that the above taxes be canceled of record as they are deemed uncollectible.

Hardwick Township's Tax Collector recommended that taxes be cancelled for Block 1101.01 Lot 8. The reason the taxes are being cancelled is because the property is owned by Hardwick Township. Mr. Perry made the motion to adopt this Resolution for Block 1101.01 Lot 8 as presented, seconded by Mr. Carrazzone. Motion carried and a roll call vote followed: Mr. Perry, yes, Mr. Carrazzone, yes, Mayor Duffy, yes.

Chapter 159, Sustainable Jersey for \$1,000.00

CHAPTER 159 – Sustainable Jersey Small Grant

ITEM OF REVENUE IN THE BUDGET OF TOWNSHIP OF HARDWICK

PURSUANT TO N.J.S.A. 40A: 4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township has received funding for \$1,000.00 from the State of New Jersey Educational Foundation, Inc. and wishes to amend its 2010 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the year 2010 in the sum of \$1,000.00 which item is now available as a revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written

Consent of the Director of Local Government Services:

Public and Private Revenues Offset with Appropriation

Sustainable Jersey Small Grant

BE IT FURTHER RESOLVED that a like sum of \$1,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from 5% Caps

Public and Private Revenues Off-Set by Revenue

Sustainable Jersey Small Grant OE
Walmart NJLM Ed grant

This resolution is being done to accept the \$1,000.00 Sustainable Jersey grant. Mr. Perry made the motion to adopt this Resolution as presented, seconded by Mr. Carrazzone. Motion carried and a roll call vote followed: Mr. Perry, yes, Mr. Carrazzone, yes, Mayor Duffy, yes.

Amending the Capital Budget

WHEREAS, the Township of Hardwick desires to constitute the 2010 Capital Budget of said municipality by inserting therein improvements resulting from the construction of Millbrook-Stillwater road overlayment paving.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hardwick as follows:

Section 1. The 2010 Capital Budget of the Township of Hardwick is hereby constituted by the adoption of a schedule to read as follows:

PROJECT NO. 1
CAPITAL BUDGET OF THE
TOWNSHIP OF HARDWICK, COUNTY OF WARREN, NEW JERSEY
Projects Scheduled for 2010

PROJECT	ESTIMATED COST	Method of Financing			
		STATE GRANTS	CAPITAL IMPROVE. FUND	CAPITAL SURPLUS	GENERAL BONDS/NOTES
Millbrook-Stillwater Road Paving	\$36,123.00		\$ 1,723.00	NONE	\$34,400.00

This is a resolution to allocation \$36,123.00 authorizing the issuance of \$34,400 in Bonds or Notes to finance the Millbrook-Stillwater Road paving project. Mr. Perry made the motion to adopt this Resolution, seconded by Mr. Carrazzone. Motion carried and a roll call vote followed: Mr. Perry, yes, Mr. Carrazzone, yes, Mayor Duffy, yes.

Ordinance 1st Reading

Bond Ordinance providing reimbursement for paving and improvements to Millbrook-Stillwater Road in the township by the Township of Hardwick, in the County of Warren, New Jersey, appropriating \$36,122.54 therefore and authorizing the issuance of \$34,400 bonds or notes of the township to finance part of the cost thereof. 2010-08

Mr. Perry made the motion to approve the first reading of the Bond Ordinance 2010-08, second by Mr. Carrazzone. Motion carried and a roll call vote followed: Mr. Perry, yes, Mr. Carrazzone, yes, Mayor Duffy, yes. The second reading and public hearing will be on December 22, 2010 at the year end meeting.

Mayor Duffy noted that the Committee was going to withhold the first reading of: Ordinance amending Chapter VII, Building and Housing, of the code of the Township of Hardwick, County of Warren, State of New Jersey and transferring jurisdiction for the administration and enforcement of the uniform construction code to the state of New Jersey, Department of Community Affairs until the December 22, 2010 meeting in order to gather more information from the State by Mr. Carrazzone.

Old Business

Board appointments will be done at the Re-organization meeting on January 5, 2011.

Planning Board Alternate #2, term expires 12/2011

Board of Adjustment Alternate #1, term expires 12/2011

Environmental Commission Alternate #1, term expires 12/2011

Alternate #2, term expires 12/2012

Open Space Committee 1 opening, term expires 12/2011

New Business

Retirement Letter received from Donna Clouse, our Tax Collector, effective February 28, 2010.

With regret, Mayor Duffy moved accepted Ms. Clouse's retirement letter noting that Hardwick Township's collection rate is among the highest in the county because of Ms. Clouse fabulous job.

Mr. Perry then seconded the motion and a voice vote was unanimous. The Township Clerk now has authorization to advertise the position.

Land Conservancy Agreement received to change their yearly contract date of September 1 through August 31 to Hardwick Township's calendar year of January 1 through December 31. Mayor Duffy noted that there is another organization that is going into competition with the Land Conservancy. He

suggested that the Township hold off on this agreement until January 2011. Their contract agreement is for \$11,500.00, but Mr. Duffy is negotiating with Land Conservancy with the remaining quarter should we agree to do with a calendar year.

Mrs. Fisher requested a date for the Township Reorganization meeting. The Committee agreed on January 5, 2011 at 4:00 PM. Mr. Carrazzone made the motion to hold the Reorganization meeting on January 5, 2011 at 4:00 PM, seconded by Mr. Perry and a voice vote of the committee was unanimous. Mrs. Fisher will advertise and noted that action will be taken at this meeting. The Year End meeting will be held on December 22, 2010. This meeting will also be advertised and noted that action will be taken.

Public Participation

Mr. Perry made a motion to open this portion of the meeting to the public, seconded by Mr. Carrazzone. Motion carried and a voice vote was unanimous.

Mr. Rossi from Stillwater Road noted that a new home located at 76 Stillwater Road has large pieces of excavation equipment stored on the property. He also noted that some of the equipment has been moved from the front of the rear of the property. Mr. Boesze, Hardwick Township's Zoning Officer, joined the meeting and agreed to look into the issues raised by Mr. Rossi.

Mr. Liccese wanted to know if Green Acres or Open Space money is available to purchase the Burch property located on Slabtown Creek Road. He noted that the property is environmentally sensitive and believes it would be a good piece of property for the township to preserve. Mayor Duffy reviewed the priorities of the Open Space Committee which includes larger tracks of land that are in farm zones. Mayor Duffy agreed to bring this issue up at the next Open Space Committee meeting; he also noted that this property is not on the Open Space discussion list.

Mrs. Crisman from 46 Stillwater Road requested a copy of the Resolution regarding the Schuler property. The Committee agreed that the Resolution was available for review through the OPRA process. She then requested clarification regarding the COAH rehab unit which will remain on the Schuler property. Mayor Duffy explained that the home will count towards Hardwick Township's COAH obligation if we participate and rehab an existing unit. In addition, it will be deed restricted for 30 years and an income requirement is imposed on the individual who purchases or leases the home. She also wanted to know if COAH can come in and allow multi houses on a large piece of property to meet the COAH obligation. Mr. Lavery explained that this scenario could be true if the Township did not have an approved COAH plan, of which we do have an approved COAH plan. Next she wanted to know when Executive Session Meeting minutes become available for review. Mr. Lavery explained the rules regarding Executive Session meeting minutes. She also wanted to know about the \$25,000.00 Wal Mart Grant which she thought was discussed in Executive Session. Mr. Lavery said the grant money was not discussed in Executive Session.

Mrs. Crisman wanted to know when the Hardwick Township Web Site would be ready. Mr. Perry explained that we are working on the new site but did not have a Web Master in place. He expects the site to be ready in about two months.

Mr. Liccese requested minutes in electronic form. Mrs. Fisher can provide the Meeting Minutes if an OPRA request form is provide with Mr. Liccese Email address.

Mr. Peck asked Mr. Lavery if the house on the Schuler property were to be used as a COAH Rehab would the building fees be waived. Mr. Lavery will look into this.

Mr. Liccese requested clarification regarding Ordinance amending Chapter VII, Building and Housing. Mr. Lavery explained that the Building Department would be eliminated and the DCA would take those responsibilities over including performing inspections. Mr. Liccese wanted to know if the permit fees would be paid to the state and if they would be higher than they are now. Mr. Duffy explained that if the state fees are higher than Hardwick's those would be the fees that would be used. Mr. Perry explained that the first reading of Chapter VII, Building and Housing ordinance was delayed until December 22, 2010 because the Committee is still gathering facts regarding this issue.

Mr. Perry moved to close this portion of the meeting to the public, seconded by Mr. Carrazzone. Motion carried and a voice vote was unanimous.

Committee Reports

Mr. Perry reported that we received the Energy Efficiency Block Grant for approximately \$33,000.00. We have approximately \$20,000.00 left. Mr. Perry and Mrs. Fisher are working with HT Lyons to

determine what we need to do to receive the second part of the grant which needs to be submitted very quickly.

Mr. Perry then reported that he attended a meeting at NWRHS regarding Superintendents salaries and caps. He noted that there was very low public attendance at the meeting. He also noted that this issue affects our taxes and we need to support the Governor and State on this issue. Suggestion was that the Township may want to consider passing a resolution supporting the Governor's effort in this area. Other issues discussed were regionalizing all area local schools including the elementary school and he also suggested that Charter Schools should not be excluded from these issues. Our tax money goes to Charter Schools but we have no say in how our money is used.

Mr. Carrazzone wanted to know what is going on with the Hardwick House Restaurant. Dave Peck reported that he has not issued a fine but the tarps are deteriorating and more damage is being done. If it continues Mr. Peck will have to request that the Hardwick House Restaurant owner repair the restaurant or take it down. It could be called an unsafe structure but that becomes a battle of Engineers. No permits have been taken out.

Mr. Duffy had nothing to report.

Mr. Perry made a motion to approve the meeting minutes and Mr. Carrazzone seconded the motion. A voice vote of the Committee was unanimous.

APPROVAL OF THE MINUTES:

September 22, 2010, Work Agenda Meeting
October 6, 2010, Monthly Meeting
October 27, 2010, Work Agenda Meeting
November 3, 2010, Monthly Meeting

Mr. Perry moved to approve these minutes as corrected, second by Mr. Carrazzone. Motion carried and a voice vote was unanimous.

ADJOURNMENT

Mr. Perry made a motion to adjourn the meeting at 8:17PM, seconded by Mr. Carrazzone. Motion carried and a voice vote was unanimous.

Respectfully Submitted:

Judith M. Fisher, RMC
Township Clerk

