

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON APRIL 3, 2012

The meeting was called to order by Mayor Miller 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 Hamilton, Councilman Kula, Councilman Ross, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Jane Coviello of Dorsey & Semrau

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.

Minutes:

1. Regular Minutes of 3/20/12

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

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: None

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #16-12 – Homestead Benefit Refund – John Ratzler, Block 67.07, Lot 1.39, 2 Sweet Water Lane

RESOLUTION # 16-12

WHEREAS, Block 67.07 Lot 1.39 owned by John Ratzler also known as 2 Sweet Water Lane, and

WHEREAS, Mr. Ratzler has a full exempt status on his property taxes and the Homestead Benefit was applied to his 2012 tax account,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Mr. Ratzler his Homestead Benefit in the amount of \$ 468.24.

2. Resolution #17-12 – Disabled Veteran Refund – William Pohlmann, Block 60.04, Lot 2, 18 Stonehedge Drive

RESOLUTION # 17-12

WHEREAS, Block 60.04 Lot 2 owned by William Pohlmann also known as 18 Stonehedge Drive, Stockholm, and

WHEREAS, Mr. Pohlmann for 2011 had a 2/3 exemption on his property for a disabled veteran, and

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WHEREAS, as of October 24, 2012 the status has changed to 100% disabled veteran,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Mr. Pohlmann the amount of \$ 577.76 for taxes paid for November 1, 2012 taxes.

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

B. Resolution #18-12 – Commodity Resale Agreement – Hamburg BOE

RESOLUTION #18-12

BE IT RESOLVED by the Township Council of the Township of Hardyston that the execution of the following agreement is hereby authorized:

1. Commodity Resale Agreement (Gasoline & Diesel Fuel) – Hamburg Board of Education

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

C. Resolution #21-12 – Resolution Supporting A-2717 Extending the time period for municipalities to commit to expend collected development fees and payments-in-lieu of constructing affordable units

RESOLUTION #21-12

RESOLUTION SUPPORTING A-2717

EXTENDING THE TIME PERIOD FOR MUNICIPALITIES TO COMMIT TO EXPEND COLLECTED DEVELOPMENT FEES AND PAYMENTS-IN-LIEU OF CONSTRUCTING AFFORDABLE UNITS

WHEREAS, P.L. 2008, c. 46 established a four year timetable for municipal housing trust dollars to be “committed for expenditure, or risk forfeiture to the State;” and

WHEREAS, the 2008 Act did not define the term “committed for expenditure” and deferred to the Council on Affordable Housing (COAH) to promulgate regulations as to the requirements to be met for “committed” as well as a timetable for expenditures; and

WHEREAS, neither COAH nor the Department of Community Affairs has adopted, nor proposed, the regulations pursuant PL 2008, c. 46; and

WHEREAS, hundreds of municipalities submitted spending plans to COAH, of which only a fraction of these plans were reviewed by the agency, and most of these municipalities have not been provided any guidance on their spending plans; and

WHEREAS, at the time of 2008 Act, COAH was prepared to adopt its “3rd round regulations” establishing municipal obligations under the “Fair Housing Act”; and

WHEREAS, COAH’s 3rd round regulations were highly controversial and fundamentally flawed, and subsequently set aside by the Appellate Division, and the appeal of that decision now awaits consideration by the State Supreme Court; and

WHEREAS, eight years of litigation over COAH’s methodology has had a chilling effect not only on the development of affordable housing, but on the ability of local governments to commit trust fund dollars without knowledge of their respective obligations, and certainty that such commitment would count towards its housing obligation; and

WHEREAS, forfeiture of trust fund dollars starting in July 2012 would be fundamentally unfair, inequitable and indefensible since neither COAH nor DCA has provided the required guidance or certainty; and

WHEREAS, these trust fund dollars should be used as intended: to subsidize the costs for municipalities in meeting their affordable housing obligations while assuring that these costs do not fall to local taxpayers; and

WHEREAS, forfeiture of these dollars, estimated by some to be as much as \$200 million, would displace this financial obligation to the taxpayers in these communities; and

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of Hardyston Township urges our State Legislators to **support and approve A-2717**, which will provide a four-year extension for municipalities to commit the municipal housing trust fund dollars; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the sponsor of A-2717, Assemblyman Anthony Bucco, District 24 Assemblywoman Alison Littell McHose, District 24 Assemblyman Gary Chiusano, District 24 Senator Steven Oroho, members of the Assembly Housing and Local Government Committee, the New Jersey State League of Municipalities and the Office of the Governor.

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

At this time, upon the recommendation of the Township Manager, a motion was made by Hamilton to approve a resolution to convince the Legislature to restore more Energy Tax Receipts to municipalities, seconded by Ross. All in favor. Motion carried.

D. 2012 Budget Hearing/Adoption

Township Manager gave a verbal and written presentation of the 2012 Municipal Budget. 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 Ross to approve the 2012 Municipal Budget as presented, seconded by Hamilton. All in favor. Motion carried.

BILLS TO BE PAID: A motion was made by Ross to approve the bill list as presented, seconded by Hamilton. All in favor. Motion carried.

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Hamilton to adjourn at approximately 7:10 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk