



Township of Holland
IN
HUNTERDON COUNTY

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Draft Agenda-Business to the extent known

HOLLAND TOWNSHIP COMMITTEE
REGULAR MEETING AGENDA
February 16, 2010

MEETING CALLED TO ORDER BY Mayor Burdzy/Deputy Mayor DiSarro

FLAG SALUTE

"At this time, I would like to invite the audience to join the Committee in reciting the Pledge of Allegiance"

CLERK READS OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was given pursuant to the open public meeting act, by the Township Clerk on **January 14, 2010** by:

- 1) posting such notice on the bulletin board at the municipal building
- 2) mailing the same to the Hunterdon County Democrat and the Express-Times.

APPROVAL OF MINUTES OF THE: February 2, 2010 Regular Meeting and Executive Session

APPROVAL OF BILLS AS SUBMITTED

BID AWARD-Dumpster

CORRESPONDENCE

Memo from Environmental Commission-Re: Recycling Center hours
Memos from Zoning Officer-Re: Driveway Fees

OLD BUSINESS FROM TOWNSHIP COMMITTEE

-ORDINANCE 2010-2-Creating a Joint Court-Public Hearing/Final Adoption

ORDINANCE 2010-2

AN ORDINANCE REPEALING AN ORDINANCE CREATING THE MUNICIPAL COURT OF THE TOWNSHIPS OF ALEXANDRIA AND HOLLAND AND THE BOROUGHS OF MILFORD AND FRENCHTOWN

WHEREAS, the Township of Alexandria, the Borough of Frenchtown, the Township of Holland, and the Borough of Milford were members of the joint municipal court known as The Municipal Court of the Townships of Alexandria and Holland and the Boroughs of Milford and Frenchtown which was established by ordinances in or about 1959-1960; and

WHEREAS, the Township of Alexandria, the Borough of Frenchtown, and the Township of Holland are forming a new joint municipal court pursuant to *N.J.S.A. 2B:12-1 et seq.* to be known as "The Municipal Court of the Delaware Valley;" and

WHEREAS, an ordinance establishing The Municipal Court of the Delaware Valley has been introduced by the Township of Holland; and

WHEREAS, the ordinance establishing the prior court will be superseded upon the effective date of the ordinance establishing The Municipal Court of the Delaware Valley and should be repealed concurrent with the adoption of the ordinance for the new joint municipal court;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Holland, in the County of Hunterdon, State of New Jersey that the Ordinance of this Township, adopted on or about December 1959, entitled "An Ordinance Establishing A Municipal Court For The Townships Of Alexandria And Holland, And Boroughs Of Milford And Frenchtown, And Providing For The Appointment Of A Municipal Magistrate, Clerk Of The Court, Violations Clerk, And Providing For Their Compensation, And Setting Forth The Jurisdiction Of The Court And Providing For The Payment Of Court Expenses," and the various amendments thereto previously adopted, be and the same are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall be effective upon the last to occur of the following: (1) its adoption and publication in accordance with law; and (2) the effective date of the ordinance establishing the Municipal Court of the Delaware Valley.

**-ORDINANCE 2010-3-Creating a Joint Court-Public Hearing/Final Adoption
ORDINANCE 2010-3**

**AN ORDINANCE CREATING THE MUNICIPAL COURT OF THE DELAWARE VALLEY
COMPOSED OF THE TOWNSHIP OF ALEXANDRIA, THE BOROUGH OF FRENCHTOWN AND
THE TOWNSHIP OF HOLLAND, AND THEREBY REVISING AND READOPTING IN ITS
ENTIRETY CHAPTER 22, "MUNICIPAL COURT," OF THE CODE OF THE TOWNSHIP OF
HOLLAND**

WHEREAS, the Township of Alexandria, the Borough of Frenchtown, the Township of Holland, and the Borough of Milford currently are members of the joint municipal court known as the Joint Municipal Court of Milford; and

WHEREAS, the Borough of Milford no longer wishes to renew as a member; and

WHEREAS, the Township of Alexandria, the Borough of Frenchtown, and the Township of Holland wish to reconstitute as a joint municipal court pursuant to *N.J.S.A. 2B:12-1, et seq.*, to be known as "The Municipal Court of the Delaware Valley;" and

WHEREAS, a new Shared Services Agreement is required that will be effective upon the approval of the Municipal Court of the Delaware Valley by the Administrative Office of the Courts and the Vicinage Assignment Judge; and

WHEREAS, a new Shared Services Agreement has been drafted for the Township of Alexandria, the Borough of Frenchtown and the Township of Holland governing participation by each of the municipalities in the Municipal Court of the Delaware Valley; and;

WHEREAS, the Township of Alexandria, the Borough of Frenchtown and the Township of Holland now desire to adopt this Ordinance creating the Municipal Court of the Delaware Valley and authorizing their participation in the new Shared Services Agreement.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Holland, in the County of Hunterdon, State of New Jersey that Chapter 22, entitled "MUNICIPAL COURT," of the Code of the Township of Holland, be and the same is hereby, revised in its entirety to read as follows:

§ 22-1 Creation of Court

A new Joint Municipal Court is created with the following members: the Township of Alexandria, the Borough of Frenchtown and the Township of Holland ("Member Towns"), all located in Hunterdon County. The Joint Municipal Court will be governed by a Shared Services Agreement among the aforesaid municipalities and is subject to the terms thereof which will embody the provisions of this Chapter.

§ 22-2 Name of Court

The name of the Joint Municipal Court shall be the "**THE MUNICIPAL COURT OF THE DELAWARE VALLEY**".

§ 22-3 Effective Date

The effective date for the creation of the Municipal Court of the Delaware Valley ("the Municipal Court") shall be upon the approval of the Municipal Court by the Administrative Office of the Courts and the Vicinage Assignment Judge.

§ 22-4 Jurisdiction

The jurisdiction of the Municipal Court shall be coextensive with the territory of the Township of Alexandria, the Borough of Frenchtown and the Township of Holland.

§ 22-5 Municipal Court Committee

The governing body of each Member Town shall appoint one (1) governing body member to serve as a representative and one (1) governing body member to serve as an alternate on the Municipal Court Committee (the "Court Committee"). Each municipality shall have one (1) vote. The Court Committee shall meet as often as necessary to oversee the operation of the Municipal Court, but shall meet a minimum of two (2) times each year. The functions of the Court Committee shall include recommending the appointment of a Municipal Court Judge, Prosecutor, and Public Defender; appointing a Municipal Court Administrator, appointing an Auditor; reviewing the performance of the Municipal Court Judge, the Municipal Court Administrator and any other Municipal Court employees and attorneys; reviewing any performance reports received about the Municipal Court from the Administrative Office of the Courts or other evaluating agencies; consulting with the Municipal Court Judge and/or his designees as to the budget for the upcoming year and salary for the Municipal Court Judge, Court Administrator and any other employees; the status of the physical plant and any other matters relating to the efficient operation of the Municipal Court. The Court Committee shall appoint a Chairperson from among its membership at its first meeting in each calendar year.

§ 22-6 Municipal Court Judge – Powers, Duties and Qualifications

- A. There shall be a Municipal Court Judge appointed as provided by law in the case of a joint municipal court. The Municipal Court Judge shall serve for a term of three (3) years from the date of appointment and until a successor shall be appointed and qualified.
- B. The Municipal Court Judge shall have and possess the qualifications and shall have, possess and exercise all the functions, duties, powers and jurisdiction conferred by law or ordinance. He/she shall be an attorney-at-law of the State of New Jersey. Whenever the Municipal Court Judge is unable to sit as such, he may designate any other judge of any municipal court to sit for him/her temporarily and hold the Municipal Court. Any such judge shall possess all of the powers of the Municipal Court Judge.
- C. The Municipal Court Judge shall faithfully carry out all of the duties and responsibilities of a municipal court judge and shall abide by all rules and regulations established for municipal courts and municipal court judges by the Administrative Office of the Courts.
- D. The Municipal Court Judge shall have full management authority of judicial operations of the Court. Administrative operations shall be under the control of the Court Committee to the extent permitted by law.

§ 22-7 Municipal Court Prosecutor

There shall be a Prosecutor of the Municipal Court who shall prosecute all cases in the Municipal Court, except each member, at its discretion, may appoint its own prosecutor for municipal or board of health ordinance violation cases. The Prosecutor shall be appointed for a one (1) year term by the Court Committee and the Member Towns. The compensation of the Prosecutor shall be determined by the Court Committee and such compensation shall be allocated and billed to each Member Town by the Prosecutor directly based upon the formula established in § 22-19.

§ 22-8 Public Defender

There shall be a Public Defender of the Municipal Court who shall represent those defendants assigned by the Municipal Court Judge. The Public Defender shall be appointed for a one (1) year term by the Court Committee and the Member Towns. The compensation of the Public Defender shall be determined by the Court Committee and such compensation shall be allocated and billed to each Member Town by the Public Defender directly based upon the formula established in § 22-19.

§ 22-9 Municipal Court Administrator

There shall be an Administrator of the Municipal Court who shall perform the functions and duties prescribed for the Administrator by law, by the rules applicable to municipal courts and by the Municipal Court Judge. The Administrator shall be appointed by the Court Committee for a term of one (1) year. The Administrator's duties shall include, but not be limited to:

1. Carrying out the rules, regulations, policies and procedures relating to the operations of the Municipal Court.
2. Interviewing and speaking to persons wishing to file criminal complaints or quasi-criminal complaints or wishing information in this regard.

3. Receiving complaints and dispensing information relating to Municipal Court matters.
4. Maintaining the financial records of the Municipal Court including receiving and accounting for fines and costs.
5. Attending Municipal Court; recording pleas, judgments and dispositions; arranging trial calendars; signing Municipal Court documents; preparing and issuing warrants and commitments and other Municipal Court related documents.
6. Maintaining and classifying records and files of the Municipal Court;
7. Maintaining, forwarding, receiving and reporting such records, reports and files as required by the appropriate agencies.
8. Carrying out such additional duties as may be required in order to fulfill the duties of Administrator.

§ 22-10 Deputy Municipal Court Administrator

There may be one or more Deputy Court Administrators of the Municipal Court who shall be appointed by the Municipal Court Committee provided that funds are provided for such purpose in the Municipal Court budget. Deputy Municipal Court Administrators shall perform the functions assigned to them by the Municipal Court Judge and the Administrator.

§ 22-11 Necessary Clerical and Other Assistance

There may be appointed such other necessary clerical and other assistance for the Municipal Court as is necessary for the efficient operation of the Municipal Court. The Court Committee shall appoint such clerical and other assistance.

§ 22-12 Municipal Court Auditor

The Court Committee shall appoint an Auditor for the Municipal Court who shall be a registered municipal accountant. The Auditor shall serve for a term of one (1) year. The Auditor shall perform a yearly audit of the Municipal Court, which audit shall be prepared generally in accordance with the requirements of the Local Fiscal Affairs Law, *N.J.S.A. 40A:5-1 et seq.* A copy of the completed audit shall be supplied to each Member Town by September 1 of each year.

§ 22-13 Withdrawal by Member Town

Any Member Town may withdraw at the end of a calendar year provided, however, that the Member Town has given the Municipal Court and each other Member Town six (6) months written notice (i.e., on or before July 1 of the year prior to withdrawal) of its intent to withdraw. The withdrawing Member Town shall remain responsible for its share of the lease payment for the Municipal Court premises as provided in § 22-19 F., below, until the date of the lease's termination for any lease in effect as of the date of the Member Town's withdrawal notice. Failure to give written notice by July 1 means that withdrawal can only occur at the end of the following calendar year. No Member Town shall withdraw prior to December 31, 2011.

§ 22-14 Addition of Members

The Court Committee, at its sole option, may expand the membership of the Municipal Court if it concludes expansion is in the best interest of the members. Prior to the admission of new members, the Municipal Court Judge and Administrator will interview the municipality seeking admission and present to the Court Committee their recommendation, along with an audit of the three (3) most recent years of the municipality's existing court expenses and revenues and any other information they feel relevant or which the Court Committee requires. Admission shall be granted upon a unanimous vote. The municipality granted admission to the Municipal Court of the Delaware Valley shall adopt a resolution accepting membership and authorizing the execution of a Shared Services Agreement and an Ordinance similar in form to this Chapter.

§ 22-15 Budget and Appointments

The Administrator shall prepare or have prepared a budget for the Municipal Court and the Court Committee shall prepare a list of proposed professional appointments, both of which shall be submitted to the governing body of each Member Town by October 1 of each year. The budget shall set forth an estimate of all expenses and projected revenues for the upcoming calendar year and shall be in a form that is consistent with municipal budgets. By November 1 of each year, the Court Committee members shall adopt a budget and approve professional appointments, after a meeting held on 10 days notice to each member. Each Member Town shall have one (1) vote at the meeting. If a budget and appointments are not unanimously approved by that date, then one or more meetings shall be held among the Court Committee, the Administrator and the Municipal Court

Judge until such time as a budget and appointments agreeable to all members are agreed upon by December 31st. Any irreconcilable differences shall be decided by the Vicinage Assignment Judge.

§ 22-16 Insurance

Insurance coverage and/or bonds shall be obtained that protect the Municipal Court and its personnel from claims against them arising out of worker=s compensation, bodily injury, property damage, personal injury, or civil rights violations, defalcations by Court personnel and such other coverage as may be necessary. The coverage may be provided either through policies issued to the members and/or through separate policies issued to the Court.

§ 22-17 Court Committee Meetings

Except for an unforeseen emergency or as otherwise provided herein, Court Committee members shall be given no less than seven (7) days notice of any meeting along with a proposed agenda, budget and appointments. Any member, upon giving seven (7) days written notice to the other members, shall have a right to call a meeting. The Municipal Court Judge or Administrator may request a meeting. All decisions of the Court Committee shall be unanimous.

§ 22-18 Uniform Shared Services and Consolidation Act

The governing bodies of the Township of Alexandria, the Borough of Frenchtown and the Township of Holland are hereby authorized to enter into this contract with each other pursuant to the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1 et seq.*, in accordance with the terms of that Act.

§ 22-19 Contribution Requirements/Revenue Distribution:

- A. The municipal share of all fines levied on summons/warrants/tickets or other charges issued by a Member Town’s police department or other charges issued by a Member Town’s police department or other municipal department shall be forwarded monthly by the Municipal Court to the Member Town.
- B. All fines levied on summons/warrants/tickets issued by the State Police or any other non-municipal law enforcement agency shall be distributed as required by law.
- C. Each Member Town’s share of the yearly operating costs and expenses shall be calculated in accordance with § 22-19 D. and F., below. The Municipal Court shall calculate the percentages on a yearly basis (September 1 to August 31) (“Municipal Court Year”) and all calculations required hereunder shall be completed by the Municipal Court staff not later than September 15 of each year. The percentages so established shall be applicable for the following calendar year.
- D. The allocation of salary, wages, benefits, taxes and all employment associated costs and expenses for the Judge, Administrator and all other court staff (“salary expenses”), shall be in accordance with the percentage derived from the following formula:

Total summons issued in each Member Town in a Municipal Court Year

_____ divided by

Total summons received by the Municipal Court from all Member Towns in a Municipal Court Year.

By way of example of the implementation of the above formula:

100 summonses are issued in the Township of Alexandria in a Municipal Court Year. A total of 1,000 summonses are issued for that year in all the Member Towns. The formula would result in the following percentage calculation:

$$\frac{100}{1,000} = 10\%$$

Based upon the formula calculation, the Township of Alexandria would be liable for ten percent (10%) of the operating or other expenses for the Municipal Court operation, except as noted below.

- E. Each Member Town shall be entitled to a percentage share of the statutory court costs and public defender fees received by the Municipal Court (“court receipts”). Each Member Town’s percentage share of court receipts shall be the same as the percentage used in § 22-19 D., above, to determine the Member Town’s share of salary expenses. For the purpose of this Agreement, statutory court costs mean the amount of costs imposed upon defendants by the Municipal Court Judge retained by the Municipal Court.

F. Notwithstanding anything to the contrary herein, regardless of the number of the summonses generated in the Township of Alexandria, the Borough of Frenchtown and the Township of Holland, they shall each be responsible for one third of the following expenses, which shall be excluded from the calculation of salary expenses described in § 22-19 D., above:

1. 1. Prosecutor Compensation
2. 2. Public Defender Compensation
3. 3. Police Coverage Compensation (security)
4. 4. Other expenses (Rent, electricity, etc.)
5. 5. Superior Court mandated expenses or improvements

G. For the initial year of this Agreement, each Member Town's share of salary expenses and entitlement to court receipts shall be determined by the application of the following percentages:

Township of Alexandria:	15.34%
Borough of Frenchtown:	59.85%
Township of Holland:	24.81%

§ 22-20 Revenue

All revenues received by the Municipal Court from fines and costs shall be allocated in accordance with State law and the terms hereof.

§ 22-21 Authorization for Shared Services Agreement

The governing body of the Township of Holland is hereby authorized to enter into a Shared Services Agreement embodying the provisions of this Chapter pursuant to the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1 et seq.*, in accordance with the terms of that Act. In the event of any discrepancy between this Chapter and that of the Uniform Shared Services and Consolidation Act and any amendments thereto, the Act shall take precedence.

§ 22-22 Term of Agreement

The term of the Shared Services Agreement shall be five years for the period commencing upon the approval of the Municipal Court by the Administrative Office of the Courts and the Vicinage Assignment Judge.

BE IT FURTHER ORDAINED THAT this Ordinance shall be effective upon the last to occur of the following: (1) Its adoption and publication in accordance with law; (2) approval of the Municipal Court by the Administrative Office of the Courts and the Vicinage Assignment Judge; and (3) the passage of an ordinance similar to this one by the other member municipalities designated above; (4) publication following final passage of this Ordinance.

-ORDINANCE 2010-4-Exceeding the CAP Public Hearing/Final Adoption

ORDINANCE 2010-4

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.A. 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 two and one-half percent (2.5%) unless authorized by ordinance to increase it to three and one-half percent (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 appropriations and the three and one-half (3.5%) percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Holland, in the County of Hunterdon, finds it advisable and necessary to increase its CY 2010 budget by up to three and one-half percent (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 Committee of the Township of Holland, in the County of Hunterdon, hereby determines that a three-and-one-half percent (3.5 %) increase in the budget for said year, amounting to \$146,350.14 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

WHEREAS, the Township Committee of the Township of Holland, in the County of Hunterdon, hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Holland, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Township of Holland shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by three and one-half percent (3.5 %), amounting to \$146,350.14, and that the CY 2010 municipal budget for the Township of Holland be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, 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 five (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 five (5) days after such adoption.

NEW BUSINESS FROM TOWNSHIP COMMITTEE

-Approval of Raffle Application: Milford Lions Club

-RESOLUTION-Risk Management Consultant

RESOLUTION

2010 Fund Year Statewide Insurance Fund Risk Management Consultant's Agreement

-RESOLUTION- Delaware River Joint Toll Bridge Commission Application for Mt. Joy Road

RESOLUTION

Supporting the application to the Delaware River Joint Toll Bridge Commission for a grant under their Compact Authorized Investment Program for roadway resurfacing improvements to Mt. Joy Road, and certifying the information contained in the application.

-ORDINANCE-Stamets Farm-Preservation

BUSINESS FROM TOWNSHIP ATTORNEY

MEETING OPEN TO PUBLIC

ADJOURN