

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JANUARY 24, 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: Deputy Mayor Armstrong , Councilman Ross, Councilman Kievit, Councilman Lasinski, 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 – December 2005
2. Construction Official Report – December 2005
3. Zoning Officer Report – as of 1/4/06
4. Tax Collector Report – December 2005
5. Finance Officer Report – November 2005
6. Municipal Court Report – October 2005
7. Municipal Court Report – November 2005
8. Municipal Court Report – December 2005
9. Sales Listing Report – 1/1/05 – 12/31/05
10. Smoke Detector & CO Alarm Inspections – 1/1/05 – 12/31/05
11. Sparta Health Department – November 2005

Minutes:

1. Regular Minutes of 12/20/05
2. Special Meeting of 12/27/05
3. Workshop Minutes of 12/27/05
4. Executive Session Minutes of 12/27/05
5. Reorganization Minutes of 1/1/06
6. Workshop Minutes of 1/10/06
7. Executive Session Minutes of 1/10/06

Licenses:

1. Raffle – Wallkill Valley Booster Club
2. 50/50 – Wallkill Valley Booster Club

A motion was made by Kievit to approve the consent agenda as presented, seconded by Armstrong. All in favor with Lasinski abstaining on the meeting minutes of 12/20/05 and 12/27/05. Motion carried.

OLD BUSINESS:

ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: None

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NEW BUSINESS:

A. Resolution authorizing the Township Manager to execute the following contracts/
leases/ interlocal agreements/agreements:

1. Recreation Program – Hardyston/Franklin Borough
2. Summer Recreation Program – Hardyston/Franklin Borough
3. Littell Community Center – Department of Military and Veterans Affairs
4. Mutual Aid – Hardyston/Franklin/Vernon

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. Recreation Program – Hardyston/Franklin Borough
2. Summer Recreation Program – Hardyston/Franklin Borough
3. Littell Community Center – Department of Military and Veterans Affairs
4. Mutual Aid – Hardyston/Franklin/Vernon

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

B. 2006 Soil/Quarry License Renewals

1. Eastern Concrete Materials
2. Beaver Run Farms
3. Shotmeyer Brothers, Inc.
4. Homes By Fredrick
5. North Church Gravel

A motion was made by Kievit to approve the above 2006 Soil/Quarry License Renewals,
seconded by Ross. All in favor with Lasinski abstaining on all. Motion carried.

C. Resolution Authorizing Change Order #11 For New Municipal Building Complex
Project

BE IT RESOLVED by the Township Council of the Township of
Hardyston that Change Order #11 for the Hardyston Municipal Building
Complex project is hereby approved.

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

D. Appointment – Michael L. Hallacker to Economic Development Commission

A motion was made by Kievit to appoint Michael L. Hallacker to the Economic
Development Commission with a term expiring 12/31/06, seconded by Lasinski. All in
favor. Motion carried. Mr. Hallacker was inadvertently omitted from the list of
appointments made at the reorganization meeting held on January 1, 2006.

E. Resolution Accepting A Letter Of Credit In The Amount Of \$207,424.80 And A
Cash Bond In The Amount Of \$23,047.20 From Crystal Springs Builders, LLC
For The Wild Turkey Way Realignment

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WHEREAS, the Hardyston Township Planning Board granted approval to Crystal Springs Builders, LLC for the Wild Turkey Way Realignment; and

WHEREAS, as a condition of said approval of the Wild Turkey Way Realignment, Crystal Springs Builders, LLC was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of \$230,472.00 and;

WHEREAS, Crystal Springs Builders, LLC has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$207,424.80, and a cash bond in the amount of \$23,047.20; and

WHEREAS, the letter of credit has been reviewed and approved as to form by the Township Attorney and Township Engineer.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby accepts the above stated bonds from Crystal Springs Builders, LLC for the Wild Turkey Way Realignment as performance securities required by the Hardyston Township Planning Board.

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

- F. Resolution Authorizing The Sale And Issuance Of Bond Anticipation Notes, In An Aggregate Amount Not To Exceed \$4,826,000 Of The Township Of Hardyston, In The County Of Sussex, New Jersey.

WHEREAS the Township of Hardyston(the "Township"), County of Sussex, New Jersey adopted Bond Ordinance No. 2004-9 adopted July 20, 2004 entitled: "Bond Ordinance Amending in its Entirety Bond Ordinance No.2004-06, Adopted April 20, 2004, Entitled 'Bond Ordinance Providing for the Construction of a New Municipal Building in and for the Township of Hardyston and Appropriating the Aggregate Amount of \$6,732,668 Therefor and Authorizing the Issuance of \$6,341,000 Bonds or Notes of the Township for the Financing of the Cost Thereof and Providing for the down Payment for Said Improvement to Be Undertaken in and by the Township of Hardyston, in the County of Sussex, New Jersey', to Increase the Appropriation to \$7,682,668, the Authorized Bond or Notes to \$7,291,000,and to Make Such Other Conforming Changes as Necessary for Said Improvement to Be Undertaken in and by the Township of Hardyston, in the County of Sussex, New Jersey" which authorized bonds or notes in the principal amount of \$7,291,000 for the project set forth therein, pursuant to which the Township issued notes dated August 9, 2005 which mature February 9, 2006 in the principal amount of \$3,991,000 (the "Prior Note"); and

WHEREAS the Township adopted Bond Ordinance No. 2005-10 on August 16,2005 entitled: "Bond Ordinance Providing for the Acquisition of Vehicles and Equipment for Use by the Fire Department in and for the Township of Hardyston and Appropriating the Aggregate Amount of \$880,000 Therefor and Authorizing the Issuance of \$835,000 Bonds or Notes of the Township for the Financing of the Cost Thereof and Providing for the down Payment for Said Improvement to Be Undertaken in and by the Township of Hardyston, in the County of Sussex, New Jersey" which authorized bonds or notes in the principal amount of \$835,000 for the project set forth therein; and

WHEREAS, the Township has determined that it is in the best interest of the Township to authorize an issuance of bond anticipation notes to currently refund the Prior Note, and to fund additional projects.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:

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Section 1. (a) Pursuant to N.J.S.A. 40A:2-8, the following amounts of Bond Anticipation Notes (the "Notes") shall be issued at such dates and in such amounts as is determined by the Chief Financial Officer and/or acting Chief Financial Officer in accordance with this resolution:

- a. Pursuant to Bond Ordinance No. 2004-9, Notes in the principal amount of not to exceed \$3,991,000 shall be issued to redeem the Prior Note and for the purposes stated therein.
- b. Pursuant to Bond Ordinance No. 2005-10, Notes in the principal amount of not to exceed \$835,000 shall be issued for the purposes stated therein.

Section 2. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof, and in lieu of the sale of more than one (1) issue of bonds or notes as provided for in said Local Bond Law, the issues of bonds and notes of the Township authorized pursuant to the Bond Ordinance of the Township hereinabove set forth shall be combined into one (1) issue of Notes in the aggregate principal amount of not to exceed \$4,826,000.

Section 3. The following matters in connection with said Notes are hereby determined:

(a) All notes issued hereunder and any renewal thereof, shall mature at such times as may be determined by the Chief Financial Officer and/or acting Chief Financial Officer of the Township, provided that any note issued pursuant hereto shall be issued for a period not to exceed one (1) year, but all such notes, including renewals, shall mature and be paid in accordance with the Local Bond Law.

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer and/or acting Chief Financial Officer of the Township.

(c) The notes shall be in a form as permitted by law and approved by Bond Counsel, and issued pursuant to the Local Bond Law, and any such notes or any renewal thereof, may be signed or sealed by officers of the Township in any manner permitted by Section 40A:2-25 of said Law notwithstanding what is otherwise set forth herein.

Section 4. The Chief Financial Officer and/or acting Chief Financial Officer of the Township is hereby authorized and directed to determine all matters in connection with said Notes or any renewal thereof, not determined by this or a subsequent resolution and his/her signature upon said Notes shall be conclusive as to such determinations.

Section 5. The Chief Financial Officer an/or Chief Financial Officer of the Township is hereby authorized to sell said Notes or any renewal thereof, from time to time at public or private sale in such amounts as he/she may determine at not less than par value and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from the dated date of the Notes to the date of delivery thereof and payment therefor.

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Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Township, and the Township's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligation and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The governing body of the Township hereby covenants on behalf of the Township to take any action necessary or refrain from taking any action in order to preserve the tax exempt status of the debt obligations authorized hereunder as is required under the Internal Revenue Code of 1986, as amended, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 8. This resolution shall take effect immediately.

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

G. Correspondence

1. Stillwater Township
2. Township of Vernon
3. Township of Monroe
4. County of Sussex
5. County of Sussex
6. NJ State League of Municipalities
7. NJ State League of Municipalities
8. NJ State League of Municipalities
9. State of NJ
10. State of NJ
11. State of NJ
12. NJ Transit
13. Pequest Engineering Company
14. The Pequannock, Lincoln Park and Fairfield Sewerage Authority
15. The New Jersey Council on Developmental Disabilities
16. Council On Affordable Housing Newsletter
17. NJ Transportation Planning Authority Newsletter

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

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

Jane Bakalarczyk, RMC
Municipal Clerk