

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 19, 2005

The meeting was called to order by Mayor Kievit 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 Hamilton, Councilman Ross, 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 – June 2005
2. Construction Official Report – June 2005
3. Municipal Court Report – June 2005
4. Sales Listing Report – June 2005
5. Smoke Detector & CO Alarm Inspections – 2nd Q 2005
6. Tax Collector Report – June 2005
7. Planning Board – Minutes/Resolutions
8. Zoning Board – Minutes/Resolutions
9. HTMUA – Minutes of 4/13/05
10. HTMUA – Minutes of 5/11/05
11. Sparta Health Department Report – May 2005
12. Sparta Health Department Report – June 2005

Minutes:

1. Regular Minutes of 6/21/05
2. Executive Session Minutes of 6/21/05
3. Special Meeting Minutes of 6/28/05
4. Workshop Minutes of 6/28/05

Licenses:

1. On-premise 50/50 Raffle – Morris Museum

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

NEW BUSINESS:

- A. Resolution Amending 2005 Capital Budget

A motion was made by Hamilton to approve the resolution as presented, seconded by Lasinski. All in favor. Motion carried. A copy of the resolution is on file in the Clerk's Office.

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OLD BUSINESS:

ORDINANCES:

1st READING: 2005-09

**AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION
UNDER N.J.S. 40A:4-53 ET SEQ. TO FINANCE REVISIONS OF TAX
MAPS, BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF
SUSSEX, NEW JERSEY.**

BE IT ORDAINED by the Mayor and Council of the Township of Hardyston, in the County of Sussex, New Jersey (not less than two-thirds of All the members thereof affirmatively concurring), as follows:

Section 1. Pursuant to NJS 40A:4-53 et seq. (Ch. 48, P.L. 1956 as amended by the Ch. 144, P.L. 1965 and Ch. 38, P.L. 1969), the sum of \$97,500 is hereby appropriated for the Revision of Tax Map within the Township of Hardyston. The total amount appropriated is \$97,500, and shall be deemed a special emergency appropriation as defined and provided for in NJS 40A:4-55.

Section 2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (NJS 40A:4-55).

Section 3. All conflicting or inconsistent ordinances are hereby repealed.

Section 4. This Ordinance shall become effective upon final passage in accordance with provisions and laws of the State of New Jersey.

A motion was made by Ross to approve Ordinance 2005-09 on first reading, seconded by Lasinski. All in favor. Motion carried.

2005-10

**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.**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW
JERSEY (not less than two-thirds of all members thereof affirmatively
concurring) AS FOLLOWS:**

Section 1. The improvement and purpose described in Section 3 of this bond ordinance is hereby authorized as a general capital improvements to be made, acquired or undertaken by the Township of Hardyston, County of Sussex, New Jersey (hereinafter "Township"). For said improvement or purpose stated in Section

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3,there is hereby appropriated the sum of \$880,000, said sum being inclusive of all appropriations heretofore made therefore, amounting in the aggregate to \$880,000, including the aggregate sum of \$45,000 as the down payment for the improvement or purpose. Said \$45,000 down payment is appropriated herein from the Capital Improvement Fund or other legally available funds of the Township, said sum being now available for down payment or capital improvement purposes, as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1, et seq. (the "Local Bond Law") by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets of the Township.

Section 2. For the financing of said improvement or purpose and to meet part of said \$880,000 appropriation not otherwise provided for hereunder, negotiable bonds of the Township are hereby authorized to be issued in the principal amount not to exceed \$835,000, pursuant to the Local Bond Law. In anticipation of the issuance of bonds, negotiable bond anticipation notes (the "Notes") of the Township in an amount not to exceed \$835,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer in accordance with the Local Bond Law. The Chief Financial Officer shall determine all matters in connection with the Notes issued pursuant to this ordinance; and the Chief Financial Officer's signatures upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

Section 3. The improvement hereby authorized and the purpose, the estimated cost of such improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for said improvement and the period of usefulness of said improvement is as follows:

<u>Purpose</u>	<u>Estimated Cost</u>	<u>Down Payment (Capital Improvement Fund)</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
Acquisition of Vehicles and Equipment for Use by the Fire Department in the Township of Hardyston, and all improvements, costs, equipment, and appurtenances necessary therefore and related thereto.	\$880,000	\$45,000	\$835,000	20
	\$880,000	\$45,000	\$835,000	20 years

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 3 of this bond ordinance are not a current expenses of the Townships and is an improvement that the Township may lawfully undertake as a general improvement, and no part of the costs thereof has

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been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness, computed on the basis of the respective amounts of obligations authorized for such purpose and the reasonable life thereof within the limitations of the Local Bond Law is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$835,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$26,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 5. The capital budget of the Township of Hardyston is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. The Township reasonably expects to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. This Section is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury regulation 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 9. The governing body of the Township hereby covenants on behalf of the Township that to the extent any debt obligations are issued as tax-exempt debt obligations to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of such 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 the rebate of investment earnings as may be required thereunder.

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Section 10. The provisions of this ordinance are severable, to the extent that any clause, phrase, sentence, paragraph, or provision of this ordinance shall be declared void, illegal or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 11. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

A motion was made by Ross to approve Ordinance 2005-10 on first reading, seconded by Hamilton. All in favor. Motion carried.

ORDINANCES:

2nd READING: NONE

NEW BUSINESS: (continued)

B. Emergency Appropriation Resolution – Tax Map Preparation

WHEREAS, an ordinance has been adopted creating a special emergency appropriation of \$97,500.00 to meet certain extraordinary expense to be incurred for Revisions of Tax Maps, and no adequate provision was made in the 2005 budget for the aforesaid purpose, and N.J.S.A. 40A: 4-53 provides for the creation of a special emergency appropriation for the purpose above mentioned, and;

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$ 97,500.00, and three per cent of the total operations in the budget for the year 2004 was \$ 156,185.29

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston, that in accordance with N.J.S.A. 40A: 4-48, and 40A: 4-53:

1. A special emergency appropriation be and the same is hereby made for Revisions of Tax Map \$97,500.00.
2. Total amount of the contract per ordinance number 5-2005 is for \$ 97,500.00, and the Township of Hardyston hereby requests that an exclusion from the 5% “CAP” be granted by the Director of Local Government Services in accordance with P.L. 1981 Chapter 56 in the amount of \$19,500.00 per year in the budgets of the next five succeeding years commencing with the budget of 2006 in accordance with 40A:4-55(c).
3. That two certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

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C. Resolution authorizing Change Order #6 for New Municipal Building Complex Project

BE IT RESOLVED by the Township Council of the Township of Hardyston that Change Order #6 for the Hardyston Municipal Building Complex project is hereby approved.

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

D. Resolution reducing bond posted by Beazer Homes Corporation for Indian Fields, Phase 3

WHEREAS, the Hardyston Township Planning Board granted approvals to Beazer Homes Corporation for Indian Fields – Phase 3; and

WHEREAS, as part of the Planning Board approval Beazer Homes Corporation was required to post a performance bond for site improvements; and

WHEREAS, Beazer Homes Corporation. has posted a performance bond in the amount of \$2,360,288.16 and a cash bond in the amount of \$262,254.24 for site improvements in compliance with the Planning Board approval and upon the recommendation of the Township Engineer; and

WHEREAS, Beazer Homes Corporation has requested a reduction in the bonding amount due to substantial completion of site improvements; and

WHEREAS, the Township Engineer has reviewed the request of Beazer Homes Corporation and has found substantial completion of site improvements; and

WHEREAS, the Township Engineer has therefore recommended that the bond should be maintained as follows:

Total Bond Amount	\$786,762.72
Surety amount (90%)	\$708,086.45
Cash amount (10%)	\$ 78,676.27

NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that the bond for Indian Fields – Phase 3 be reduced in accordance with the recommendation of the Township Engineer.

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

E. Ridgefield Commons Developers' Agreement Clarification

A motion was made by Ross that Pottersville Properties, developer of Ridgefield Commons, has met the criteria for substantial completion certification, seconded by Hamilton. All in favor. Motion carried.

F. Correspondence

1. Township of Sparta
2. Township of Mount Olive
3. Fredon Township
4. Franklin Borough
5. Union City
6. Frankford Township

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7. Franklin Borough
8. Borough of Allentown
9. Township of Wantage
10. Borough of Hamburg
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
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27. State of NJ
28. State of NJ
29. State of NJ
30. State of NJ
31. State of NJ
32. State of NJ
33. State of NJ
34. State of NJ
35. Service Electric Cable TV of NJ, Inc.
36. Dykstra Walker Design Group
37. Jersey Central Power & Light Co.
38. Conspectus Newsletter
39. New Jersey Future Newsletter

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

MANAGERS REPORT: Township Manager Marianne Smith gave a written and verbal report on the following:

- Municipal Building/Police Station Complex
- Landfill
- Recreation Programs
- Planning Issues
- Staffing
- Programs In Progress

BILLS TO BE PAID: A motion was made by Hamilton to approve the bill list as presented, seconded by Ross. 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. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

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EXECUTIVE SESSION: None.

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

Jane Bakalarczyk, RMC
Municipal Clerk