

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON APRIL 12, 2011

The meeting was called to order by Mayor Kula 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 Miller, Councilwoman Hamilton, Councilman Kievit, Councilman Ross, Manager Marianne Smith, Clerk Jane Bakalarczyk with Township Attorney Dominic DiYanni of Dorsey & Semrau arriving at approximately 7:10 P.M.

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 – March 2011
2. Municipal Court Report – March 2011
3. Tax Collector Report – March 2011
4. Zoning Officer Report – January 2011
5. Smoke Detector & CO Alarm Compliance Inspections – 1st Quarter 2011
6. Sussex County Public Health Nurse Activity Report – February 2011
7. Police Department Report – March 2011
8. Construction Certificate Activity Report – March 2011
9. Construction Permit Activity Report – Hardyston – March 2011
10. Construction Permit Activity Report – Hamburg – March 2011
11. Construction Permit Activity Report – Franklin – March 2011
12. Construction Permit Activity Report – Newton – March 2011
13. Construction Permit Activity Report – Sussex – March 2011
14. HTMUA – Minutes of 1/10/11
15. HTMUA – Minutes of 2/7/11
16. HTMUA – Minutes of 3/7/11

Minutes:

1. Regular Minutes of 12/14/10
2. Executive Session Minutes of 12/14/10
3. Regular Minutes of 1/20/11
4. Regular Minutes of 3/1/11
5. Workshop Minutes of 3/1/11
6. Special Workshop Minutes of 3/8/11
7. Regular Minutes of 3/15/11

Agreements/Applications/Licenses:

1. GTBM Inc. – Info-Cop Device License (Police Dept.)
2. Fire Department New Member Application (Junior Program)
– Tim R. Gould and Joseph M. Scanniello
3. Raffle – Hardyston Twp Volunteer Fire Dept
4. Raffle – PTA Paradise Knoll
5. Raffle – Minette Grosso McKenna Angel Foundation, Inc.
6. Raffle – Junior Achievement of New Jersey, Inc.
7. Raffle – Helpful Hands , Northeast Regional Early Intervention Collaborative, Inc.
8. Raffle – Wallkill Valley Booster Club

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

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ORDINANCES:

1st READING: None

ORDINANCES:

2nd READING: 2011-04

**CALENDAR YEAR 2011
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. 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 2.0% unless authorized by ordinance to increase it to 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 appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2011 budget by up to 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 Council hereby determines that a 1.5% increase in the budget for said year, amounting to \$100,555.73 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines 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.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Hardyston, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the Township of Hardyston shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$234,630.05, and that the CY 2011 municipal budget for the Township of Hardyston be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any 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 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 5 days after such adoption.

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 Kievit to approve Ordinance 2011-04 on second reading, seconded by Ross. All in favor. Motion carried.

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NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #18-11 – Overpayment Refunds – Crystal Springs Construction, LLC
 - a. Block 14, Lot 30.03 QFarm – 51-61 Orts Road
 - b. Block 14, Lot 31 QFarm – 77 Orts Road

RESOLUTION # 18-11

WHEREAS, the following parcels were regular tax line items in 2009, and,
WHEREAS, for the tax year 2010 the Tax Assessor has changed them to farmland assessed which has lowered their assessment values.

Block	Lot	Qual	Location	Amount
14	30.03	QFarm	51-61 Orts Road	\$ 3,827.54
14	31	QFarm	77 Orts Road	\$ 129.39

2. Resolution #19-11 –Refund – Crystal Springs Builders, LLC
 - a. Block 16.27, Lot 1 - Wild Turkey Way

RESOLUTION # 19-11

WHEREAS, due to the Revaluation done in 2009 to take effect for tax year 2010, and

WHEREAS, the assessment for Wild Turkey Way Block 16.27 Lot 1 and owned by Crystal Springs Builders, LLC was a considerable decrease in the assessment from 750,000 to 412,500,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Crystal Springs Builders, LLC the amount of \$ 1,822.31 for a tax overpayment.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Crystal Springs Construction, LLC the above amounts for tax overpayments in the total amount of \$ 3,956.93.

3. Resolution #20-11 –Refunds– William Pohlmann
 - a. Block 60.04, Lot 2 – 18 Stonehedge Drive

RESOLUTION #20-11

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

WHEREAS, this parcel is exempt due to disability and the State has mailed the Tax Office Mr. Pohlmann's Homestead Benefit payment.

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 his Homestead Benefit in the amount of \$ 329.63.

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

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- B. Resolution #17-11 – Resolution authorizing the recycling coordinator to file the 2010 recycling tonnage grant application

RESOLUTION #17-11

**RESOLUTION AUTHORIZING THE RECYCLING COORDINATOR TO
FILE THE 2010 RECYCLING TONNAGE GRANT APPLICATION FOR
THE TOWNSHIP OF HARDYSTON**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made available to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a Resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Mayor and Council of the Township of Hardyston to the efforts undertaken by the municipality and requirements contained in the Recycling Act and Recycling Regulations; and

WHEREAS, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that Hardyston Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Robert F. Schultz, Recycling Coordinator for the Township of Hardyston, 149 Wheatsworth Road, Hardyston, NJ 07419 to assure that the said Application is properly filed.

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

- C. Resolution #21-11 – Change Order No. 1 for the contract entitled “Big Spring Road Improvements – Phase I”

RESOLUTION #21-11

BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, State of New Jersey that the nature of the changes as described in the attached Change Order No. 1 for the contract entitled “Big Spring Road Improvements – Phase I” be and the same are hereby approved the Township Manager is hereby authorized and directed to execute the change order on behalf of the Township.

BE IT FURTHER RESOLVED that said contract shall be amended to reflect a decrease in the amount of \$19,629.50 based on as-built quantities.

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

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- D. Resolution #22-11 - Resolution authorizing the execution of the following contracts/ leases/ interlocal agreements/agreements:
1. Street Sweeping – Sussex County Tech Board of Education
 2. Street Sweeping – Borough of Hamburg
 3. Hardyston/Franklin Municipal Alliance – Board of Chosen Freeholders
 4. Recreation – Franklin Borough

RESOLUTION #22-11

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING CONTRACTS/
LEASES/ INTERLOCAL AGREEMENTS/AGREEMENTS**

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

1. Street Sweeping – Sussex County Tech Board of Education
2. Street Sweeping – Borough of Hamburg
3. Hardyston/Franklin Municipal Alliance – Board of Chosen Freeholders
4. Recreation – Franklin Borough

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

- E. Resolution #23-11 – Resolution opposing Senate Bill No. 2794, An Act Promoting the Sharing of Services Among Local Government Units and Granting the Local Alignment, Reorganization, and Consolidation Commission (LUARCC) Greater Powers and Duties

RESOLUTION #23-11

**A RESOLUTION OPPOSING SENATE BILL NO. 2794, AN ACT PROMOTING THE SHARING OF
SERVICES AMONG LOCAL GOVERNMENT UNITS AND GRANTING THE LOCAL UNIT
ALIGNMENT, REORGANIZATION, AND CONSOLIDATION COMMISSION (LUARCC) GREATER
POWERS AND DUTIES**

WHEREAS, New Jersey's citizens pay the highest property taxes in the nation and are in desperate need of real property tax relief, and

WHEREAS, the sharing of services among local government units and the possible consolidation of local units have the potential to produce municipal savings and promote relief for our property taxpayers, and

WHEREAS, Hardyston Township has been proactive in establishing shared service agreements with neighboring municipalities and local government units, with over 20 shared service agreements in place to date, and

WHEREAS, there is a need for reform to remove many of the impediments to shared services and consolidations caused by terminal pay requirements, employee tenure provisions and Civil Service statutes and regulations, and

WHEREAS, many of the provisions in Senate Bill No. 2794 have the potential to lower the costs of shared services, however there are other provisions of the bill in its current form that raise serious concerns, and

WHEREAS, the Township of Hardyston is opposed to Senate Bill No. 2794 as proposed in its current form for the following reasons:

1. The provision in Section 7.f of the bill provides that if a majority of the voters of a municipality do not approve a shared services proposal as recommended/ordered by LUARCC and implement that agreement within 14 months, the State shall reduce the amount of state aid allocated to the municipality by the total net savings estimated in the

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2. shared services proposal. The Township opposes any proposal that on one hand allows the voters to express their will; but on the other hand informs the voters that will be punished if their will does not agree with that of the majority of the LUARCC members;
3. The bill as proposed requires a legislative veto to void a LUARCC proposal. The Township opposes the imposition of a Legislative veto of a LUARCC proposal instead of vesting the decision to reject the proposals in the local governing body who are elected and must answer directly to the citizens who would be affected by the shared service proposal;
4. The bill as proposed requires that every recommendation by the LUARCC be subject to a vote by the citizens of the affected municipality. The Township opposes this requirement because in most instances the local governing body is better to able to judge the merit of the proposal in a more expeditious and cost-effective matter, and can determine when a proposal should go before the voters

NOW THEREFORE BE IT RESOLVED, the Township Council of the Township strongly believes in the cost-saving benefits of shared service agreements as a mechanism for property tax relief and more efficient government;

AND BE IT FURTHER RESOLVED, the Township Council opposes Senate Bill 2794 in its current form, and urges the New Jersey Legislature to not adopt the bill in its current form and to consider amending the bill to address the concerns detailed above;

AND BE IT FURTHER RESOLVED, that the Clerk is hereby authorized to forward certified copies of this resolution to Senator Sweeney, Senator Steven Oroho, Assemblywoman Alison Littell-McHose, Assemblyman Gary Chiusano and the New Jersey League of Municipalities.

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

- F. Resolution #24-11 – Self-Examination of Budget Resolution

**RESOLUTION #24-11
SELF-EXAMINATION OF BUDGET RESOLUTION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 THRU 7.5 the Township of Hardyston has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Hardyston meets the necessary conditions to participate in the program for the 2011 budget year, so now therefore

BE IT RESOLVED, by the Township Council of the Township of Hardyston that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes

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2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated.
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE Director of the Division of Local Government Services.

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

- G. Resolution #25-11 – Resolution supporting A-3412 Sharing the Burden of Property Assessment Appeal Refunds

RESOLUTION #25-11

**RESOLUTION SUPPORTING A-3412 SHARING THE BURDEN OF PROPERTY
ASSESSMENT APPEAL REFUNDS**

WHEREAS, when County Tax Board appeals are granted the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector makes the adjustment from the appeal as a credit on the 4th quarter tax bill resulting in the municipality's fund balance for the preceding year to diminished, if not completely depleted; and

WHEREAS, a recent League of Municipalities' survey has measured the extent to which residents have filed and won tax appeals in 2010; and

WHEREAS, one hundred fifty (150) municipalities, representing all both large and small municipalities in all 21 counties, that participated in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

WHEREAS, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

WHEREAS, a municipality often experiences an increase in tax appeals because they have conducted a revaluation, however, only 5 of the 150 municipalities, which participated in our survey, indicated that their 2010 appeals resulted from revaluations; and

WHEREAS, as a way of comparison, 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

WHEREAS, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of homeowners, all around our Garden State; and

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WHEREAS, the survey also indicated that in 2010 the various County Tax Boards have granted average property value reductions of close to \$5,000, per appeal; and

WHEREAS, fifty-six percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

WHEREAS, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011, since the reductions, which were granted by County Tax Boards in 2010, will have a multiplier effect when neighbors learn of their neighbor's tax reduction, which will likely increase the appeals and in the alternative, Tax Assessors could be forced to adjust property values, based upon the appeal information; and

WHEREAS, successful tax appeals have a three-fold negative impact on municipal budgets. First, the municipality, as the collector of taxes for the School district, county and special districts, must fund the full cost of the legal defense of the assessment. Second, since State law guarantees to the county and the school district 100% of their levies, the municipality bears the full cost of any re-imbursements resulting from the appeal (as well as the full burden for any uncollected taxes). Third, the end result will be a further decline in the property tax base used to support Municipalities, County governments and School systems; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

WHEREAS, Assemblyman Carroll has recently introduced A-3412, which requires fire districts, school districts, and county governments to share in burden of property assessment appeal refunds;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Hardyston to hereby urge the swift passage and signing of A-3412; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, Senator Steven Oroho, Assemblyman Gary Chiusano, Assemblywoman Alison Littell-McHose, and to the New Jersey League of Municipalities.

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

- H. Resolution #26-11 – A resolution authorizing the Township of Hardyston Stormwater Program Coordinator to sign and submit the Annual Stormwater Management Report

RESOLUTION #26-11

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF HARDYSTON STORMWATER PROGRAM
COORDINATOR TO SIGN AND SUBMIT THE ANNUAL STORMWATER MANAGEMENT REPORT**

Whereas, the New Jersey Department of Environmental Protection, Division of Water Quality, Bureau of Nonpoint Pollution Control oversees the Municipal Stormwater Regulation Program; and

WHEREAS, all municipalities are required to submit an annual stormwater management report; and

WHEREAS, in order to expedite the submission process the Township may authorize the municipal stormwater program coordinator to submit the annual stormwater management report on the municipality's behalf,

NOW THEREFORE BE IT RESOLVED, the Township Council of the Township of Hardyston hereby appoints Robert Guerin of Guerin and Vreeland Engineering as the Township of Hardyston Stormwater Program Coordinator; and

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BE IT FURTHER RESOLVED, the Township Council hereby authorizes the Hardyston Stormwater Program Coordinator to prepare and submit the 2011 and all subsequent annual stormwater management reports in accordance with the New Jersey Department of Environmental Protection's rules and regulations on behalf of the Township.

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

- I. Proposal – Tax map maintenance/revision services for tax year 2011 and 2012 – Remington & Vernick

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

- J. 2011 Budget Hearing/Adoption

Township Manager gave a verbal and written presentation of the 2011 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 Kievit to approve the 2011 Budget as presented, seconded by Hamilton. All in favor. Motion carried.

- K. Correspondence

1. Hampton Township
2. Hampton Township
3. Hampton Township
4. Township of Andover
5. Township of Andover
6. Borough of Hamburg
7. County of Sussex
8. County of Sussex
9. NJ State League of Municipalities
10. NJ State League of Municipalities
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. State of NJ
16. State of NJ
17. Beattie Padovano, LLC
18. NJ Transit Corporation

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

MANAGERS REPORT: Township Manager gave a verbal report on the following:

- County Public Meeting to be held at the Hardyston Township Municipal Building on April 18, 2011 regarding Operations and Safety Improvements to Sussex County Route 517 (Rudetown Road).
- Eneractive – SREC's (Solar Renewable Energy Credits) – Township Manager stated that Eneractive has to go back out to bid for pricing since our year is up. She stated that Eneractive is getting strong bidding on higher volume of SREC's. She stated that Eneractive would like to conglomerate their customers and put it out as one bid. A motion was made by Kievit to approve the pooling of the SREC's, seconded by Miller. All in favor. Motion carried.
- Wastewater Management Comment Letter
- Planning Board Alternate Candidate

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

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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.

EXECUTIVE SESSION:

BE IT RESOLVED by the Township Council of the Township of Hardyston on the 12th day of April, 2011, that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
2.
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege. (Lake Gerard; Tax Appeals; Shared Services)
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
3. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Motion to adopt: Ross
Seconded by: Miller

MOTION	YES	NO	ABSTAIN	ABSENT
Ross	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Kievit	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Kula	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Hamilton	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Miller	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

Motion carried.

A motion was made by Ross to come out of Executive Session, seconded by Miller. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Ross to adjourn at approximately 7:55 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk