

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 6, 2011**

The meeting was called to order by Mayor Kula at approximately 8:00 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 and Township Attorney Fred 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 8/16/11
2. Executive Minutes of 8/16/11
3. Regular Minutes of 9/6/11
4. Workshop Minutes of 9/6/11
5. Regular Minutes of 9/20/11
6. Executive Minutes of 9/20/11
7. Workshop Minutes of 9/27/11
8. Regular Minutes of 10/4/11
9. Executive Minutes of 10/4/11
10. Regular Minutes of 10/18/11
11. Executive Minutes of 10/18/11
12. Workshop Minutes of 10/25/11
13. Executive Minutes of 10/25/11
14. Regular Minutes of 11/1/11
15. Workshop Minutes of 11/1/11
16. Executive Minutes of 11/1/11
17. Regular Minutes of 11/22/11
18. Executive Minutes of 11/22/11

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

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #85-11 – Refund – TD Bank for payment made in error for Block 71, Lot 9.12, 14 Val Court

RESOLUTION # 85-11

WHEREAS, Block 71, Lot 9.12 also known as 14 Val Court, Hardyston and owned by Oliver, Mona C/O Patrick, and

WHEREAS, TD Bank made a payment in error on this parcel for the November 1st tax quarter

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund TD Bank for a tax payment made in error on 14 Val Court, Hardyston in the amount of \$ 1,602.76.

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

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- B. Resolution #86-11 – Resolution authorizing execution of an agreement with the Morris County Cooperative Pricing Council to renew membership therein for the period of October 1, 2011 through September 30, 2016

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

At this time, a motion was made by Hamilton and seconded by Kievit to authorize the request for a three (3) year extension of the Brecia Farms Subdivision Developer's Agreement subject to the Township Engineer's recommendation as to the amount of the performance bond, and the developer will have to address paving sufficiency issues with the Township Engineer. 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.

EXECUTIVE SESSION:

BE IT RESOLVED by the Township Council of the Township of Hardyston on the 6th day of December, 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.
 - () 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: Kievit
Seconded by: Miller

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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 Kievit. All in favor.
Motion carried.

ADJOURNMENT: A motion was made by Ross to adjourn at approximately 8:15 p.m., seconded by Kievit. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk