

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 12, 2012

The meeting was called to order by Mayor Miller 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 Hamilton, Councilman Ross, Councilman Cicerale, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Jane Coviello of Dorsey & Semrau. Councilman Kula was absent from this meeting.

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 5/15/12

Agreements/Applications/Licenses:

1. Raffle – The Craig School

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

ORDINANCES:

1st READING:

2012-07

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ACQUISITION OF REAL PROPERTIES FOR THE PURPOSE OF ACQUIRING UNITS AS PART OF THE TOWNSHIP'S MARKET TO AFFORDABLE HOUSING PROGRAM

WHEREAS, the Township desires to acquire single-family properties to be resold as affordable housing units pursuant to the Township's Housing Element and Fair Share Plan and the New Jersey Council on affordable Housing's Substantive Rules (N.J.A.C. 5:97); and

WHEREAS, the owners of the real properties designated on the attached Exhibit A are willing to convey the said properties to the Township of Hardyston; and

WHEREAS, the Township Council has determined that it should acquire the said properties under the Township's Market to Affordable Housing Program for the purpose of addressing the Township's Affordable Housing obligation; and

WHEREAS, the Chief Financial Officer has certified that funds are available for these acquisitions.

NOW, THEREFORE, BE IT ORDAINED, by the Hardyston Township Council as follows:

SECTION 1. The Township shall acquire the real properties designated on Exhibit A by purchasing same from the record owners for the considerations indicated, and the Clerk, Administrator, Mayor, Housing Liaison and Township Attorney are authorized and directed to take all steps necessary to execute all documents required for these purchases.

SECTION 2. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

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NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2012 for the following license holders.

1. Anthony Pignataro Corp. – #1911-33-004-006
2. Crystal Springs Beverages, Inc.- #1911-33-006-009
3. HGF, Inc.- #1911-33-005-009
4. Grand Cascades Lodge Liquor, LLC - #1911-36-007-001
5. RBAA, LLC - #1911-44-003-009

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

- C. Resolution #32-12 – Endorsement of New Balance Reach the Beach Relay Event

**RESOLUTION #32-12
ENDORSEMENT OF NEW BALANCE REACH THE BEACH RELAY EVENT**

BE IT RESOLVED that the Township Council of the Township of Hardyston, County of Sussex, State of New Jersey, formally endorses the application of the New Balance Reach The Beach Relay Event scheduled for October 12, 2012, subject to all requirements imposed upon the Event Organizers by the New Jersey Department of Transportation for issuing State Highway Use Permits for such activities, and by the County of Sussex for issuing County Permits for such activities.

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

- D. Resolution #33-12 - Resolution Of The Township Of Hardyston Rejecting The Low Bid And Awarding The Contract To The Next Lowest Bidder For “One (1) 2013 Freightliner 114sd Diesel Truck With Central Hydraulic System And Associated Equipment Or Equivalent”

RESOLUTION #33-12

RESOLUTION OF THE TOWNSHIP OF HARDYSTON REJECTING THE LOW BID AND AWARDING THE CONTRACT TO THE NEXT LOWEST BIDDER FOR “ONE (1) 2013 FREIGHTLINER 114SD DIESEL TRUCK WITH CENTRAL HYDRAULIC SYSTEM AND ASSOCIATED EQUIPMENT OR EQUIVALENT”

WHEREAS, pursuant to authorization by the Township Council of the Township of Hardyston (the “Township”), the Township received bid proposals on May 23, 2012 for “One (1) 2013 Freightliner 114SD Diesel Truck with Central Hydraulic System and Associated Equipment or Equivalent” (hereinafter, the “Project”); and

WHEREAS, the Township Council finds and declares that two (2) bids for the Project were received, opened and read on May 23, 2012; and

WHEREAS, the Township Council finds and declares that the low bid, from Brown’s Hunterdon International, LLC, is non-responsive and non-compliant with the requirements of the bid specifications in the following regards:

- (i) the bidder quoted a “stainless steel cab” as an equivalent/exception to the specifications and then, subsequent to the bid opening, advised the Township that the item as bid cannot be furnished; and
- (ii) the technical review conducted by Bob Schultz, DPW Director, revealed that the bidder failed to identify, describe, and provide information about twenty-eight (28) separate exceptions to the bid specifications contrary to the requirements of the said specifications; and

WHEREAS, the Township Council finds and declares that for the foregoing reasons it is required by law to reject the low bid from Brown’s Hunterdon International, LLC as non-responsive and non-compliant; and

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WHEREAS, the next lowest bid was received from Campbell Freightliner, LLC; and

WHEREAS, a technical review by the Director DPW and legal review by the Township Attorney revealed that the said second lowest bid is responsive to and compliant with the bid specifications; and

WHEREAS, the Township Council determines that an award of the Project to the second lowest bidder is in the best interests of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, as follows:

1. That the low bid received on May 23, 2012 from Brown's Hunterdon International, LLC for "One (1) 2013 Freightliner 114SD Diesel Truck with Central Hydraulic System and Associated Equipment or Equivalent" is hereby rejected for the reasons expressed hereinabove.

2. That the contract for "One (1) 2013 Freightliner 114SD Diesel Truck with Central Hydraulic System and Associated Equipment or Equivalent" is hereby awarded to the second lowest bidder, Campbell Freightliner, LLC.

3. That the Township Clerk and Mayor of the Township of Hardyston are hereby authorized and directed to execute a contract for the aforesaid Project with Campbell Freightliner, LLC, upon submission of all required documentation by the said successful bidder.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

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

BILLS TO BE PAID: A motion was made by Hamilton 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 12th day of June, 2012, 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.

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- (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: Ross
 Seconded by: Hamilton

MOTION	YES	NO	ABSTAIN	ABSENT
Ross	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Kula	<u> </u>	<u> </u>	<u> </u>	<u> x </u>
Hamilton	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Miller	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Cicerale	<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 Hamilton. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Ross to adjourn at approximately 7:30 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
 Municipal Clerk