

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
NOVEMBER 20, 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, Councilman Kula, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & 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.**

**Monthly Reports:**

1. Municipal Clerk Report – October 2012
2. Tax Collector Report – October 2012
3. Construction Certificate Activity Report – October 2012
4. Construction Permit Activity Report – Hardyston – October 2012
5. Construction Permit Activity Report – Hamburg – October 2012
6. Construction Permit Activity Report – Franklin – October 2012
7. Construction Permit Activity Report – Newton – October 2012
8. Construction Permit Activity Report – Sussex – October 2012
9. Animal Control Report – September 2012 and October 2012
10. Municipal Court Report – October 2012
11. Police Department Report – October 2012
12. Sussex County Health Department Report – October 2012

**Minutes:**

1. Workshop Minutes of 9/11/12
2. Regular Minutes of 9/11/12
3. Regular Minutes of 9/18/12
4. Workshop Minutes of 9/25/12
5. Regular Minutes of 10/2/12
6. Executive Minutes of 10/2/12
7. Regular Minutes of 10/16/12

**Agreements/Applications/Licenses:**

1. Raffles – Hamburg PTA

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

**ORDINANCES:**

**1<sup>st</sup> READING:** None

**ORDINANCES:**

**2<sup>nd</sup> READING:** 2012-10

**BOND ORDINANCE AUTHORIZING THE APPROPRIATION OF A SUM NOT TO EXCEED \$3,027,000 AND AUTHORIZING THE ISSUANCE OF REFUNDING BONDS AND/OR NOTES OF THE TOWNSHIP OF HARDYSTON, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$3,027,000, TO REFUND, IN FULL OR IN PART, THE OUTSTANDING BALANCE OF GENERAL IMPROVEMENT BONDS, SERIES 2004A OF THE TOWNSHIP AND TO FINANCE THE COSTS OF ISSUANCE OF SUCH REFUNDING BONDS ON BEHALF OF THE TOWNSHIP AND TO PROVIDE FOR THE ISSUANCE OF SUCH REFUNDING BONDS**

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**WHEREAS**, the Township Of Hardyston, County of Sussex, State of New Jersey (the "Township") issued \$3,300,000 General Obligation General Improvement Bonds, Series 2004A dated October 1, 2004, (the bond issues identified and set forth above are hereinafter referred as the "Outstanding Bonds") pursuant to the provisions of the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 et seq. (the "Law") for purposes of providing funds for various capital improvements in and for the Township; and

**WHEREAS**, the Outstanding Bonds maturing on or prior to October 1, 2014 are not subject to redemption prior to maturity, however there is the principal amount of \$2,750,000 of

the Outstanding Bonds that remain outstanding and will mature in various amounts between October 1, 2015 and October 1, 2023 inclusive which are subject to redemption prior to maturity; and

**WHEREAS**, the Township now desires to authorize and issue refunding bonds to refund the principal amount of the Outstanding Bonds maturing in the years 2015 through the final maturity in 2023, to authorize the execution of a refunding agreement to provide for the acquisition of obligations of the United States of America, the principal of and interest on which shall provide for the payment of the principal of and interest on the Outstanding Bonds, and to pay the cost of issuance of such refunding bonds, in order to provide for debt service savings to the Township;

**NOW THEREFORE BE ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY** (Not less than Two-third (2/3) of All Members Thereof Affirming and Concurring), **AS FOLLOWS:**

Section 1. The Township Of Hardyston, in the County of Sussex, State of New Jersey, hereby authorize to an aggregate amount not to exceed \$3,027,000 for the payment, refunding or funding of all of part principal of and interest on the principal amount of \$2,750,000 outstanding Bonds of the Township maturing in the years 2015 through 2023.

Section 2. An aggregate amount not exceeding \$70,000 for items of expense listed and permitted under Section 40A:2-51(b) and 40A:2-53(a) of the Law has been reserved for the cost of issuance expenses relating to the refunding bonds authorized herein.

Section 3. In order to finance the cost of refunding the Outstanding Bonds in the aggregate principal amounts stated in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the aggregate principal amount not exceeding \$3,027,000 pursuant to the Law (the "Refunding Bonds"), consisting of one issue of general improvement refunding bonds in the principal amount not exceeding \$3,027,000. The Refunding Bonds shall pay interest at a rate or rates per annum as may be hereinafter determined within the limitation prescribed by Law. Said issue of general improvement refunding bonds shall mature in annual installments which may not exceed the limitations prescribed in Section 40A:2-26(b) of the Local Bond Law, and as set forth in N.J.A.C.5:30-2.5 of the regulations issued pursuant thereto. In addition, the Outstanding Bonds shall be paid and redeemed on the next call date after issuance of same through the proceeds from the sale held in escrow pledged to the payment of the principal and interest on the Outstanding Bonds to be refunded. The Refunding Bonds shall be sold at private sale by resolution of the Township Council to Janney Montgomery Scott LLC. All matters with respect to Refunding Bonds not determined by this ordinance or a resolution of the Township Council shall be determined by the Chief Financial Officer in accordance herewith, and with the Local Bond Law.

Section 4. The Chief Financial Officer of the Township is directed to report in writing to the Township Council at the meeting next succeeding the date when any sale or delivery of Refunding Bonds pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, the maturity schedule of the Refunding Bonds sold, the price obtained, and the terms of the escrow, as well as any other material terms of the transaction.

Section 5. The Chief Financial Officer of the Township is hereby authorized to determine such details relating to the issuance of the Refunding Bonds and is directed to provide such details to the Township Council and the Director of the Division of Local Government Services for the Director's approval, including the final maturity schedule, the terms of the

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redemption of the Outstanding Bonds, the deposit, securing, regulations, escrow investments, disposition or application of refunding bond proceeds pending such escrow and redemption and the specific terms and conditions relating thereto and any information required by law, or resolution of the Local Finance Board.

Section 6. The Chief Financial Officer is further authorized to determine the terms of any contract with the holders of the Refunding Bonds with respect to the establishment of, and the making of provisions for the funding of the escrow fund and the amount, source, securing, regulation and disposition thereof for escrow and redemption of the Outstanding Bonds, and enter into any contracts or agreements to implement the refunding program, including agreements for bond, insurance, rating agencies, investment banking, printing, legal services and financial advisor services, which terms and agreements shall not be inconsistent herewith.

Section 7. A certified copy of this Refunding Bond Ordinance as adopted on first reading shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs, of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Chief Financial Officer of the Township as to the indebtedness to be financed by the issuance of the Refunding Bonds authorized herein.

Section 8. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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 Ross to approve Ordinance 2012-10 on second reading, seconded by Hamilton. All in favor. Motion carried.

**NEW BUSINESS:**

A. Tax Collector Resolutions

1. Resolution #63-12 – Adjust taxes for CJS Investments, Inc., Block 63, Lot 26.01, 132 Wheatsworth Road, based on new assessment due to tax appeal

**RESOLUTION # 63-12**

WHEREAS, Block 63 Lot 26.01 132 Wheatsworth Road and owned by CJS Investments, Inc had a successful tax appeal with the Sussex County Tax Board for 2011, and

WHEREAS, Tax Assessor Scott Holzhauer has advised the Tax Collector that a correction of 2012 Assessment and change in taxes is due based on a clerical oversight, and

WHEREAS, the taxes need to be adjusted based on the new assessment value for this property being adjusted from 75,900 to 42,700,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to adjust the taxes for 132 Wheatsworth Road in the amount of \$ 759.28.

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

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- B. Resolution #64-12 – Shared Service Agreement for Animal Control Officer Services with Wantage Township

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

1. Animal Control Officer Services – Wantage Township

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

- C. Resolution #65-12 – Resolution authorizing the execution of Grant of Easement for Well for Block 32, Lot 14 – 43 Fawn Lake Road

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

1. Grant of Easement for Well – Block 32, Lot 14 – 43 Fawn Lake Road

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

- D. Correspondence

1. Stillwater Township
2. Stillwater Township
3. State of NJ
4. State of NJ
5. State of NJ
6. Azrak & Associates, LLC

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

**MANAGERS REPORT:** Township Manager discussed the events of Hurricane Sandy.

**BILLS TO BE PAID:** A motion was made by Ross to approve the bill list as presented, seconded by Kula. 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. Resident Ann Stanton of Crystal Springs inquired about a noise ordinance. Resident Marty Schweighardt inquired as to the paving of Crystal Springs Road, and also had comments regarding JCP&L with regard to Hurricane Sandy. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Hamilton to adjourn at approximately 8:00 p.m., seconded by Ross. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk