

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
FEBRUARY 5, 2013**

The meeting was called to order by Mayor Hamilton at approximately 8:45 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 Kula, Councilman Ross, Councilman Cicerale, Councilman Miller, 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.

Agreements/Applications/Licenses:

1. Trailer License Renewal – Elizabeth McDole
2. Kennel License Renewal – The Pet Spa & Resort, Inc.
3. Raffle – West Milford Rotary Club

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

ORDINANCES:

1st READING: 2013-01

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A STREET SWEEPER, APPROPRIATING \$275,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$195,000 BONDS OR NOTES OF THE TOWNSHIP FOR THE FINANCING OF THE COST OF SAID ACQUISITION 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 improvement 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 3, there is hereby appropriated the sum of \$275,000, said sum being inclusive of all appropriations heretofore made therefore, amounting in the aggregate to \$275,000, including the aggregate sum of \$80,000 as the down payment for the improvements or purposes. Said \$80,000 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 \$275,000 appropriation not otherwise provided for hereunder, negotiable bonds of the Township are hereby authorized to be issued in the principal amount not to exceed \$195,000, 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 \$195,000 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

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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:

Improvement/Acquisition	Estimated Cost	Down Payment (Capital Improvement Fund)	Maximum Amount of Bonds/Notes	Useful Life (Years)
Acquisition of a street sweeper, to include all equipment, costs, and appurtenances necessary therefor or incidental thereto.	275,000	80,000	195,000	5

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

(a) The purpose described in Section 3 of this bond ordinance is not a current expense of the Township and is an improvement that the Township may lawfully undertake as a general improvement, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness is within the limitations of the Local Bond Law, computed from the date of the bonds authorized by the bond ordinance, the period of usefulness is 15 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 \$195,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$25,000 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.

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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 improvements or purposes 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 improvements or purposes 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.

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 2013-01 on first reading, seconded by Kula. All in favor. Motion carried.

2013-02

**AN ORDINANCE TO AMEND THE ESTABLISHED MINIMUM AND MAXIMUM
SALARIES FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HARDYSTON
TO PROVIDE THE METHOD FOR THE PAYMENT OF ANNUAL SALARY
INCREMENTS IN THE DISCRETION OF THE TOWNSHIP COUNCIL**

BE IT ORDAINED by the Township Council of the Township of Hardyston that Section 2 be amended as follows:

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Section 2. The minimum and maximum rates of compensation for each employee or class of employees who are employed on an hourly basis shall be and are hereby fixed as follows:

<u>POSITION</u>	<u>MINIMUM HOURLY</u>	<u>MAXIMUM HOURLY</u>
Dispatcher In Training	\$12.00	\$14.00
Court Security Officer	\$20.00	\$25.00
Seasonal/Temporary/Clerical	\$ 7.25	\$14.00
Summer Recreation Sr. Counselors	\$ 7.25	\$11.00
Summer Recreation Jr. Counselors	\$ 7.25	\$10.00
Utility Billing Specialist	\$10.00	\$23.00
Assistant to Finance Officer	\$10.00	\$23.00
Recreation Director	\$15.00	\$24.00

A motion was made by Ross to approve Ordinance 2013-02 on first reading, seconded by Miller. All in favor. Motion carried.

ORDINANCES:

2nd READING: None

NEW BUSINESS:

A. Resolution #13-13 - Resolution authorizing the execution of Commodity Resale Agreements with the following:

1. Walkkill Valley Regional High School
2. Hamburg Borough Board of Education
3. Hardyston Township Board of Education
4. County of Sussex
5. Franklin Borough Board of Education
6. Sussex Borough
7. Hamburg Borough
8. Franklin Borough

RESOLUTION #13-13

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND
STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP OF
HARDYSTON TO RENEW REGISTRATION FOR A
COMMODITY RESALE SYSTEM AND TO ENTER INTO
COMMODITY RESALE AGREEMENTS WITH OTHER
CONTRACTING UNITS**

WHEREAS, N.J.A.C. 5:34-7.15 authorizes contracting units to establish a Commodity Resale System; and

WHEREAS, the Township of Hardyston, County of Sussex, State of New Jersey, is desirous of Renewing its Registration for a Commodity Resale System for the resale of gasoline and diesel fuel; and

WHEREAS, the Township of Hardyston has agreed to serve as the Lead Agency for a Commodity Resale System with other Contracting Units.

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

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1. The Township Council hereby authorizes the Renewal of a Commodity Resale System to be known as the Hardyston Commodity Resale System with the Township of Hardyston serving as the Lead Agency.
2. The Township Manager is hereby authorized to enter into a contract for the sale of gasoline and diesel fuel with the following entities:
 - County of Sussex
 - Franklin Borough
 - Franklin Borough Board of Education
 - Hamburg Borough
 - Hamburg Borough Board of Education
 - Hardyston Board of Education
 - Sussex Borough
 - Walkkill Valley Regional High School
3. This Resolution shall take effect immediately upon passage.

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

- B. Resolution #14-13 – Resolution authorizing the execution of shared service agreements with the Hardyston Township Board of Education for the following:
1. Lawn Maintenance
 2. Park Maintenance
 3. Solid Waste and Recycling Removal

RESOLUTION #14-13

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING SHARED SERVICE AGREEMENTS

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

1. Lawn Maintenance – Hardyston Board of Education
2. Park Maintenance – Hardyston Board of Education
3. Solid Waste and Recycling Removal – Hardyston Board of Education

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

- C. Resolution #15-13 – Resolution to foreclose in rem tax certificates held by the Township of Hardyston

RESOLUTION #15-13

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO FORECLOSE IN REM TAX
CERTIFICATES HELD BY THE TOWNSHIP OF HARDYSTON**

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, the following tax sale certificates now held by the Township of Hardyston be foreclosed by the summary proceedings IN REM and as described in New Jersey Statutes R.S. 54:5-104.29 to R.S. 54:5-104.71, as amended, and pursuant to Rules of Civil Practice of the Superior Court of New Jersey:

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As outlined on Exhibit A attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized to pursue the foreclosure of the aforesaid properties, striking any properties from the proceedings at the discretion of the Manager for good cause.

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

D. Resolution #16-13 – 2013 Transportation Services Contract – County of Sussex

RESOLUTION #16-13

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

a. 2013 Transportation Services Contract – County of Sussex

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

E. Resolution #17-13 – 2012 Budget Transfer Resolution

**Township of Hardyston
Resolution #17-13**

Now, Therefore be it resolved by the Township Council of the Township of Hardyston, State of New Jersey, That the following 2012 Budget Appropriation Reserves transfers be authorized:

<u>Transfer From</u>	<u>Amount</u>	<u>Transfer To</u>	<u>Amount</u>
General Administration S&W	\$ 16,724.00	General Administration OE	\$ 16,724.00
Finance S&W	\$ 197.00	Finance Administration OE	\$ 197.00
Election OE	\$ 397.00	Finance Administration OE	\$ 397.00
General Administration Supplies	\$ 2,704.00	Finance Administration OE	\$ 2,704.00
Tax Collector OE	\$ 3,185.00	Finance Administration OE	\$ 3,185.00
Tax Collector OE	\$ 2,132.00	Computer Tech/Maintenance OE	\$ 2,132.00
Computer Tech/Maintenance S&W	\$ 2,582.00	Computer Tech/Maintenance OE	\$ 2,582.00
Zoning Official OE	\$ 933.10	Computer Tech/Maintenance OE	\$ 933.10
Tax Collector OE	\$ 800.00	Legal OE	\$ 800.00
General Administration S&W	\$ 26,200.00	Legal OE	\$ 26,200.00
Planning Board OE	\$ 3,750.00	Legal OE	\$ 3,750.00
Aid to Volunteer Ambulance Company	\$ 4,250.00	Legal OE	\$ 4,250.00
Office of Emergency Management OE	\$ 1,000.00	Legal OE	\$ 1,000.00
Zoning Board OE	\$ 1,777.80	Economic Development OE	\$ 1,777.80
Construction Official S&W	\$ 212.50	Economic Development OE	\$ 212.50
Construction Official OE	\$ 2,966.40	Economic Development OE	\$ 2,966.40
Waiver Health Insurance	\$ 4,289.00	Health Insurance	\$ 4,289.00
Disability Insurance	\$ 2,857.00	Health Insurance	\$ 2,857.00
Disability Insurance	\$ 192.19	Unemployment Insurance	\$ 192.19
Police S&W	\$ 3,870.00	Police OE	\$ 3,870.00
Disability Insurance	\$ 2,282.67	Police OE	\$ 2,282.67
Purchase of Police Cars	\$ 15.40	Police OE	\$ 15.40

General Administration S&W	\$	14,145.93	Police OE	\$	14,145.93
General Administration S&W	\$	5,367.00	Police Uniforms	\$	5,367.00
General Administration S&W	\$	42,234.00	Communications OE	\$	42,234.00
Communications S&W	\$	710.00	Communications OE	\$	710.00
General Administration S&W	\$	13,522.00	Streets & Roads S&W	\$	13,522.00
Uniform Fire Safety S&W	\$	3.80	Streets & Roads OE	\$	3.80
Uniform Fire Safety OE	\$	446.00	Streets & Roads OE	\$	446.00
Public Health Services HEP B	\$	290.00	Streets & Roads OE	\$	290.00
Municipal Court S&W	\$	1,242.00	Streets & Roads OE	\$	1,242.00
Municipal Court OE	\$	799.00	Streets & Roads OE	\$	799.00
Municipal Prosecutor	\$	16.24	Streets & Roads OE	\$	16.24
General Administration S&W	\$	11,709.00	Streets & Roads OE	\$	11,709.00
Utility - Gasoline	\$	17,603.30	Streets & Roads OE	\$	17,603.30
Engineering OE	\$	248.00	Streets & Roads OE	\$	248.00
Utility - Telephone	\$	6,962.40	Buildings & Grounds	\$	6,962.40
Utility - Natural Gas	\$	2,456.00	Buildings & Grounds	\$	2,456.00
Utility - Fuel Oil	\$	3,209.00	Buildings & Grounds	\$	3,209.00
Utility - Diesel	\$	7,334.00	Buildings & Grounds	\$	7,334.00
Utility - Electric	\$	5,829.00	Utility - Street Lighting	\$	5,829.00
Utility - Diesel	\$	2,558.60	Utility - Street Lighting	\$	2,558.60
Utility - Diesel	\$	1,038.00	Social Security	\$	1,038.00
Utility - Diesel	\$	1,810.00	Recreation OE	\$	1,810.00
Tax Assessment OE	\$	2,097.00	Recreation OE	\$	2,097.00
Total	\$	224,947.33	Total	\$	224,947.33

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

- F. Resolution #18-13 – Resolution denying the request for the release or reduction of performance bond #11133325214 for The Cedars at Crystal Springs

RESOLUTION #18-13

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY DENYING THE REQUEST FOR THE RELEASE OR REDUCTION OF PERFORMANCE BOND #11133325214 FOR THE CEDARS AT CRYSTAL SPRINGS

WHEREAS, K. Hovnanian by letter dated January 23, 2013 has made a request for the release or reduction of Performance Bonds in connection with the aforementioned project; and

WHEREAS, the Township Engineer has reviewed said request, inspected the premises and corresponded with representatives of K. Hovnanian on May 22, 2009, December 9, 2009 and November 30, 2010, copies of which are on file in the Township Engineer's office, as to the outstanding and incomplete items, which include but are not limited to the fact that the developer has not conveyed improvements to all agencies as outlined in the Township Engineer's letter of February 5, 2013, attached hereto; and

WHEREAS, the Township Engineer recommends that based on the issues set forth in such correspondence that the request to release or reduce Performance Bond #11133325214 be denied.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey that for the reasons set forth in

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the record provided by the Township Engineer of communication, inspection and correspondence that the request for the release or reduction of Performance bond #11133325214 with respect to The Cedars at Crystal Springs is denied.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Township Engineer and K. Hovnanian Companies.

This Resolution shall take effect immediately.

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

G. Resolution #19-13 – Resolution denying the request for the release or reduction of performance bond #11127343355 for Tannery Hill at Crystal Springs

RESOLUTION #19-13

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY DENYING THE REQUEST
FOR THE RELEASE OR REDUCTION OF PERFORMANCE BOND #11127343355 FOR
TANNERY HILL AT CRYSTAL SPRINGS**

WHEREAS, K. Hovnanian by letter dated January 23, 2013 has made a request for the release or reduction of Performance Bonds in connection with the aforementioned project; and

WHEREAS, the Township Engineer has reviewed said request, inspected the premises and corresponded with representatives of K. Hovnanian on May 22, 2009, December 9, 2009 and November 30, 2010, copies of which are on file in the Township Engineer's Office, as to the outstanding and incomplete items, which include but are not limited to the fact that the developer has not conveyed improvements to all agencies as outlined in the Township Engineer's letter of February 5, 2013, attached hereto; and

WHEREAS, the site was also inspected by Michael Vreeland, the Engineer for the Hardyston Township MUA who corresponded with representatives of K. Hovnanian on September 3, 2009 and September 16, 2009 as to outstanding and incomplete items, copies of which are on file in the Township Engineer's office; and

WHEREAS, the Township Engineer recommends that based on the issues set forth in such correspondence that the request to release or reduce Performance Bond #11127343355 be denied.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey that for the reasons set forth in the record provided by the Township Engineer of communication, inspection and correspondence that the request for the release or reduction of Performance bond #11127343355 with respect to Tannery Hill at Crystal Springs is denied.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Township Engineer and K. Hovnanian Companies.

This Resolution shall take effect immediately.

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

H. Resolution #20-13 – Resolution denying the request for the release or reduction of performance bond #11133262300 for The Bluff at Crystal Springs

RESOLUTION #20-13

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY DENYING THE REQUEST
FOR THE RELEASE OR REDUCTION OF PERFORMANCE BOND #11133262300 FOR
THE BLUFF AT CRYSTAL SPRINGS**

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WHEREAS, K. Hovnanian by letter dated September 23, 2013 has made a request for the release or reduction of Performance Bonds in connection with the aforementioned project; and

WHEREAS, the Township Engineer has reviewed said request, inspected the premises and corresponded with representatives of K. Hovnanian on May 22, 2009 and December 9, 2009, copies of which are on file in the Township Engineer's Office, as to the outstanding and incomplete items, which include but are not limited to the fact that the developer has not conveyed improvements to all agencies as outlined in the Township Engineer's letter of February 5, 2013, attached hereto; and

WHEREAS, the Township Engineer recommends that based on the issues set forth in such correspondence that the request to release or reduce Performance Bond #11133262300 be denied.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey that for the reasons set forth in the record provided by the Township Engineer of communication, inspection and correspondence that the request for the release or reduction of Performance bond #11133262300 with respect to The Bluff at Crystal Springs is denied.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Township Engineer and K. Hovnanian Companies.

This Resolution shall take effect immediately.

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

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. 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 5th day of February, 2013, 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: Miller

MOTION	YES	NO	ABSTAIN	ABSENT
Ross	<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>
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 Miller. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Hamilton to adjourn at approximately 9:40 p.m., seconded by Ross. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk