

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 19, 2013**

The meeting was called to order by Mayor Hamilton 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 Kula, Councilman Ross, Councilman Miller, Councilman Cicerale, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Nanette Thomas 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 – February 2013
2. Tax Collector Report – February 2013
3. Construction Certificate Activity Report – February 2013
4. Construction Permit Activity Report – Hardyston – February 2013
5. Construction Permit Activity Report – Hamburg – February 2013
6. Construction Permit Activity Report – Franklin – February 2013
7. Construction Permit Activity Report – Newton – February 2013
8. Construction Permit Activity Report – Sussex – February 2013
9. Municipal Court Report – February 2013
10. Sussex County Health Department Report – January 2013
11. Sussex County Health Department Report – February 2013
12. Recreation Department Report – February 2013
13. Zoning Board Annual Report 2012
14. Police Department Report – January 2013
15. Land Use Report – February 2013

### **Minutes:**

1. Regular Minutes of 11/20/12
2. Workshop Minutes of 12/11/12
3. Regular Minutes of 12/11/12
4. Executive Minutes of 12/11/12
5. Regular Minutes of 12/18/12
6. Reorganization Minutes of 1/3/13
7. Regular Minutes of 1/22/13
8. Regular Minutes of 2/5/13
9. Workshop Minutes of 2/5/13
10. Executive Minutes of 2/5/13
11. Regular Minutes of 2/19/13
12. Workshop Minutes of 3/5/13
13. Regular Minutes of 3/5/13

### **Agreements/Applications/Licenses:**

1. Raffle – Hardyston Township PTA
2. KML Technology – 911 Emergency Phone System Service Agreement - Police Department

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

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**ORDINANCES:**

**1<sup>st</sup> READING:**

**2013-03**

**CALENDAR YEAR 2013**

**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 2013 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 \$104,606.54 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 2013 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 \$244,081.93, and that the CY 2013 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 by Ross to approve Ordinance 2013-03 on first reading, seconded by Kula. All in favor. Motion carried.

**ORDINANCES:**

**2<sup>nd</sup> READING:**

**None**

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**NEW BUSINESS:**

- A. Resolution #26-13 – Resolution providing for increase in reserve for uncollected taxes percentage

**RESOLUTION #26-13**

**RESOLUTION PROVIDING FOR INCREASE IN  
RESERVE FOR UNCOLLECTED TAXES PERCENTAGE**

WHEREAS, the Township of Hardyston collected only 97.15% of the 2012 taxes due to an increase in taxpayers being delinquent as a result of unfavorable economic conditions in the local economy and real estate markets for 2012, and

WHEREAS, the Township of Hardyston's average collection percentage for the prior 3 years is 97.39%, as calculated below, and

	<u>Collection Percentage</u>
2012	97.15
2011	97.84
2010	<u>97.18</u>
Total	<u>292.17</u>
3-Year Average	97.39%

WHEREAS, the lower percentage collected in 2012 has an effect on the "Reserve for Uncollected Taxes" in 2013, and

WHEREAS, the Governing Body desires to anticipate 97.25% collection for 2013, to help reduce the "Reserve for Uncollected Taxes", with prior written consent of the Director of Local Government Services,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Hardyston, County of Sussex, State of New Jersey, that the prior written consent of the Director of Local Government Services be requested to anticipate 97.25% collection of taxes in 2013 in figuring the "Reserve for Uncollected Taxes".

BE IT FURTHER RESOLVED that one certified copy of this resolution be forwarded to the Office of the Director of Local Government Services.

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

- B. 2013 Budget Introduction

Township Manager gave a written and verbal presentation of the 2013 Municipal Budget. A motion was made by Ross to approve the 2013 Municipal Budget as introduced, seconded by Miller. All in favor. Motion carried. Public hearing and adoption of the budget is scheduled for April 16, 2013.

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- C. Resolution #27-13 – Resolution determining the form and other details of not to exceed \$3,027,000 principal amount of general obligation refunding bonds, of the Township of Hardyston, in the County of Sussex, State of New Jersey, authorizing the execution of an escrow deposit agreement, authorizing the sale and delivery of such general obligation refunding bonds to Janney Montgomery Scott, LLC and authorizing certain officers of the Township to make disbursements for costs of issuance incurred by the Township relating to the sale and delivery of said bonds and to make disbursements for the purchase of obligations of the United States of America

**RESOLUTION #27-13**

***RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$3,027,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN ESCROW DEPOSIT AGREEMENT, AUTHORIZING THE SALE AND DELIVERY OF SUCH GENERAL OBLIGATION REFUNDING BONDS TO JANNEY MONTGOMERY SCOTT LLC AND AUTHORIZING CERTAIN OFFICERS OF THE TOWNSHIP TO MAKE DISBURSEMENTS FOR COSTS OF ISSUANCE INCURRED BY THE TOWNSHIP RELATING TO THE SALE AND DELIVERY OF SAID BONDS AND TO MAKE DISBURSEMENTS FOR THE PURCHASE OF OBLIGATIONS OF THE UNITED STATES OF AMERICA***

**BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY** (not less than two-thirds of the members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The Refunding Bonds of the Township of Hardyston, in the County of Sussex, State of New Jersey (the “Township”) described in a Bond Ordinance of the Township finally adopted on November 20, 2012 entitled: **“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”**(the “Bonds”). The Bonds shall be numbered consecutively from 1 upwards in each year of maturity with such prefix or prefixes as determined necessary by the Bond Registrar hereinafter designated.

Section 2. The Bonds are hereby authorized to be sold to JANNEY MONTGOMERY SCOTT LLC, as Underwriter (the “Underwriters”) described in the Contract of Purchase (the “Purchase Contract”) at the purchase price stated therein, which shall not exceed \$3,060,000 plus accrued interest, and at an interest rate not to exceed 7.00%, which is hereby approved and which the Chief Financial Officer of the Township is hereby authorized to execute on the behalf of the Township.

Section 3. The Chief Financial Officer of the Township is authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, the following items with respect to the Bonds:

- (a) The aggregate principal amount of the Bonds which shall not exceed the aggregate principal amount of \$3,027,000; and

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- (b) The date of the Bonds; and
- (c) The interest rates of the Bonds which shall not to exceed 7.00% per year; and
- (d) The purchase price for the Bonds; and
- (e) The maturity and annual principal installation of the Bonds, which maturity shall not exceed eleven(11) years; and
- (f) The Bonds shall mature, as provided in the form of the Bonds stated herein on October 1 in each year, in accordance with the following maturity schedule, subject to such modification as necessary on the day of sale provided the total amount of bonds do not exceeds \$3,027,000 and bear interest at the preliminary rates set forth below, which maturity schedule and interest rates may vary in accordance with the limitations set forth hereinabove:

Year (October 1)	Principal Amount*	Interest Rate*
2013	\$5,000	2.00%
2015	\$325,000	2.00%
2016	\$225,000	3.00%
2017	\$245,000	3.00%
2018	\$270,000	3.00%
2019	\$290,000	3.00%
2020	\$315,000	4.00%
2021	\$ 340,000	4.00%
2022	\$ 335,000	4.00%
2023	\$ 335,000	4.00%

\*Preliminary subject to change (total maximum amount is \$3,027,000 and maximum interest rate is 7.00%)

The Bonds, as to principal when due, shall be payable at the office of the Chief Financial Officer, who is hereby appointed Paying Agent and Registrar for the Bonds (the “Bond Registrar”). The Bonds shall be issued in the amount of \$5,000 or any whole multiple thereof. All the Bonds shall be issued in fully registered form and shall be payable as to principal and interest in lawful money of the United States of America. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and Chief Financial Officer under the official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual or facsimile signatures of the Clerk to the Township. The Bonds Shall be authenticated by the manual signature of an authorized employee of the Bond Registrar. The Bond Registrar shall act as agent for the Township for the transfer and the reissuance of any of the Bonds.

The following matters are hereby determined with respect to the Bonds:

Dated of Bonds:	Date of Issue
Interest Payable:	October 1 and April 1
Principal Maturity Date:	October 1 of each year as set for the above
Bond Registrar/ Paying Agent:	Chief Financial Officer

Section 4. The Bonds will be substantially in the following form, and the Township hereby adopts all the terms of the Bonds set forth herein and not previously described.

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UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF SUSSEX  
TOWNSHIP OF HARDYSTON

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013

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DATE OF  
ORIGINAL  
ISSUE

\_\_\_\_\_, 2013

MATURITY  
DATE

October 1, \_\_\_\_

CUSIP

REGISTERED OWNER: Cede & Co.

PRINCIPAL AMOUNT:

THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX (hereinafter referred to as the "Township"), a municipal corporation of the State of New Jersey, hereby acknowledges itself indebted and for value received promises to pay to the registered owner indicated above of its registered assigns, on the Maturity Date specified, upon presentation and surrender of this bond, the Principal Amount shown payable at the principal office of the Chief Financial Officer of the Township, which shall act as Bond Registrar and Paying Agent.

This bond is fully registered as to principal and interest by the owner in his or her name on the books of the Township maintained by the Bond Registrar, and such registration shall be noted hereon, after which no valid transfer hereof shall be made except on said books.

No transfer of this bond shall be valid unless made on the registration books of the Township kept for that purpose at the corporate trust office of the Bond Registrar and by surrender of this bond (together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or by his or her duly authorized attorney) and the issuance of a new bond or bonds in the same form and tenor as the original bond except for the differences in the name of its registered owner the Principal Amount and the Date of Authentication. The owner of any bond or bonds may surrender same (together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or by his or her duly authorized attorney), in exchange for an equal aggregate principal amount of bonds of any authorized denominations. The Bond Registrar shall not be required to transfer or to exchange any Bond after notice calling such bond for redemption has been mailed nor during the period of fifteen (15) days next preceding mailing of a Notice of Redemption of any Bonds.

The person in whose name this bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal or the redemption price of or the interest on the bond shall be made only to or upon the order of such registered owner or his legal representative. Any such payments shall be valid and effectual to satisfy and to discharge the liability upon this bond to the extent of the sum or sums to paid.

This bond is one of an issue of bonds of like date and tenor, except as to number, rate of interest, denomination and maturity issued pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended) and pursuant to a resolution adopted by the Municipal Council of the Township on \_\_\_\_\_, 2013 and a bond ordinance adopted by the Municipal Council of the Township on \_\_\_\_\_, 2012.

**THIS BOND SHALL NOT BE VALID UNLESS THE CERTIFICATE OF AUTHENTICATION HEREIN HAS BEEN DULY EXECUTED BY THE MANUAL SIGNATURE OF THE BOND REGISTRAR.**

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that his bond, together with all other indebtedness of the Township, is within every debt and other limit prescribed by said Constitution or statutes.

The faith and credit of the Township are hereby pledged to the punctual payment of the principal of an interest on this bond in accordance with its terms.

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IN WITNESS WHEREOF, the Township has caused this bond to be signed by the facsimile signature of its Mayor and by the facsimile signature of its Chief Financial Officer and caused a facsimile of the seal of the Township to be imprinted, impressed or reproduced hereon, and this bond and said seal to be attested by the facsimile signature of its Clerk and this bond to be dated the Date of Original Issue as specified above.

(facsimile signature)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Financial Officer

ATTEST:  
(facsimile signature)

\_\_\_\_\_  
TOWNSHIP Clerk

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**ASSIGNMENT**

FOR VALUE RECEIVED \_\_\_\_\_ hereby assigns to

\_\_\_\_\_  
(Please Print or Type Name and Address of Assignee)

the \_\_\_\_\_ within \_\_\_\_\_ bond \_\_\_\_\_ and \_\_\_\_\_ irrevocably \_\_\_\_\_ appoints \_\_\_\_\_, as Attorney, to transfer this bond on the registration books of the Township of Hardyston, with full power of substitution and revocation.

\_\_\_\_\_  
NOTICE: The signature of this assignment must correspond with the name of the registered owner as it appears on the face of the within bond in every particular.

Dated:

Signature Guarantee:

\_\_\_\_\_  
This signature guarantee must be made by a member organization of the New York Stock Exchange, member of another stock exchange having signatures on file with the Bond Registrar or by a commercial bank or trust company having its principal office or a correspondent in New York,, New York or Newark, New Jersey.

Section 5. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of Law Office of John G. Hudak, Esq., LLC, Bond Counsel, complete except for the omission of its date. The Clerk of the Township is hereby authorized and directed to certify the truth and the correctness of the copy of such opinion by executing one each of the Bonds by facsimile signature in form satisfactory to that law firm and to file a signed duplicate of such written opinion in the Clerk=s office.

Section 6. Such law firm is authorized to arrange for the printing of the Bonds, and to arrange for the printing of the Official Statement, and the proper officials of the Township are hereby authorized and directed to execute the Bonds, deliver them to the purchaser upon receipt of payment thereof, including accrued interest from their date to the date of delivery, to disburse Township funds to pay for the costs related to the issuance of the Bonds (said costs are hereby authorized to be paid out of the proceeds from the sale of the Bonds but only in accordance with applicable law) and to disburse Township funds to purchase obligations of the United States of America.

Section 7. The proper officials of the Township are hereby authorized to execute and deliver an Escrow Deposit Agreement with The Bank of New York Mellon, Corporate Trust - 385 Rifle Camp Road 3rd Floor, Woodland Park, NJ 07424(the "Escrow Agent") to provide for the payment of the Prior Bonds as that term is defined in the Escrow Deposit Agreement. The Escrow Deposit Agreement shall be in the form approved by the Mayor of the Chief Financial Officer, as the case may be, as demonstrated by his or her signature thereon. The Township hereby determines that the Bonds are being issued to refund the presently outstanding bonds maturing from October 1, 2015, through October 1,2023(the "Refunded Bonds") of the Township's principal amount of \$3,300,000 General Obligation General Improvement Bonds, Series 2004A dated October 1, 2004.

Section 8. The form of the Preliminary Official Statement prepared in connection with the Bonds is hereby approved and the distribution of the Preliminary Official statement in connection with the pricing of the Bonds is hereby authorized and ratified. The appropriate representatives and officials of the Township are hereby authorized to prepare the final Official Statement in connection with the issuance of the Bonds in substantially the form in conjunction herewith or with such other changes as approved by Bond Counsel and the proper officials of the Township, to be used by the Underwriters in connection with the sale of the bonds. The proper officials of the Township are authorized to execute any certificates necessary in connection with the distribution of the Official Statement.



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Section 9. The proper officers and agents of the Township are hereby authorized and directed to do any and all acts, and to make, execute and deliver any and all certificates, documents and instruments, deemed necessary or useful and convenient by the, subject to the advice of Township Attorney and/or Bond Counsel to the Township, in furtherance of the issuance of the Bonds and the uses of the proceeds thereof and other related transactions.

Section 10. Pursuant to N.J.S.A. 40A:2-53(c) the Mayor or Chief Financial Officer, are hereby authorized to make any determinations necessary in connection with the sale of the delivery of the Bonds not otherwise determined or not substantially inconsistent with this resolution, including modifications to documents, the forms of bonds or agreements or other terms or conditions of the sale of the bonds as in the best interests of the Township. As used in this resolution, the titles of any officers of the Township shall be deemed to include any persons acting in such capacities from time to time.

Section 11. The Full Faith and Credit of the Township are hereby irrevocably pledged for the payment of principal of and interest on the Bonds, and the Bonds shall be legal, and valid and binding general obligation of the Township, payable as to principal and interest from *ad valorem* taxes to be levied upon all taxable property in the Township without limitations as to rate or amount.

Section 12. The Township covenants and agrees that it will comply with and carry out the provisions of the Continuing Disclosure Certificate to be provided at the closing of the sale of the Bonds to assist the purchaser in their compliance with Rule 15C2-12 of the Securities and Exchange Commission. The appropriate Township officials are hereby authorized to execute the Continuing Disclosure Certificate.

Notwithstanding any other provisions of this Resolution, failure of the Township to comply with the Continuing Disclosure Certificate shall not be considered an event of default, however, any Bondholder may, at the Bondholder's own cost and expense, take such action as may be necessary and appropriate, including seeking mandate or specific performance by Court Order, to cause the Township to comply with its obligations under this Section.

“Continuing Disclosure Certificate” shall mean that certain Continuing Disclosure Certificate executed by an authorized official of the Township, and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms there under.

Nothing herein shall be deemed to create an obligation or duty upon any member of the governing body or any official of the Township, individually, and failure of the Township to comply with the covenant herein shall not result in any liability to any such person under this Resolution. In addition, the Township’s failure to comply with this covenant shall not give rise to any claim for damages under this Resolution, and any Bondholders sole and exclusive remedy shall be to seek specific performance of this provision.

Section 13. To the extent that any previous resolution is inconsistent with or contradictory hereto, said resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 14. This resolution shall take effect immediately.

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

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- D. Resolution #28-13 – Resolution authorizing the award of the contract for the provision of a new Johnston VT800 Street Sweeper or equal to U.S. Municipal Supply, Inc.

**RESOLUTION #28-13**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND  
STATE OF NEW JERSEY AUTHORIZING THE AWARD OF THE  
CONTRACT FOR THE PROVISION OF A NEW JOHNSTON  
VT800 STREET SWEEPER OR EQUAL TO U.S. MUNICIPAL  
SUPPLY, INC.**

**WHEREAS**, bids were opened on March 7, 2013 as advertised on February 22, 2013 and February 24, 2013, for the provision of a New Johnston VT800 Street Sweeper or Equal; and

**WHEREAS**, one (1) sealed bid was received from the following vendor:

- 1) U.S. Municipal Supply, Inc. - \$248,800.00; and

**WHEREAS**, the Township Council is satisfied with the proposal submitted by U.S. Municipal Supply, Inc., the lowest responsible bidder, as being the proposal which satisfies the best interest of the Township and being in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Chief Financial Officer of the Township of Hardyston has certified that sufficient funds are available for this purpose.

**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. The contract for the provision of a New Johnston VT800 Street Sweeper or Equal is hereby awarded to U.S. Municipal Supply, Inc., P.O. Box 574, 10583 Raystown Road, Huntington, Pennsylvania 16652, and the Mayor and Township Clerk are hereby authorized and directed to execute a contract with U.S. Municipal Supply, Inc. in accordance with its bid proposal for a total contract price of \$248,800.00.
2. 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.

- E. Resolution #29-13 – Remington & Vernick – Proposal for tax map maintenance services

**RESOLUTION #29-13**

**RESOLUTION ACCEPTING PROPOSAL FROM REMINGTON & VERNICK  
ENGINEERS FOR TAX MAP MAINTENANCE SERVICES**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston that the following proposal is hereby accepted:

- Remington & Vernick Engineers – Proposal for Tax Map Maintenance/Revisions for the Township of Hardyston for Tax Year 2012 and 2013

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

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F. Resolution #30-13 – Place-to-Place Liquor License Transfer – RBAA, LLC

**RESOLUTION #30-13  
PLACE-TO-PLACE LIQUOR LICENSE TRANSFER**

**WHEREAS**, an application has been filed for a Place-to-Place Transfer of Plenary Retail Distribution License Number 1911-44-003-009 issued to RBAA Limited Liability Company, for an inactive license with a mailing address of 6 J Rapps Court, Morris Plains, NJ, 07950;

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Township of Hardyston does hereby approve, effective March 19, 2013 the Place-to-Place Transfer of the aforesaid Plenary Retail Distribution license from its former location with a mailing address of 6 J Rapps Court, Morris Plains, NJ 07950 to its new location at 3235 Route 94, Franklin (Hardyston Township), NJ, 07416 and does hereby direct the Township Clerk to endorse the license certificate as follows: “This license, subject to all of its terms and conditions, is hereby transferred to premises located at 3235 Route 94, Franklin (Hardyston Township), NJ, 07416”

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

G. Policy for Surplus Utilization

A motion was made by Ross to adopt the following policy for surplus utilization:

The largest revenue item in most budgets is the use of surplus funds. Surplus is created by realizing more revenue than budgeted, or by spending less than budgeted. It is also created by deferred school tax, miscellaneous revenue not anticipated, return of interfunds and establishment of reserves such as reserve for uncollected taxes, snow removal, and property tax appeals.

The goal established by the Mayor and Council is to continue to build year-end surplus. This promotes better budgeting practices and fosters reasonable tax rate management. The plan calls for not budgeting more than 90% of surplus increase or decrease yearly. The target is to have at least \$1,200,000 of surplus on hand after being used as a revenue in the yearly budget.

Seconded by Kula. All in favor. Motion carried.

H. Correspondence

1. County of Sussex
2. Ogdensburg Borough
3. Sparta Township
4. Sparta Township
5. Sparta Township
6. Wantage Township
7. Fredon Township
8. Fredon Township
9. Hamburg Borough
10. Frankford Township
11. Byram Township
12. Branchville Borough
13. Stanhope Borough
14. Hampton Township
15. Hampton Township
16. Vernon Township
17. Vernon Township
18. Montague Township

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19. Montague Township
20. Andover Township
21. Andover Borough
22. Andover Borough
23. Andover Borough
24. Fredon Township
25. State of NJ
26. State of NJ
27. Wander Ecological Consultants

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

### **MANAGERS REPORT:**

- Capital Improvement Plan – Township Manager stated that following the anticipated adoption of the Township’s 2013 Municipal Budget, administrative focus will shift to the development of a 3-5 year capital improvement plan for the Township. She stated that in order to incorporate the needs and comments of the three departments, who by design require the most reoccurring capital investment, the Public Works Department, the Fire Department and the First Aid Squad, it is proposed that three workshop meetings be dedicated to discussing capital improvements needs and visioning with representatives from these three departments. She stated that thereafter, a draft report will be prepared integrating comments of the aforementioned groups, together with other needs expressed by other departments, culminating in a draft multi-year capital improvement plan for the Council’s review in the fall, and anticipated adoption prior to year end.
- Watershed Coalition – Township Manager stated that a meeting was held earlier today with representatives of the other Newark Watershed municipalities, Assemblywoman Betty Lou DeCroce and our mutual lobbyist to discuss strategies relative to our ongoing battle to subsidize unrealized revenue due to anemic assessed values associated with watershed lands. She stated that the effort is in its early stages and progress will be slow; however, it was unanimously agreed that a cohesive effort has more potential than individual voices.
- In Rem Foreclosures – Township Manager stated that final efforts are being made to encourage payment of outstanding tax liens. She stated that failure to cure the liens will result in the Township proceeding to the final steps leading to foreclosure.
- Emergency Helipad Project – Township Manager stated that a meeting has been scheduled for next week to finalize arrangements for the extension of power service to the land pad area with JCP&L. She stated that once these specifics are finalized, the project will move forward with construction.
- Affordable Housing – Township Manager stated that during the month of April, the Municipal Planner will be turning her attention towards initiating the marketing plan to solicit potential participants in the affordable housing program. She stated that depending on the number of applicants, participating may be determined through a lottery system, as the Township currently has 7 homes to sell to qualified participants at prices based on the criteria established by the Council on Affordable Housing to be affordable.
- Ridgefield Commons – Township Manager stated that ownership of the development known as Ridgefield Commons was transferred at the end of 2012. She stated that Township professionals are working with the new owner to review existing approvals, infrastructure availability and issues relating to bonded improvements not yet installed.
- Municipal Building Maintenance – Township Manager stated that efforts to enhance water quality at the Municipal Complex to meet the State’s testing requirements have proven to be successful. She stated that testing results are now within acceptable standards and the Township testing requirements have been restored to a normal testing

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schedule criteria. Township Manager also stated that scheduled upgrades to the facilities cameras and security systems have been installed as prescribed to enhance security throughout the building and during evening meeting and court events.

- Recreational Events – Township Manager stated that upcoming events include an Easter Egg Hunt and the Township’s Annual 5K Run for the Ribbon. She stated that new programs are now being offered for children and adults. She also stated that the Community Garden Registration Period is now open.

**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 19th day of March, 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.
    - ( 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

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<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Ross	<u>  x  </u>	_____	_____	_____
Kula	<u>  x  </u>	_____	_____	_____
Hamilton	<u>  x  </u>	_____	_____	_____
Miller	<u>  x  </u>	_____	_____	_____
Cicerale	<u>  x  </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 7:35 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk