

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 9, 2013

The meeting was called to order by Mayor Hamilton at approximately 8:40 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 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 – June 2013
2. Tax Collector Report – June 2013
3. Construction Certificate Activity Report – June 2013
4. Construction Permit Activity Report – Hardyston – June 2013
5. Construction Permit Activity Report – Hamburg – June 2013
6. Construction Permit Activity Report – Franklin – June 2013
7. Construction Permit Activity Report – Newton – June 2013
8. Construction Permit Activity Report – Sussex – June 2013
9. Police Department Report – June 2013
10. Recreation Department Report – June 2013
11. Land Use Report – June 2013
12. Court Report – June 2013

Minutes:

1. Regular Minutes of 5/7/13
2. Workshop Minutes of 5/7/13
3. Executive Minutes of 5/7/13
4. Regular Minutes of 5/21/13
5. Workshop Minutes of 6/11/13
6. Executive Minutes of 6/11/13
7. Regular Minutes of 6/11/13
8. Regular Minutes of 6/18/13

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

ORDINANCES:

1ST READING: None

ORDINANCES:

2nd READING: None

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NEW BUSINESS:

- A. Resolution #48-13 – Ridgefield Commons Bond Acceptance

RESOLUTION #48-13

RESOLUTION ACCEPTING A LETTER OF CREDIT IN THE AMOUNT OF \$286,416.00 FOR RIDGEFIELD COMMONS – PHASE 7A AND A CASH BOND IN THE AMOUNT OF \$31,824.00

WHEREAS, the Hardyston Township Planning Board granted approval to Potterville Properties Development, LLC for Ridgefield Commons – Phase 7A; and

WHEREAS, as a condition of said approval of Ridgefield Commons – Phase 7A, , Potterville Properties Development LLC was required to post a performance guarantee with the Township of Hardyston for the said site in an amount deemed appropriate by the Township Engineer and;

WHEREAS, The Township Engineer has prepared a performance bond estimate dated December 17, 2012 recommending that a performance bond in the amount of \$318,240.00 be posted to guarantee completion of the sitework associated with this phase of the Ridgefield Commons Development and;

WHEREAS, SMS Development, LLC has acquired this project and is assuming the responsibility to post the required performance bond for Phase 7A and;

WHEREAS, SMS Development, LLC has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$286,416.00, and a cash bond in the amount of \$31,824; and

WHEREAS, the letter of credit has been reviewed and approved as to form by the Township Planning Board Attorney and Township Engineer.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby accepts the above stated bonds from SMS Hardyston, LLC for Ridgefield Commons – Phase 7A as performance securities required by the Hardyston Township Planning Board.

A motion was made by Ross to approve the resolution in accordance with the Township Engineer's and the Township Attorney's recommendations, seconded by Miller. All in favor. Motion carried.

- B. Resolution #49-13 – Resolution authorizing the execution of the following shared service agreements:

RESOLUTION #49-13

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING CONTRACTS/ LEASES/ SHARED SERVICE AGREEMENTS/AGREEMENTS

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

1. Administrative Services - HTMUA
2. Secretarial/Billing Services – HTMUA
3. Maintenance and Service – HTMUA

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

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- C. Resolution #50-13 – Resolution authorizing a request to the Sussex County Board of Taxation for a reassessment in accordance with N.J.S.A. 54-1-1 et al

RESOLUTION #50-13

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING A REQUEST TO THE SUSSEX COUNTY BOARD OF TAXATION FOR A REASSESSMENT IN ACCORDANCE WITH N.J.S.A. 54-1-1 et al

WHEREAS, N.J.S.A. 54:4-23 provides that municipalities may reassess properties; and

WHEREAS, the Hardyston Township Tax Assessor has reviewed trended sales information and has reviewed the criteria for reassessments; and

WHEREAS, the Tax Assessor recommends that the Mayor and Township Council consider a municipal-wide reassessment of Township properties effective for the year of 2014.

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 it hereby authorizes the Township Manager to take the necessary action to make a request of the Sussex County Board of Taxation for an Order of Reassessment for the tax year 2014.

This Resolution shall take effect immediately.

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

- D. Resolution #51-13 – Resolution for Emergency Budget Appropriation

RESOLUTION #51-13
EMERGENCY RESOLUTION – NJS 40A:4-48
(Under 3% limitation)

WHEREAS, an emergency has arisen with respect to *Legal Costs* and, no adequate provision was made in the 2013 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$100,000.00 and three (3) percent of the total operating appropriations in the budget for 2013 is \$209,213.09 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating in the budget for 2013,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston, County of Sussex that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for *LEGAL SERVICES AND COST, OTHER EXPENSES* in the amount of \$100,000.00.

2. That said emergency appropriation shall be provided for in full in the 2014 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1).

3. That an Emergency Note not in excess of the above amount be authorized pursuant to NJS 40A:4-51.

4. That such note shall be executed by *Grant W. Rome, Chief Financial Officer* and by *Marianne Smith, Township Manager*.

5. That such note shall be date December 31, 2013, may be renewed from time to time, and such note and any renewals shall be payable on or before December 31, 2014.

6. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

At this time, Township Attorney stated that there are taxes that are delinquent on a parcel of property that is part of the Brecia Farms development that totals approximately \$16,000. He stated that the owner has made several requests to pay the delinquent taxes in installments. He stated that the law does provide that a person may enter into an installment agreement for up to five years. Township Attorney stated that the owner has stated that he would pay the delinquent taxes by the end of the year. He stated that all the Township would have to do is adopt a resolution and enter into a payment agreement. He stated that if the owner defaults on the agreement, then the interest would be compounded and the Township would be able to proceed with foreclosure proceedings. Based on the Township Attorney's recommendation, a motion was made by Ross to accept the proposal from the owner of that parcel and to have the Township Attorney prepare the resolution and the settlement agreement, seconded by Kula. 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.

ADJOURNMENT: A motion was made by Ross to adjourn at approximately 8:50 p.m., seconded by Miller. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk