

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
AUGUST 6, 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 Miller, Councilman Cicerale, Manager Marianne Smith and Township Attorney Fred Semrau of Dorsey & Semrau. Councilman Ross 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 7/9/13
2. Workshop Minutes of 7/9/13

Agreements/Applications/Licenses:

1. Amusement License – Anthony Pignataro Corp. (Tony’s Pizza)
2. Amusement License – Skylands Ice World
3. Raffle – Tri-State Actors Theater, Inc.

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

ORDINANCES:

1ST READING: 2013-07

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND THE STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP TO EXECUTE AGREEMENTS BETWEEN THE TOWNSHIP OF HARDYSTON AND AQUA NEW JERSEY, INC. GRANTING TO AQUA NEW JERSEY, INC. THE FRANCHISES TO SERVE AND MUNICIPAL CONSENTS AND PERMISSIONS TO CONSTRUCT, OPERATE AND MAINTAIN WATER AND WASTEWATER FACILITIES IN THE TOWNSHIP RIGHTS OF WAY

WHEREAS, Aqua New Jersey, Inc., currently provides water and wastewater services pursuant to rates and tariffs approved by the New Jersey Board of Public Utilities; and

WHEREAS, the Township Council has determined that the provision of such services would best be accomplished by a method which does not involve public funds and minimizes municipal financial responsibility and liability; and

WHEREAS, Aqua New Jersey, Inc. has significant experience as the operator of water and wastewater utilities which have been approved by the New Jersey Board of Public Utilities, and

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WHEREAS, the Township Council has determined that it is in the best interests of the Township's residents to authorize the provision of centralized water and wastewater services to Aqua New Jersey, Inc.; and

WHEREAS, the Township Council has determined that it has the authority to authorize the attached Franchise Agreements:

- 1) *Agreement Between the Township of Hardyston and Aqua New Jersey, Inc., Granting the Franchise to Serve and Municipal Consent and Permission to Construct, Operate and Maintain Water Facilities in the Township Rights of Way;*
- 2) *Agreement Between the Township of Hardyston and Aqua New Jersey, Inc., Granting the Franchise to Serve and Municipal Consent and Permission to Construct, Operate And Maintain Wastewater Facilities in the Township Rights of Way;*

(hereinafter referred to as "Franchise Agreements").

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

1. That the attached Franchise Agreements referenced herein are hereby approved and the Mayor and Township Clerk are hereby authorized to execute the attached Franchise Agreements between the Township and Aqua New Jersey, Inc.
2. That any other Township officials and professionals are hereby authorized and directed to take all actions necessary in order to effectuate the intentions of this Ordinance.
3. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
4. That if any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
5. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

A motion was made by Kula to approve Ordinance 2013-07 on first reading, seconded by Cicerale. The Manager commented that the Ordinance essentially consents to the sale of the Summit Lake Water System to Aqua with franchise rights to operate. All in favor. Motion carried.

ORDINANCES:

2nd READING:

None

NEW BUSINESS:

- A. Resolution #52-13 – Resolution authorizing the award of a contract through the Morris County Cooperative Pricing Council Contract #6 for road resurfacing to Tilcon New York, Inc. for Wheatsworth Road and Crystal Springs Road

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Resolution #52-13

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT THROUGH THE
MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT #6 FOR ROAD
RESURFACING TO TILCON NEW YORK, INC. FOR WHEATSWORTH ROAD AND
CRYSTAL SPRINGS ROAD**

WHEREAS, the Township of Hardyston is a member of the Morris County Cooperative Purchasing Council; and

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #6 Road Resurfacing to Tilcon New York, Inc. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township's Chief Financial Officer 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 the State of New Jersey, as follows:

1. The Township hereby authorizes the award of a contract to Tilcon New York, Inc. in the amount not to exceed \$260,000.00 for Road Resurfacing for Wheatsworth Road and Crystal Springs Road in accordance with plans and technical specifications provided by the Hardyston Township Department of Public Works.
2. This resolution and contract shall be available for public inspection in the office of the Township Clerk.
3. This resolution shall take effect immediately.

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

B. Resolution #53-13 – Chapter 159 resolution for Drunk Driving Enforcement Fund

RESOLUTION #53-13

**TOWNSHIP OF HARDYSTON
STATE OF NEW JERSEY**

NEW JERSEY DIVISION OF MOTOR VEHICLES DRUNK DRIVING ENFORCEMENT FUND

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION I.

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2013, in the sum of \$6,365.56, which is, now available as a revenue from New Jersey Division of Motor Vehicles Drunk Driving Enforcement Fund pursuant to the provision of Statute, and

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SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$6,365.56 and the name is hereby appropriated under the caption New Jersey Division of Motor Vehicles Drunk Driving Enforcement, Other Expenses \$6,365.56.

SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of New Jersey Division of Motor Vehicles Drunk Driving Enforcement and /or/ has been anticipated as a revenue from the New Jersey Division of Motor Vehicles Drunk Driving Enforcement, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

- C. Resolution #54-13 – Resolution endorsing the New Balance Reach the Beach Relay Event

RESOLUTION #54-13

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 18, 2013, 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 Kula to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

- D. Resolution #55-13 – Use of Building Agreement with Department of Military & Veterans Affairs, State of New Jersey, for Littell Community Center

RESOLUTION #55-13

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING CONTRACTS/AGREEMENTS

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

1. Use of Building Agreement with Department of Military & Veterans Affairs, State of New Jersey, for Littell Community Center

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

- E. Resolution #56-13 – Resolution amending the Hardyston Township Personnel Policy and Procedures Manual to amend Article VI, Section 8, Dress Regulations

It was the consensus of the Council to carry this item to the next scheduled meeting.

At this time, due to scheduling conflicts, a motion was made by Miller to cancel the August 20, 2013 regular meeting and reschedule it to follow the workshop meeting on August 27, 2013 and to also cancel the September 3, 2013 meeting and reschedule it to September 10, 2013, seconded by Kula. All in favor. Motion carried.

BILLS TO BE PAID: A motion was made by Kula to approve the bill list as presented, seconded by Cicerale. All in favor. Motion carried.

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PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Resident Marty Schweighardt gave an update on the transportation meeting held by the County and he mentioned the benefits of municipalities earning revenues from advertisements. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Miller to adjourn at approximately 7:25 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk