

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON AUGUST 27, 2013**

The meeting was called to order by Mayor Hamilton at approximately 7:20 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, Clerk Jane Bakalarczyk 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.**

### **Monthly Reports:**

1. Municipal Clerk Report – July 2013
2. Tax Collector Report – July 2013
3. Construction Certificate Activity Report – July 2013
4. Construction Permit Activity Report – Hardyston – July 2013
5. Construction Permit Activity Report – Hamburg – July 2013
6. Construction Permit Activity Report – Franklin – July 2013
7. Construction Permit Activity Report – Newton – July 2013
8. Construction Permit Activity Report – Sussex – July 2013
9. Municipal Court Report – July 2013
10. Police Department Report – July 2013
11. SC Health Department – June 2013
12. Animal Control Report – April, May, June 2013

### **Minutes:**

1. Regular Minutes of 8/6/13

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

### **ORDINANCES:**

#### **1<sup>ST</sup> READING:**

**2013-08**

### **A BOND ORDINANCE APPROPRIATING \$50,000.00 AND AUTHORIZING THE ISSUANCE OF \$47,500.00 IN BONDS OR NOTES OF THE TOWNSHIP FOR THE PURPOSE OF UPGRADES TO 911 COMMUNICATION EQUIPMENT**

**BE IT ORDAINED** by the Mayor and Council of the Township of Hardyston, County of Sussex, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), as follows:

Section 1. The acquisition described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Hardyston, Sussex County New Jersey. For the said acquisition or purpose stated in Section 3, there is hereby appropriated the sum of \$50,000.00, said sum being inclusive of all appropriations heretofore made there for and including the sum of \$2,500.00 as the down payment for said acquisition or purpose as required by law and now available there for by virtue of provision in a previously adopted budget or budgets of the Township for the down payment or for capital improvement purposes.

Section 2. For the financing of said acquisition or purpose and to meet the part of said \$50,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of

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\$47,500 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$47,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law.

Section 3. (a) The acquisition hereby authorized and purpose for the financing of which said obligations are to be issued is the Upgrades to 911 Communication Equipment.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$47,500.00.

(c) The estimated cost of said purpose is \$50,000.00, the excess thereof over the said estimated maximum amount of bonds or notes to be issued there for being the amount of the said purpose.

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

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby. The purpose described in Section 3 of this bond ordinance is a capital improvement or property which the Township may lawfully make or acquire.

(b) The period of usefulness of said purpose within limitations of said Local Bond Law is at least five (5) years according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance.

(c) The supplemental debt statement required by said Law has been duly made and filed in the Office of the Township 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, and each statement shows that the gross debt of the Township as defined in said Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,500.00, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said law.

(d) An aggregate amount exceeding \$ None for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under Section 40A:2-20 of said Law may be included as part of the cost of said property or improvement and is included in the foregoing estimate thereof.

Section 5. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitations of rate or amount.

Section 6. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 7. Any grant monies or other contributions received for the purpose 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 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

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A motion was made by Kula to approve Ordinance 2013-08 on first reading, seconded by Miller. All in favor. Motion carried.

**ORDINANCES:  
2nd 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

**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:

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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 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 Kula to approve Ordinance 2013-07 on second reading, seconded by Miller. All in favor. Motion carried.

**NEW BUSINESS:**

- A. 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.

- B. Resolution #57-13 – Shared Service Agreement to provide Hamburg Borough with Computer Maintenance Services

**RESOLUTION #57-13**

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING SHARED SERVICE AGREEMENT

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

1. Computer Maintenance Services – Hamburg Borough

A motion was made by Kula to approve the resolution subject to final review of the agreement, seconded by Miller. All in favor. Motion carried.

- C. Resolution #58-13 – Resolution authorizing the execution of contract with Appraisal Systems, Inc. for re-assessment

**RESOLUTION #58-13**

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. Appraisal Systems, Inc. – Municipal-Wide Reassessment of Township Properties

A motion was made by Kula to approve the resolution subject to State approval, seconded by Cicerale. All in favor. Motion carried.

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D. Resolution #59-13 – Resolution to amend Capital Budget

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

E. Resolution #60-13 - Resolution authorizing the award of a contract through the Morris County Cooperative Pricing Council Contract #36 for traffic striping on roadways to Denville Line Painting, Inc. for Wheatsworth Road and Crystal Springs Road

**Resolution #60-13**

**Township of Hardyston**

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT #36 FOR TRAFFIC STRIPING ON ROADWAYS TO DENVILLE LINE PAINTING, 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 #36 Traffic Striping on Roadways to Denville Line Painting, 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 Denville Line Painting, Inc. in the amount not to exceed \$60,000.00 for Traffic Striping on Roadways 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 Kula to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

F. Resolution #61-13 – Resolution amending the Hardyston Township Personnel Policy and Procedures Manual to amend Article VIII, Section 8, Use of Township Property

**RESOLUTION #61-13**

**RESOLUTION AMENDING THE HARDYSTON TOWNSHIP PERSONNEL POLICY AND PROCEDURES MANUAL TO AMEND ARTICLE VIII, SECTION 8, USE OF TOWNSHIP PROPERTY**

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WHEREAS, on July 7, 2009 the Hardyston Township Council adopted an updated Personnel Policies and Procedures Manual; and

WHEREAS, there exists a need to amend Article VIII, Miscellaneous, Section 8, Use of Township Property.

NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that Article VIII, Miscellaneous, Section 8, Use of Township Property, is hereby amended to read as follows:

**ARTICLE VIII**

**SECTION 8 – USE OF TOWNSHIP EQUIPMENT, TOOLS, MATERIALS &  
SUPPLIES**

**All equipment, tools, materials and supplies provided by the Township are to be used for official business purposes only. Personal use of such equipment, tools, materials and supplies is prohibited. No municipal equipment, tools, materials or supplies are to be removed or loaned from Township premises, except for authorized municipal business, without the express written consent of the Administrator.**

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

- G. Resolution #62-13 – Resolution authorizing the submission of the application for the 2014 Recreational Opportunities for Individuals with Disabilities Grant

**RESOLUTION # 62-13**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF THE APPLICATION FOR THE 2014  
RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT**

*Whereas*, the Township of Hardyston desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$10,000 to carry out a project to offer an after school cooking club for middle school students at the Hardyston Township Middle School

***Be it therefore RESOLVED,***

- 1) that the Township of Hardyston does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Hardyston and the New Jersey Department of Community Affairs.

***Be it further RESOLVED,*** that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

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

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H. Correspondence

1. Andover Township
2. Hamburg Borough
3. Vernon Township
4. Vernon Township
5. Byram Township
6. Hampton Township
7. Hampton Township
8. Ogdensburg Borough
9. State of NJ
10. State of NJ
11. Bell Environmental Consultants, Inc.
12. Groundwork, Inc.
13. JCP&L

A motion was made by Miller to approve the correspondence as presented, 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 with the condition that Purchase Order #23544 can be paid as long as it is not a duplicate of what the Township already has in place with regard to insurance for the First Aid Squad, seconded by Miller. 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 Debbie Cagonese inquired as to what the Council's stand is with regard to a paid EMT service for the Township. Township Manager stated that the Township has not had to look at that option yet. She stated that so far membership on the First Aid Squad has been good and the volunteers have been able to handle the calls. She stated that if at some point the membership should fall, the Township may be faced with looking at that option. Ms. Cagonese stated that she believes some of the response times for the calls have been slow during the day. Township Manager stated that even with paid EMT service there is no guarantee of faster response times. Ms. Cagonese also inquired about the status of affordable housing. Township Manager stated that the Township has seven homes and will be doing marketing in September. Township Manager stated that the information will be in the newspaper and on the Township website. 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 27th day of August, 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.

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- ( ) 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: Cicerale  
Seconded by: Miller

<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Ross	_____	_____	_____	__x__
Kula	__x__	_____	_____	_____
Hamilton	__x__	_____	_____	_____
Miller	__x__	_____	_____	_____
Cicerale	__x__	_____	_____	_____

Motion carried.

A motion was made by Miller to come out of Executive Session, seconded by Kula. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Kula to adjourn at approximately 8:10 p.m., seconded by Cicerale. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk