

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 24, 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, 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.

Monthly Reports:

1. Municipal Clerk Report – August 2013
2. Tax Collector Report – August 2013
3. Construction Certificate Activity Report – August 2013
4. Construction Permit Activity Report – Hardyston – August 2013
5. Construction Permit Activity Report – Hamburg – August 2013
6. Construction Permit Activity Report – Franklin – August 2013
7. Construction Permit Activity Report – Newton – August 2013
8. Construction Permit Activity Report – Sussex – August 2013
9. Municipal Court Report – August 2013
10. Police Department Report – August 2013
11. Land Use Report – August 2013
12. SC Health Department Report – July 2013
13. Littell Community Center Report – July 2013
14. Littell Community Center Report – August 2013
15. SC Health Department Report – August 2013

Agreements/Applications/Licenses:

1. Raffle – St. John Vianney R.C. Church
2. Raffle – Hamburg PTA

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

ORDINANCES:

1ST READING: None

ORDINANCES:

2ND READING: None

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #63-13 – Cancel Taxes for Tax Year 2013 (as per lease agreement) – Block 41, Lot 11, Q CELL2 – Nextel of New York

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RESOLUTION # 63-13

WHEREAS, Hardyston Township needs to forgive taxes on Block 41 Lot 11 Qualification CELL2 also known as Nextel of New York, Inc for the tax year 2013 as per lease agreement.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to cancel taxes in the amount of \$ 5,697.60 for 2013 taxes.

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

- B. Resolution #64-13 – Approval to submit a grant application and execute a grant contract with New Jersey Department of Transportation for the Bunn Road Improvements Phase I project

RESOLUTION #64-13

NOW, THEREFORE, BE IT RESOLVED that Council of Hardyston Township formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Manager and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Hardyston Township-00489 to the New Jersey Department of Transportation on behalf of Hardyston Township.

BE IT FURTHER RESOLVED that Manager and Clerk are hereby authorized to sign the grant agreement on behalf of Hardyston Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

- C. Resolution #65-13 – NJDEP Treatment Works Application – Consent By Governing Body – Septic System Replacement – 3673 Route 94 (Milano Restaurant)

RESOLUTION #65-13

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

- **NJDEP Treatment Works Application – Consent By Governing Body –Septic System Replacement – 3673 Route 94 (Milano Restaurant)**

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

- D. Resolution #66-13 – Chapter 159 resolution for Borough of Hamburg Computer Maintenance Services Shared Service Agreement

RESOLUTION #66-13

BOROUGH OF HAMBURG COMPUTER MAINTENANCE SERVICES SHARED SERVICE AGREEMENT

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

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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 \$1,583.33, which is, now available as a revenue from Borough of Hamburg Computer Maintenance Services Shared Service Agreement pursuant to the provision of Statute, and

SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$1,583.33. and the name is hereby appropriated under the caption Borough of Hamburg Computer Maintenance Services Shared Service Agreement, Other Expenses \$1,583.33.

SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of Borough of Hamburg Computer Maintenance Services Shared Service Agreement and /or/ has been anticipated as a revenue from the Borough of Hamburg Computer Maintenance Services Shared Service Agreement, 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 Kula to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

- E. Resolution #67-13 – Chapter 159 resolution for Borough of Sussex Sewer Operator Shared Service Agreement

RESOLUTION #67-13

BOROUGH OF SUSSEX SEWER OPERATOR SHARED SERVICE AGREEMENT

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 \$11,375.00, which is, now available as a revenue from Borough of Sussex Sewer Operator Shared Service Agreement pursuant to the provision of Statute, and

SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$11,375.00. and the name is hereby appropriated under the caption Borough of Sussex Sewer Operator Shared Service Agreement, Other Expenses \$11,375.00.

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SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of Borough of Sussex Sewer Operator Shared Service Agreement and /or/ has been anticipated as a revenue from the Borough of Sussex Sewer Operator Shared Service Agreement, 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 Kula to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

- F. Resolution #68-13 – Resolution releasing a performance surety bond in the amount of \$46,386.00 and a cash bond in the amount of \$5,154.00 from Metra Industries, Inc. for site improvements associated with a maintenance facility on Lot 22.02, Block 62 along Park Drive

RESOLUTION #68-13

RESOLUTION RELEASING A PERFORMANCE SURETY BOND IN THE AMOUNT OF \$46,386.00 AND A CASH BOND IN THE AMOUNT OF \$5,154.00 FROM METRA INDUSTRIES, INC. FOR SITE IMPROVEMENTS ASSOCIATED WITH A MAINTENANCE FACILITY ON LOT 22.02, BLOCK 62 ALONG PARK DRIVE

WHEREAS, the Hardyston Township Planning Board granted approval to Metra Industries, Inc. for site improvements associated with a maintenance facility to be constructed on Lot 22.02, Block 62 along Park Drive in the North Church Technical Center Industrial Park; and

WHEREAS, as a condition of said approval, Metra Industries, Inc. was required to construct certain improvements or post a performance guarantee with the Township of Hardyston for certain required improvements; and

WHEREAS, Metra Industries, Inc. has submitted to the Municipal Clerk a Performance Surety Bond in the amount of \$46,386.00, and a cash bond in the amount of \$5,154.00 in accordance with recommendations of the Township Engineer; and

WHEREAS, the Township Engineer has recently inspected the site and has found that all outstanding site improvements have been completed and are in good condition and based on this inspection has recommended release of the performance guarantees which are currently in place for completion of the required site improvements.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby releases the above stated bonds from Metra Industries, Inc.

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

- G. Resolution #69-13 – Resolution to fill Council vacancy

RESOLUTION #69-13

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY**

WHEREAS, Wayne Ross was elected to serve a term on the Hardyston Township Council from January 1, 2011 through December 31, 2013; and

WHEREAS, on or about September 18, 2013, Mr. Ross submitted his resignation; and

WHEREAS, the Republican Municipal Committee has timely met and notified the Township Clerk of three nominees for the selection of successor to fill said vacancy; and

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WHEREAS, the Mayor and Council pursuant to the New Jersey Vacancy Law, N.J.S.A. 40A:16-1, et seq., considered the names submitted by the Republican Municipal Committee.

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 Santo Verrilli, one of the nominees of the Republican Municipal Committee, is hereby appointed to fill the vacancy of the unexpired term on the Township Council which appointment shall expire on December 31, 2013.

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

H. Correspondence

1. Franklin Borough
2. Vernon Township
3. Sparta Township
4. Sparta Township
5. Fredon Township
6. Sandyston Township
7. West Milford Township
8. West Milford Township
9. State of NJ
10. State of NJ
11. JCP&L
12. JCP&L
13. Ames Rubber Corporation
14. Argetim Asani, Milano Restaurant
15. Debra Lynn Nicholson, Esq.

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

BILLS TO BE PAID: A motion was made by Kula to approve the bill list as presented, 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. 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 Miller to adjourn at approximately 7:15 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk