

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 3, 2013**

The meeting was called to order by Mayor Hamilton at approximately 9:05 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, Councilman Verrilli, 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.

Agreements/Applications/Licenses:

1. Raffle – Jefferson Center Ice Hockey Club

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

ORDINANCES

1st READING: None

ORDINANCES

2nd READING: 2013-09

BOND ORDINANCE PROVIDING FOR THE SUMMIT LAKE DAM RESTORATION PROJECT, APPROPRIATING \$570,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$541,500 BONDS OR NOTES OF THE TOWNSHIP FOR THE FINANCING OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF PART OF THE COST OF SAID IMPROVEMENT TO BE UNDERTAKEN IN AND BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

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

Section 1. The improvements and purposes described in Section 3 of this bond ordinance are hereby authorized as general capital improvements to be made, acquired or undertaken by the Township of Hardyston, County of Sussex, New Jersey (hereinafter "Township"). For said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$570,000, said sum being inclusive of all appropriations heretofore made therefore, amounting in the aggregate to \$570,000, including the aggregate sum of \$28,500 as the down payment for the improvements or purposes. Said \$28,500 down payment is appropriated herein from the Capital Improvement Fund or other legally available funds of the Township, said sum being now available for down payment or capital improvement purposes, as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1, *et seq.* (the "Local Bond Law") by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets of the Township.

Section 2. For the financing of said improvements or purposes and to meet part of said \$570,000 appropriation not otherwise provided for hereunder, negotiable bonds of the Township are hereby authorized to be issued in the principal amount not to exceed \$541,500, pursuant to the Local Bond Law. In anticipation of the issuance of bonds, negotiable bond anticipation notes (the "Notes") of the Township in an amount not to exceed \$541,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All Notes issued

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hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the “Chief Financial Officer”); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer in accordance with the Local Bond Law. The Chief Financial Officer shall determine all matters in connection with the Notes issued pursuant to this ordinance; and the Chief Financial Officer’s signatures upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes, the estimated cost of such improvements and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for said improvements and the periods of usefulness of said improvements are as follows:

Improvement/Acquisition	Estimated Cost	Own Payment (Capital Improvement Fund)	Maximum Amount of Bonds/Notes	Useful Life (Years)
Summit Lake Dam Restoration Project, to include all equipment, costs, and appurtenances necessary therefor or incidental thereto.	570,000	28,500	541,500	0

Section 4. Notice is hereby given to the owners of all lots and parcels of real estate, as set forth on Exhibit “A” attached hereto and made part hereof, benefitted by the improvement described in Section 3 hereof, and affected by the improvement described therein that the Township intends to make and to levy special assessments against all such lots and parcels of real estate in an aggregate amount of not exceeding \$570,000. Such special assessments shall be made and levied in the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the peculiar benefit, advantage or increase in value that the respective lots and parcels of real estate shall be deemed to receive by reason of the improvement.

Section 5. The owner of any land upon which an assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments determined herein with legal interest on the unpaid balance of the assessment. The first of such installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year at such time as the governing body shall determine by resolution, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or any balance of installments with accrued interest thereon at one time. In case any such installment shall remain unpaid for thirty (30) days after the time it shall become due and payable, the whole assessment or the balance thereof shall become and be immediately due and payable, shall draw interest at the rate imposed upon the arrearage of taxes in the Township and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment, with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Township shall have the right to waive default as may be permitted by law.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses of the Township and are improvements that the Township may lawfully undertake as

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general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness is within the limitations of the Local Bond Law. Taking into consideration the amount of the obligations authorized for each purpose, according to the reasonable life of each purpose, computed from the date of the bonds authorized by the bond ordinance, the average period of usefulness is 30 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the 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. Such statement shows that the gross debt of the Township as defined in the Local Bond law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$541,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$114,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

(e) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate benefitted by the improvement is 30 years.

Section 7. The capital budget of the Township of Hardyston is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 8. Any grant moneys received for the purposes 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 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. The Township reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. This Section is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.300-2, and no action (or inaction) will be an artifice or device in accordance with Treasury regulation 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 11. The governing body of the Township hereby covenants on behalf of the Township that to the extent any debt obligations are issued as tax-exempt debt obligations to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of such debt obligations authorized hereunder as is required under the Internal Revenue Code of 1986, as amended, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 12. The provisions of this ordinance are severable, to the extent that any clause, phrase, sentence, paragraph, or provision of this ordinance shall be declared void, illegal or unconstitutional, the remaining provisions shall continue in full force and effect.

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

Section 14. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

EXHIBIT A

	Lot	Locatoin	Owner	Address	City / State / Zip
78	1	2865 RT 23	TOWNSHIP OF HARDYSTON	149 WHEATSWORTH RD	HARDYSTON NJ 07419
79	2	1 E SHORE TR	YILMAZ HUSAMETTIN & MUEDDET	1 E SHORE TR	STOCKHOLM NJ 07460
79	5	3 E SHORE TR	FILIPPONE LOUIS	511 BEARDSLEY AVE	BLOOMFIELD NJ 07003
79	9	7 E SHORE TR	CLIFTON LINDA S	7 E SHORE TR	STOCKHOLM NJ 07460
79	10	9 E SHORE TR	FOLEY WILLIAM C & DIANE	9 E SHORE TR	STOCKHOLM NJ 07460
79	11	11 E SHORE TR	IDIO INVESTMENTS LLC	42 LAKESIDE AVE	STOCKHOLM NJ 07460
79	12	15 E SHORE TR	BLACK JOHN J JR	15 E SHORE TR	STOCKHOLM NJ 07460
79	13	17 E SHORE TR	KOENIG STEPHEN & BRENDA	17 E SHORE TR	STOCKHOLM NJ 07460
79	14	19 E SHORE TR	RADICE GEORGE C & CARRIE L	19 E SHORE TR	STOCKHOLM NJ 07460
79	15	21 E SHORE TR	BUTCHER PATRICIA	P.O. BOX 479	STOCKHOLM NJ 07460
79	16	23 E SHORE TR	PROCHASKA ROBERT L & LINDA L	PO BOX 37	STOCKHOLM NJ 07460
79	17	25 E SHORE TR	ZIERDEN ROBERT G & DIANE	25 E SHORE TR	STOCKHOLM NJ 07460
79	18	27 E SHORE TR	ANGELUCCI MICHAEL D & VINALES J A	27 E SHORE TR	STOCKHOLM NJ 07460
79	19	29 E SHORE TR	CARUSO LOUIS	29 E SHORE TR	STOCKHOLM NJ 07460
79	20	31 E SHORE TR	ROEDEMA ERIN	31 E SHORE TR	STOCKHOLM NJ 07460
79	21	33 E SHORE TR	MELLINA MAUREEN	33 E SHORE TR	STOCKHOLM NJ 07460
79	22	35 E SHORE TR	REGELING EUGENE	35 E SHORE TR	STOCKHOLM NJ 07460
79	23	37 E SHORE TR	BENNETT MARTIN & ELIZABETH	37 EAST SHORE TR	STOCKHOLM NJ 07460
79	24	41 E SHORE TR	LINDSTROM PATRICIA	41 E SHORE TR	STOCKHOLM NJ 07460
79	25	43 E SHORE TR	MARK PROMOTIONS INC	PO BOX 395	STOCKHOLM NJ 07460
79	26	45 E SHORE TR	GORMLEY CAROLINE	45 E SHORE TR	STOCKHOLM NJ 07460
79	27	47 E SHORE TR	KUHNERT WALTER E SR & SANDRA R	47 E SHORE TR	STOCKHOLM NJ 07460
79	28	49 E SHORE TR	PODESTA CAROLINE C	49 E SHORE TR	STOCKHOLM NJ 07460
79	29	51 E SHORE TR	GIEGER MARK E & SUSAN J	51 E SHORE TR	STOCKHOLM NJ 07460
79	30	55 E SHORE TR	TULLY JENNIFER & ANDREW	55 E SHORE TR	STOCKHOLM NJ 07460
79	31	57 E SHORE TR	KOLESER ROBERT J & DAGNEY	57 E SHORE TR	STOCKHOLM NJ 07460
79	32	62 E SHORE TR	WARD SUZANNE D	62 E SHORE TR	STOCKHOLM NJ 07460

79	34	58 E SHORE TR	GEVEKE CHERYL R	58 E SHORE TR	STOCKHOLM NJ 07460
79	35	56 E SHORE TR	ROSS MIKE & CIZON KAREN	11 LINWOOD AVE	HAMBURG NJ 07419
79	36	54 E SHORE TR	JODEXNIS ROBERT G & LINDA	P.O. BOX 614	STANHOPE NJ 07874
79	37	52 E SHORE TR	GEIGER MARK E & SUSAN J	51 E SHORE TR	STOCKHOLM NJ 07460
79	38	50 E SHORE TR	PEDERSON JAMES D	87 LONGHOUSE WAY	ALSTEAD NH 03602
79	39	48 E SHORE TR	LEMAY DAMON C & PAGE DESIREE J	48 EAST SHORE TR	STOCKHOLM NJ 07460
79	41	44 E SHORE TR	GORMLEY CAROLINE	45 E SHORE TR	STOCKHOLM NJ 07460
79	42	42 E SHORE TR	TROPONA BRIAN & VANDERHOOF CASSANDR	42 E SHORE TR	STOCKHOLM NJ 07460
79	44	38 E SHORE TR	GULDEMAN FRIEDA	560 HIGH MOUNTAIN RD	NORTH HALEDON NJ 07508
79	45	36 E SHORE TR	PROKOP KEITH	36 E SHORE TR	STOCKHOLM NJ 07460
79	46	34 E SHORE TR	TIAGI INC	32 E SHORE TR	STOCKHOLM NJ 07460
79	47	32 E SHORE TR	TIAGI INC	32 E SHORE TR	STOCKHOLM NJ 07460
79	48	30 E SHORE TR	ROEDEMA ERIN	31 E SHORE TR	STOCKHOLM NJ 07460
79	49	28 E SHORE TR	OROSZ MARCIA R ET AL	28 E SHORE TR	STOCKHOLM NJ 07460
79	50	26 E SHORE TR	PALOMBO KARINE	26 EAST SHORE TR	STOCKHOLM NJ 07460
79	51	24 E SHORE TR	DE MARIO DENNIS H & JEANNE- MARIE	24 E SHORE TR	STOCKHOLM NJ 07460
79	53	22 E SHORE TR	WASAS JOSEPH & AGNES J	22 E SHORE TR	STOCKHOLM NJ 07460
79	54	20 E SHORE TR	WACKER ARTHUR H & DEBBIE	20 E SHORE TR	STOCKHOLM NJ 07460
79	55	18 E SHORE TR	RADICE M & M C/O RADICE GEORGE	18 E SHORE TR	STOCKHOLM NJ 07460
79	57	14 E SHORE TR	JOHNSON GLORIA J	14 EAST SHORE TR	STOCKHOLM NJ 07460
79	58	12 E SHORE TR	KOLESER KENNETH A & CAROL A	12 E SHORE TR	STOCKHOLM NJ 07460
79	59	10 E SHORE TR	ZIRPOLI DANA	10 E SHORE TR	STOCKHOLM NJ 07460
79	60	8 E SHORE TR	SUMMIT LAKE CLUB INC	PO BOX 324	STOCKHOLM NJ 07460
79	61	6 E SHORE TR	BROTHERS ANNETTE	6 E SHORE TR	STOCKHOLM NJ 07460
79	63	5 W SHORE TR	TOWNSHIP OF HARDYSTON	149 WHEATSWORTH RD	HARDYSTON NJ 07419
79	65	9 W SHORE TR REAR	SUMMIT LAKE CLUB INC	PO BOX 324	STOCKHOLM NJ 07460
79	66	9 W SHORE TR	TOWNSHIP OF HARDYSTON	149 WHEATSWORTH RD	HARDYSTON NJ 07419
79	67	11 W SHORE TR	SUMMIT LAKE CLUB INC	PO BOX 324	STOCKHOLM NJ 07460
79	68	30 MAPLE RD	SUMMIT LAKE CLUB INC	PO BOX 324	STOCKHOLM NJ 07460
79	69	19 W SHORE TR	SHOULDIS DOROTHY	160 HERMAN ST	HACKENSACK NJ 07601
79	74	25 W SHORE TR	DRUCKMAN GEORGIA	25 W SHORE TR	STOCKHOLM NJ 07460
79	78	29 W SHORE TR	VILLALOBOS LUIS & CAROL	29 W SHORE TR	STOCKHOLM NJ 07460
79	80	35 W SHORE TR	EZZO NICOLE A	35 W SHORE TR	HARDYSTON NJ 07460
79	81	37 W SHORE TR	SONDERVAN RICHARD & MAUREEN M	37 W SHORE TR	STOCKHOLM NJ 07460
79	82	39 W SHORE TR	HOFFMAN CHRISTOPHER J & ROSANNY	39 WEST SHORE TR	STOCKHOLM NJ 07460
79	83	41 W SHORE TR	STRAUSS DOUGLAS J ET AL	PO BOX 181	STOCKHOLM NJ

					07460
79	85	45 W SHORE TR	MERKLER MAUREEN	45 W SHORE TR	STOCKHOLM NJ 07460
79	86	47 W SHORE TR	CIESLIK MICHAEL	47 W SHORE TR	STOCKHOLM NJ 07460
79	87	51 W SHORE TR	ALBANESE JEFFREY	51 W SHORE TR	STOCKHOLM NJ 07460
79	88	53 W SHORE TR	DORROTHY ANDREW J	53 W SHORE TR	STOCKHOLM NJ 07460
79	89	55 W SHORE TR	D'AGOSTINO JASON	59-535 AUKAUKA PL	HALEIWA HI 96712
79	90	57 W SHORE TR	TOWNSHIP OF HARDYSTON	149 WHEATSWORTH RD	HARDYSTON NJ 07419
79	91	59 W SHORE TR	NJD MANAGEMENT CORP	71 CATSKILL CT	BELLE MEAD NJ 08502
79	94	SUMMIT LAKE	SUMMIT LAKE CLUB INC	PO BOX 324	STOCKHOLM NJ 07460
80	1	56 W SHORE TR	SARACENI NATALE A & ROBIN	56 W SHORE TR	STOCKHOLM NJ 07460
80	2	54 W SHORE TR	SHAFER ROBERT	54 W SHORE TR	STOCKHOLM NJ 07460
80	4	3 OAK LN	DULFER LOUIS F & KAREN V	5 MARC DR	STOCKHOLM NJ 07460
80	5	5 OAK LN	KANTER KENNETH	136 WALLINGTON AVE	WALLINGTON NJ 07057
81	1	10 OAK LN	LUPERTI JOHN & LINDA	10 OAK LN	STOCKHOLM NJ 07460
81	2	6 OAK LN	MUELLER RICHARD	6 OAK LN	STOCKHOLM NJ 07460
81	3	4 OAK LN	SCHUMANN NANCY V	17 NORTHFIELD CT	LAMBERTVILLE NJ 08530
81	5	2 OAK LN	SCHUMANN WILLIAM & MARGARET	2 OAK LN	STOCKHOLM NJ 07460
81	6	42 W SHORE TR	GEARY MINDY S	42 W SHORE TR	STOCKHOLM NJ 07460
81	7	40 W SHORE TR	STRAUSS DOUGLAS J ET AL	PO BOX 181	STOCKHOLM NJ 07460
81	10	36 W SHORE TR	CASALEGGIO JOHN P	36 WEST SHORE TR	STOCKHOLM NJ 07460
81	11	34 W SHORE TR	STAMATO JANET L	708 ANNTARAMISS LN	FRANKLIN LAKES NJ 07417
81	12	28 W SHORE TR	STAMATO JANET L	708 ANNTARAMISS LN	FRANKLIN LAKES NJ 07417
81	19	26 W SHORE TR	TULLY BARBARA	PO BOX 57	STOCKHOLM NJ 07460
81	20	24 W SHORE TR	LANDAU PAUL D	24 W SHORE TR	STOCKHOLM NJ 07460
81	21	22 W SHORE TR	ZYSKOWSKI MARK J & DOREEN	22 W SHORE TR	STOCKHOLM NJ 07460
82	1	10 MAPLE RD	WILLIAMS FLOR	993 RATZER RD	WAYNE NJ 07470
82	3	6 MAPLE RD	MACKEY WAYNE & KATHIE L	6 MAPLE RD	STOCKHOLM NJ 07460
82	4	2 MAPLE RD	WARNER MARK J & ALICIA M	2 MAPLE RD	STOCKHOLM NJ 07460
82	5	20 W SHORE TR	REIHER JOY E	20 W SHORE TR	STOCKHOLM NJ 07460
82	7	18 W SHORE TR	VILDOSO MARIA	18 W SHORE TR	STOCKHOLM NJ 07460
82	8	16 W SHORE TR	GAGG DIANE	16 W SHORE TR	STOCKHOLM NJ 07460
82	10	BEACH PL REAR	UNKNOWN	X	X 00000
82	11	5 BEACH PLZ	WARGA ROBERT C & SUSAN	5 BEACH PLZ	STOCKHOLM NJ 07460
82	12.0 1	7 BEACH PLZ	LYNCH DEIDRE M	7 BEACH PLZ	STOCKHOLM NJ 07460
83	1	8 BEACH PLZ	GIORDANO THOMAS L & IL-SUN	PO BOX 302	STOCKHOLM NJ 07460
83	2	6 BEACH PLZ	VOGEL RICHARD	PO BOX 12	STOCKHOLM NJ 07460
83	3	4 BEACH PLZ	TANGO EDWARD	5 EDWARD CT	OAK RIDGE NJ

					07438
83	4	2 BEACH PLZ	DORROTHY ANDREW	2 BEACH PLAZA	HARDYSTON NJ 07460
83	5	14 W SHORE TR	COX WILLIAM H & MARY K	14 W SHORE TR	STOCKHOLM NJ 07460
83	10	4 W SHORE TR	TOWNSHIP OF SPARTA	65 MAIN ST	SPARTA NJ 07871

Township Manager stated that the Township co-signed for a loan for the dam repairs that were made at the Summit Lake Dam. She stated that there are payments to be made which will be made on behalf of Summit Lake by the Township, and in order to have the funds necessary to make the payments, the Township is embarking on a special assessment initiative to the affected properties. She stated that once the Ordinance is adopted, the Council will appoint a Special Assessment Committee which typically includes the Township Tax Assessor, the Township Attorney and the Township Manager. She stated that the Committee would review all of the facts as far as what the actual costs are and then make recommendations as to the specific assessments per property affected and give guidance to the Council as to the number of years the payout should be for by the property owners. She stated that the Committee would also give recommendations as to how property sales would be handled during the period of the special assessment, whether it would be a required lump sum payment at the closing or whether the assessment is transferrable. She stated that all of this information would be provided to the Council by the end of January early February so that once the recommendations are reviewed and accepted, the bills would be sent out to the affected property owners and payable on tax quarters. She stated that quarterly payments would most likely be the recommendation.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Diane Foley, a resident of Summit Lake, asked if the special assessment would be included in the tax bill or if it would be a separate bill. Township Manager stated that it would be a separate bill and would be due at the same time as the tax bill. Ms. Foley asked what happens to the homeowners that do not pay. Township Attorney stated that since the Township co-signed for the loan, if someone does not pay that the municipality can add penalty charges and interest and that the property could eventually be put up for tax sale. Ms. Foley pointed out that there were two errors on the copies of the first reading of the ordinance that the homeowners received that needed to be corrected with regard to a block and lot number and an address. The first was that for Block 79, Lot 12, the address should be 15 E Shore Trail, not 30 E Shore Trail. The second was Block 79, Lot 30, 21 E Shore Trail, which should be corrected to Block 79, Lot 15.

A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Miller to approve Ordinance 2013-09 on second reading as amended with regard to the typographical error to a block and lot number and an address, seconded by Verrilli. All in favor. Motion carried.

A motion was made by Verrilli to appoint Township Attorney, Fred Semrau; Tax Assessor, Scott Holzhauser and Township Manager, Marianne Smith to the Special Assessment Committee, seconded by Cicerale. All in favor. Motion carried.

2013-10

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR THE PURPOSE OF ACQUIRING UNITS AS PART OF THE TOWNSHIP'S MARKET TO AFFORDABLE HOUSING PROGRAM

WHEREAS, the Township desires to acquire single-family properties to be resold as affordable housing units pursuant to the Township's Housing Element and Fair Share Plan and the New Jersey Council on Affordable Housing's Substantive Rules (N.J.A.C. 5:97); and

WHEREAS, the owner of the real property ("owners" designated as Lot 22 in Block 67.19 ("the property") on the Hardyston Township Tax Map, and known as 7 Highview Knoll is willing to convey the said properties to the Township of Hardyston ("Township"); and

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WHEREAS, the Township Council has determined that it should acquire the said properties under the Township's Market to Affordable Housing Program for the purpose of addressing the Township's Affordable Housing obligation; and

WHEREAS, the Chief Financial Officer has certified that funds are available for these acquisitions.

NOW, THEREFORE, BE IT ORDAINED, by the Hardyston Township Council as follows:

SECTION 1. The Township shall acquire the real property designated as Lot 22 in Block 67.19, 7 Highview Knoll by purchasing same from the record owners in consideration of \$189,900 and the Clerk, Manager, Mayor, Housing Liaison and Township Attorney are authorized and directed to take all steps necessary to execute all documents required for these purchases including, but not limited to, the execution of a contract for the purchase of said property from SMS Hardyston, LLC, 15 Suffern Place, Suffern, NY 10901.

SECTION 2. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Township Manager explained to the Governing Body and the public that this is part of the Township's Affordable Housing Program where we acquire properties and convert them to Affordable Units in order to comply with the Township's Council on Affordable Housing obligation. Further, the Township Attorney indicated that this is an innovative and effective program for the Township and its residents.

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 Verrilli to approve Ordinance 2013-10 on second reading, seconded by Miller. All in favor. Motion carried.

2013-11

**AN ORDINANCE ESTABLISHING AN ENERGY AGGREGATION PROGRAM
PURSUANT TO THE GOVERNMENT ENERGY AGGREGATION ACT OF 2003,
N.J.S.A 48:-93.1 TO 98**

Whereas, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and Whereas, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and Whereas, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric bills; and Whereas, the citizens of the Township of Hardyston have a substantial economic and social interest at stake; and Whereas, the Governing Body of the Township of Hardyston hereby finds that it is in the best interests of residential and non-residential electric ratepayers to enter into an aggregation agreement in order to seek substantial savings on electric rates; Now, Therefore BE IT RESOLVED by the Governing Body of the Township of Hardyston as follows:

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1. The Township of Hardyston publicly declares it is a participating member of the Passaic County Energy Cooperative Pricing System.
2. That the Township of Hardyston desires to participate in the Passaic County Cooperative's Government Energy Aggregation Program and aggregate energy supply service on behalf of its residential and non-residential users of energy pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
3. That Passaic County as the Lead Agency will seek bids on behalf of the Cooperative from licensed and appropriate Third Party Suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire, while non-residential ratepayers would also have the right to participate.
4. The Mayor and/or Manager is authorized to execute and the Hardyston Township Clerk to attest to any documents necessary to carry out the purpose of the Ordinance.
5. The fully executed agreement shall be kept on file and available for public inspection with the Hardyston Township Clerk's Office.
6. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
7. This Ordinance shall become effective immediately upon passage and publication as provided by 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 Miller to approve Ordinance 2013-11 on second reading, seconded by Verrilli. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution #89-13 – Resolution Authorizing The Township Of Hardyston To Enter Into A Cooperative Pricing Agreement Known As The Passaic County Energy Cooperative Pricing System ID#184PCECPS

RESOLUTION #89-13

**RESOLUTION AUTHORIZING THE TOWNSHIP OF HARDYSTON TO ENTER INTO A
COOPERATIVE PRICING AGREEMENT KNOWN AS THE PASSAIC COUNTY ENERGY
COOPERATIVE PRICING SYSTEM ID#184PCECPS**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Passaic, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of good and services; and

WHEREAS, the governing body of the Township of Hardyston has duly considered participation in a Cooperative Pricing System for the procurement of energy; and

NOW, THEREFORE BE IT RESOLVED as follows:

- 1) **TITLE** - This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Hardyston.
- 2) **AUTHORITY** - Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor of the Township of Hardyston is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

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3) CONTRACTING UNIT - The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

4) EFFECTIVE DATE - This resolution shall take effect immediately upon passage.

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

- B. Resolution #90-13 – NJDEP Treatment Works Application – Consent By Governing Body – Septic System Replacement – 248 Ash Trail – Lake Gerard

RESOLUTION #90-13

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 – 248 Ash Trail – Lake Gerard

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

- C. Resolution #91-13 – Resolution supporting the Drive Sober or Get Pulled Over 2013 Year End Holiday Statewide Crackdown

RESOLUTION #91-13

Resolution Supporting the *Drive Sober or Get Pulled Over*
2013 Year End Holiday
Statewide Crackdown

Whereas, impaired drivers on our nation’s roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

Whereas, 19% of motor vehicle fatalities in New Jersey in 2012 were alcohol-related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over Year End Holiday Statewide Crackdown*; and

Whereas, the project will involve increased impaired driving enforcement from December 6, 2013 through January 2, 2014; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

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Therefore, be it resolved that Hardyston Township declares its support for the *Drive Sober or Get Pulled Over 2013 Year End Holiday Statewide Crackdown* from December 6, 2013 through January 2, 2014 and pledges to increase awareness of the dangers of drinking and driving.

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

- D. Resolution #92-13 – Resolution to establish financial controls for non-profit agencies that receive financial contributions or support from the Township of Hardyston

RESOLUTION #92-13

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ESTABLISH FINANCIAL
CONTROLS FOR NON-PROFIT AGENCIES THAT
RECEIVE FINANCIAL CONTRIBUTIONS OR SUPPORT FROM
THE TOWNSHIP OF HARDYSTON**

WHEREAS, the Township of Hardyston seeks to promote and support certain non-profit agencies that provide services or benefits for the health, safety or welfare of the residents of Hardyston Township; and

WHEREAS, when the Township decides to provide funding to such organizations, it is critical that the funding is guarded and supervised in the most efficient manner and in accordance with financial guidelines; and

WHEREAS, the Mayor and Council hereby establishes financial controls and guidelines that must be complied with by those non-profit autonomous agencies that seek financial contributions or support from Hardyston Township.

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 any non-profit agency that seeks financial contributions or support from the Township of Hardyston must maintain an established practice and internal controls that include, but are not limited to, the following:

- A. The agency is precluded from having credit card accounts that are utilized by its officers and/or membership;
- B. Two signatories must be required for all financial transactions including check writing and authorization for purchases;
- C. One of the signatories must change every eighteen months to insure different signatures;
- D. The agency shall not utilize stamped or facsimile signatures as they must be original signatures as part of the overall internal controls of the organization;
- E. Bills approved for payment utilizing funds of the agency shall be formally approved by the membership of the agency on a monthly basis at a general membership meeting and recorded in the official minutes of said organization's meetings;
- F. The bills considered for payment approval must be available for review of the membership at the general meeting before they are approved and must be retained and available on request by any member of the agency that wishes to review same for a period of seven years;
- G. An annual report of the agency's financial transactions, including a copy of any and all checkbook ledgers, bank statements for any accounts in the name of the agency and vendor history of payments made for the year shall be available to the Township Manager of the Township of Hardyston at the close of each calendar year as well as being available upon request for a period of seven years;
- H. Funds collected by the agency may be batched for the purposes of bank deposits;
- I. Each deposit shall be specifically delineated and identified as their source in ledger format within the records maintained by the agency;

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- J. An annual accounting of receipts and their source of reference shall be made available to the Township Manager of the Township of Hardyston and incorporated into the agency's annual financial report at the close of each calendar year;
- K. The agency's financial records shall be reviewed by an independent Certified Public Accountant each year who will provide a report of his/her findings and recommendations relevant to the valuation and implementation of internal controls;
- L. All State and Federal tax returns and associated filings shall be prepared and submitted in a timely manner by said qualified independent Certified Public Accountant;
- M. Copies of all State and Federal filings shall be submitted to the Township Manager of the Township of Hardyston on an annual basis;
- N. The organization shall adhere to and shall maintain professional review and advice from an independent Certified Public Accountant as to policies and procedures and address any outstanding audit exceptions or recommendations.

BE IT FURTHER RESOLVED, that these guidelines apply to all organizations that receives any financial contributions or donations from the Township of Hardyston.

This Resolution shall take effect immediately.

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

- E. Resolution #93-13 – Professional Engineering Services – EI Associates

RESOLUTION #93-13

**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. EI Associates – Professional Engineering Services

A motion was made by Miller to approve the resolution 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, seconded by Cicerale. 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 9:30 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk