

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
DECEMBER 30, 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, 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.**

**Monthly Reports:**

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

**Minutes:**

1. Workshop Minutes of 11/12/13
2. Regular Minutes of 11/12/13
3. Executive Minutes of 11/12/13

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

**ORDINANCES**

**1<sup>st</sup> READING:** None

**ORDINANCES**

**2<sup>nd</sup> READING:** None

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**NEW BUSINESS:**

- A. Resolution #84-13 – Animal Control Services – Wantage Township

**RESOLUTION #84-13**

**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. Animal Control Officer Services – Wantage Township

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

- B. Tax Collector Resolutions

1. Resolution #94-13 – Refunds  
a. Block 17.03, Lot 1.01, C-14-3 – 3 Windsor Ct – Deborah Lodico  
b. Block 21, Lot 16 - 61 Deer Trail – Frank Cicerale

**RESOLUTION # 94-13**

WHEREAS, the following parcels refinanced their mortgages and both the mortgage company and title companies paid the November 1, 2013 taxes, and  
WHEREAS, refunds are due to both tax payers as listed below,

| BLOCK | LOT  | QUAL   | ADDRESS      | NAME           | AMOUNT      |
|-------|------|--------|--------------|----------------|-------------|
| 17.03 | 1.01 | C-14-3 | 3 Windsor Ct | Deborah Lodico | \$ 1,300.09 |
| 21    | 16   |        | 61 Deer Tr   | Frank Cicerale | \$ 2,209.59 |

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund the above taxpayers for over payments.

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

2. Resolution #95-13 – Affordable Housing Trust Fund Purchases – Cancel municipal portions and waive interest  
a. Block 16.15, Lot 1, C0502 – 26 Clubhouse Road  
b. Block 67, Lot 51.12 – 3 Meadow Lane  
c. Block 67.07, Lot 1.11 – 22 Sundance  
d. Block 67.07, Lot 1.30 – 5 Pale Star Ct  
e. Block 67.11, Lot 11 – 1 Spruce Run

**RESOLUTION # 95-13**

WHEREAS, the Township of Hardyston has purchased five (5) homes in 2012 thru the Affordable Housing Trust Fund, and

WHEREAS, the Tax Collector needs to cancel the municipal portions and waive interest in the amount of \$ 1,504.66 on the County and School portions that are due and payable, and

WHEREAS, the Tax Assessor had for 2013 omitted these properties from being exempt for the year.

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**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Hardyston that the Tax Collector cancel the municipal portions on the following properties and waive the interest on the County and School portions.

| Block | Lot   | Qual  | Address        | Municipal   | School/County |
|-------|-------|-------|----------------|-------------|---------------|
| 16.15 | 1     | C0502 | 26 Clubhouse   | \$ 1,294.73 | \$ 3,752.40   |
| 67    | 51.12 |       | 3 Meadow Ln    | \$ 1,090.72 | \$ 3,161.11   |
| 67.07 | 1.11  |       | 22 Sundance    | \$ 1,243.58 | \$ 3,604.13   |
| 67.07 | 1.30  |       | 5 Pale Star Ct | \$ 1,278.90 | \$ 3,706.50   |
| 67.11 | 11    |       | 1 Spruce Run   | \$ 1,242.36 | \$ 3,600.60   |

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

- C. Resolution #96-13 – Transportation Services Agreement – County of Sussex

**RESOLUTION #96-13**

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING  
AGREEMENT**

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

- a. Transportation Services – County of Sussex

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

- D. Resolution #97-13 – Shared Service Agreement – Chief Financial Officer – Sparta Township

**RESOLUTION #97-13**

**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:

- a. Chief Financial Officer – Sparta Township

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

- E. Resolution #98-13 – Resolution appointing Risk Management Consultant

**RESOLUTION #98-13**

**RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT**

**WHEREAS**, Hardyston Township (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

**WHEREAS**, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

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**WHEREAS**, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

**WHEREAS**, the “Fund” has requested its members to appoint individuals or entities to that position; and

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of “Local Unit”, in the County of Sussex and State of New Jersey, as follows:

1. Hardyston Township hereby appoints The Morville Agency, a division of Gallagher/Bollinger, Inc. its local Risk Management Consultant.
2. The Mayor or Township Administrator (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2014 in the form attached hereto.

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

F. Resolution #99-13 – Resolution to Join (Renew) the Fund (Statewide Insurance Fund)

**RESOLUTION #99-13**

**STATEWIDE INSURANCE FUND  
RESOLUTION TO JOIN (RENEW) THE FUND**

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, Hardyston Township (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2014** terminating on **January 1, 2017** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

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BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked "Yes":

|  | <u>YES</u> | <u>NO</u> |
|--|------------|-----------|
| Workers' Compensation & Employer's Liability   | X          |           |
| Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General Liability, Auto Liability, Auto Physical Damages and Professional Liability | X          |           |
| Pollution Liability  | X          |           |

BE IT FURTHER RESOLVED that Marianne Smith (*name of member employee*) is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

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

G. Resolution #100-13 – Resolution appointing Statewide Insurance Fund Commissioner

**STATEWIDE INSURANCE FUND**

**#100-13**

**RESOLUTION APPOINTING FUND COMMISSIONER**

**WHEREAS**, Hardyston Township (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

**WHEREAS**, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body that Marianne Smith is hereby appointed as the Fund Commissioner for the Local Unit for the year 2014; and

**BE IT FURTHER RESOLVED** that N/A is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2014; and

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**BE IT FURTHER RESOLVED** that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

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

H. Resolution #101-13 - Resolution canceling outstanding check balances

**Resolution #101-13**

Whereas, Certain Accounts within the Township of Hardyston, with outstanding check balances from checks not returned or unclaimed; and

Whereas, It is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective account balance or credited to surplus;

Now, Therefore, be it resolved, by the Mayor and Council of the Township of Hardyston, that the following outstanding check balances within the following checking accounts be canceled:

| Check # | Fund Name       | Amount   |
|---------|-----------------|----------|
| 29020   | Payroll Account | \$ 36.83 |
| 29103   | Payroll Account | \$ 32.22 |
| 29547   | Payroll Account | \$ 32.22 |
| 29583   | Payroll Account | \$ 32.22 |
| 29624   | Payroll Account | \$ 36.83 |
| 30130   | Payroll Account | \$ 36.02 |

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

I. Tax Collector Resolution

1. Resolution #102-13 – Refund – Robert and Darcy Kitchell – 18 Tamarack Trail

**RESOLUTION # 102-13**

**WHEREAS**, Block 88 Lot 14 owned by Robert and Darcy Kitchell also known as 18 Tamarack Trail, Stockholm, and

**WHEREAS**, on April 16, 2013 Mr. Kitchell was approved for a permanently disabled Veteran and has full exempt status, thru the Department of Veteran Affairs, and

**WHEREAS**, Mr. Scott Holzhauser Tax Assessor for Hardyston Township has approved this exemption for 2013 with refunding for tax payments made in 2013.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Robert Kitchell the amount of \$ 2,614.46 for 8 months of 2013 taxes paid. And also the Homestead Benefit which was applied to his 2013 tax account in the amount of \$ 406.90 to be refunded.

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

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J. Resolution #103-13 – 2013 Budget transfer resolution

| <b>Township of Hardyston</b>   |               |                            |               |
|--|---------------|----------------------------|---------------|
| <b>Resolution #103-13</b>  |               |                            |               |
| Now, Therefore be it resolved by the Township Council of the Township of Hardyston,<br>State of New Jersey, That the following 2013 Budget Appropriation Reserves transfers be authorized: |               |                            |               |
|  |               |                            |               |
|  |               |                            |               |
| <u>From:</u>   | <u>Amount</u> | <u>To</u>                  | <u>Amount</u> |
| Land Use S&W   | \$ 2,500.00   | Admin. S&W                 | \$ 2,500.00   |
| Land Use S&W   | \$ 23,000.00  | Legal OE                   | \$ 23,000.00  |
| Admin. OE  | \$ 20,000.00  | Legal OE                   | \$ 20,000.00  |
| Admin. Office Supplies   | \$ 6,000.00   | Legal OE                   | \$ 6,000.00   |
| Zoning Official S&W  | \$ 2,949.94   | Computer Tech Maint. S&W   | \$ 2,949.94   |
| Admin. S&W   | \$ 10.00      | Tax Collector S&W          | \$ 10.00      |
| Tax Assessment S&W   | \$ 3,000.00   | Municipal Court S&W        | \$ 3,000.00   |
| Municipal Court OE   | \$ 300.00     | Municipal Court S&W        | \$ 300.00     |
| Engineering OE   | \$ 11,000.00  | Legal OE                   | \$ 11,000.00  |
| Waiver Health Ins.   | \$ 3,917.00   | Insurance Other Ins. Prem. | \$ 3,917.00   |
| Waiver Health Ins.   | \$ 748.00     | Insurance Workmen's Comp   | \$ 748.00     |
| Waiver Health Ins.   | \$ 4,800.00   | Social Security            | \$ 4,800.00   |
| Zoning Board OE  | \$ 243.43     | Planning Board OE          | \$ 243.43     |
| Zoning Board OE  | \$ 5,500.00   | Legal OE                   | \$ 5,500.00   |
| Construction OE  | \$ 5,600.00   | Construction S&W           | \$ 5,600.00   |
| Construction OE  | \$ 700.00     | Uniform Fire Safety S&W    | \$ 700.00     |
| Disability Insurance   | \$ 3,410.00   | Uniform Fire Safety S&W    | \$ 3,410.00   |
| Police OE  | \$ 37,000.00  | Legal OE                   | \$ 37,000.00  |
| Purchase of Police Cars  | \$ 2,900.00   | Police S&W                 | \$ 2,900.00   |
| Police Uniforms  | \$ 3,800.00   | Police S&W                 | \$ 3,800.00   |
| Communications S&W   | \$ 4,200.00   | Police S&W                 | \$ 4,200.00   |
| Communications OE  | \$ 7,000.00   | Police S&W                 | \$ 7,000.00   |
| OEM OE   | \$ 10.00      | OEM S&W                    | \$ 10.00      |
| OEM OE   | \$ 4,000.00   | Legal OE                   | \$ 4,000.00   |
| Aid to Volunteer Ambulance   | \$ 20,000.00  | Legal OE                   | \$ 20,000.00  |
| Uniform Fire Safety OE   | \$ 2,400.00   | Uniform Fire Safety S&W    | \$ 2,400.00   |
| Solid Waste Collection OE  | \$ 7,200.00   | Equipment Repair OE        | \$ 7,200.00   |
| Public Health Service Hep B  | \$ 500.00     | Legal OE                   | \$ 500.00     |
| Accumulated Sick Time  | \$ 25,000.00  | Legal OE                   | \$ 25,000.00  |
| Roads S&W  | \$ 11,375.00  | Legal OE                   | \$ 11,375.00  |
|  |               |                            |               |
| Totals   | \$ 219,063.37 |                            | \$ 219,063.37 |
|  |               |                            |               |

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

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- K. Resolution #104-13 – Resolution accepting an irrevocable letter of credit in the amount of \$222,123.60 and a cash bond in the amount of \$24,680.40 from Shotland Bauer, LLC for Highgrove at Crystal Springs – Phase 1

**RESOLUTION #104-13**

RESOLUTION ACCEPTING AN IRREVOCABLE LETTER OF CREDIT IN THE AMOUNT OF \$222,123.60 AND A CASH BOND IN THE AMOUNT OF \$24,680.40 FROM SHOTLAND BAUER, LLC FOR HIGHGROVE AT CRYSTAL SPRINGS – PHASE 1

**WHEREAS**, the Hardyston Township Planning Board granted approval to Shotland Bauer, LLC for Highgrove at Crystal Springs – Phase 1; and

**WHEREAS**, as a condition of said approval of Highgrove at Crystal Springs – Phase 1, Shotland Bauer, LLC was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of \$246,804.00 and;

**WHEREAS**, Shotland Bauer, LLC has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$222,123.60, and a cash bond in the amount of \$24,680.40; and

**WHEREAS**, the letter of credit has been reviewed and approved as to form by the Township 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 Shotland Bauer, LLC for Highgrove at Crystal Springs – Phase 1 as performance securities required by the Hardyston Township Planning Board.

A motion was made by Cicerale to approve the resolution as presented subject to coordination with the Hardyston Township Municipal Utilities Authority, seconded by Miller. All in favor. Motion carried.

- L. Resolution #105-13 – NJDEP Treatment Works Application – Consent By Governing Body – Septic Holding Tank System – 131 South Shore Drive – Lake Gerard

**RESOLUTION #105-13**

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 – 131 South Shore Drive – Lake Gerard

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

- M. Resolution #106-13 – Borough of Sussex/HTMUA/Hardyston Township – High Ridge Development

**RESOLUTION #106-13**

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING AGREEMENT

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

1. Borough of Sussex/HTMUA/Hardyston Township – High Ridge Development

A motion was made by Miller to approve the resolution as presented, seconded by Verrilli. Councilman Kula and Councilman Cicerale recused themselves from the vote. All in favor. Motion carried.

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- N. Resolution #107-13 – Hardyston Township/Sparta Ambulance Squad – Ambulance Services

**RESOLUTION #107-13**

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING AGREEMENT**

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

1. Hardyston Township/Sparta Ambulance Squad – Ambulance Service

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

- O. Resolution #108-13 – Resolution canceling 2013 Budget Emergency Authorization

**Township of Hardyston  
Resolution #108-13**

Whereas, The Township of Hardyston had unforeseen legal expenses earlier in 2013 and put in place an Emergency Authorization; and

Whereas, there are remaining unneeded budget balances transferred from other budget line items in the 2013 Budget to cover the amount in said Emergency Authorization; and

Whereas, it is necessary to formally cancel said Emergency Authorization to remove it from the Deferred Charges, and Budget Appropriations;

Now, Therefore, be it resolved, by the Mayor and Council of the Township of Hardyston, that the following Current Fund account be canceled:

| Description             | Amount Canceled |
|-------------------------|-----------------|
| Emergency Authorization |                 |
| Legal Other Expenses    | \$ 100,000.00   |

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

- P. Correspondence

1. County of Sussex
2. County of Sussex
3. State of NJ
4. State of NJ
5. State of NJ
6. State of NJ
7. PK Environmental

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 Verrilli to approve the bill list as presented, seconded by Miller. 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 Elyse Savino of 24 Pale Star Court, asked about the status of the Affordable Housing Qualified Buyers search status. Township Manager stated that the Township has contacted 7 interested parties. She stated that the Township Planner is working with them to confirm and certify that they are income qualified and then proceed with the mortgage process.

Resident Debbie Caggianese of 26 Pale Star Court asked the Township Manager if her appointment as Statewide Insurance Fund Commissioner was in addition to her job as Township Manager or was part of the Township Manager position. Township Manager stated that it was in addition to, but included under the Township Manager position. Ms. Caggianese also asked whether a site location closer to Hardyston would be considered by the Sparta Ambulance Squad since they would be coming from a far distance. Township Manager stated that she believes that the intention is to have at least one of the rigs located closer to Hardyston. Ms. Caggianese also stated that she contacted DPW Director, Bob F. Schultz, to let him know how good of a job both the day and night crews did snow plowing Pale Star Court during the recent snow storm. She stated that she told him she would let the Council know at the next meeting she attended. Councilman Miller stated that Mr. Schultz works very hard and takes his job very seriously. Councilman Miller stated that the Council will personally pass the message on to Mr. Schultz. 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 7:50 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk