

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JANUARY 22, 2014**

The meeting was called to order by Mayor Kula at approximately 7:50 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 Miller, Councilwoman Hamilton, Councilman Verrilli, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau. Councilman Cicerale 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 – December 2013
2. Tax Collector Report – December 2013
3. Construction Certificate Activity Report – December 2013
4. Construction Permit Activity Report – Hardyston – December 2013
5. Construction Permit Activity Report – Hamburg – December 2013
6. Construction Permit Activity Report – Franklin – December 2013
7. Construction Permit Activity Report – Newton – December 2013
8. Construction Permit Activity Report – Sussex – December 2013
9. Municipal Court Report – December 2013
10. Sussex County Health Department Report – November 2013
11. Littell Community Center Report – December 2013
12. Police Department Report – December 2013
13. Land Use Report – December 2013

### **Minutes:**

1. Workshop Minutes of 12/3/13
2. Regular Minutes of 12/3/13
3. Regular Minutes of 12/30/13
4. Reorganization Minutes of 1/6/14

### **Agreements/Applications/Licenses:**

1. Raffles – Wallkill Valley Booster Club
2. Fire Department – New Member Application – Tyler J. Conway
3. R & R Radar, Inc. – Traffic Radar Maintenance Agreement - Police Department
4. Security Design Group, LLC/Meridien – Service Agreement - Access Control & Security Alarm System – Police Department
5. Morpho Trak, Inc. – Maintenance and Support Agreement – Police Dept.
6. WTH Technology, Inc. – Think GIS Client Support Agreement – Police Dept.

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

### **ORDINANCES**

#### **1st READING:**

**2014-01**

**AN ORDINANCE OF THE COUNCIL OF THE TOWNSHIP OF  
HARDYSTON AUTHORIZING THE SALE OF REAL  
PROPERTY KNOWN AS BLOCK 67.07, LOT 1.30 AS PART OF  
THE TOWNSHIP'S MARKET TO AFFORDABLE HOUSING  
PROGRAM**

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
JANUARY 22, 2014**

**Purpose Statement:**

The purpose of this Ordinance shall be to authorize the sale of real property known as 5 Pale Star Court, Block 67.07, Lot 1.30 in the Township of Hardyston to Buyer Kristi Lavin, as part of the Township's market to affordable housing program.

**WHEREAS**, the Township owns Block 67.07, Lot 1.30, 5 Pale Star Court ("the property") in the Township of Hardyston ("Township" or "Hardyston"); and

**WHEREAS**, the property is a low-income housing unit that the Township desires to convey to Kristy Lavin, 22 Wits End Drive, Apt. 1, Hardyston, New Jersey 07419 ("the Buyer") as part of the Township's Market to Affordable Housing Program; and

**WHEREAS**, the Township Council has determined that it should convey the property to the Buyer as part of the Township's Market to Affordable Housing Program for the purpose of addressing the Township's affordable housing obligations pursuant to the Township's Housing Element and Fair Share Plan and the New Jersey Council on Affordable Housing ("COAH") Substantive Rules (N.J.A.C. 5:97-1 et seq).

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Hardyston that the Township shall convey 5 Pale Star Court, Block 67.07, Lot 1.30 in the Township to Buyer Kristi Lavin, for consideration in the amount of \$122,800.00, and in accordance with the terms of a Contract for Sale to be executed by the Buyer and the Township.

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Mayor and Council of the Township of Hardyston, the Township Manager and Clerk, the Township Housing Liason, and Vogel, Chait, Collins and Schneider, P.C., as Special Counsel to the Township of Hardyston are hereby authorized to prepare and execute any and all documentation to effectuate the sale of the property described herein.

**Severability.**

If any section, paragraph, subdivision clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, sub-division, clause or provision and the remainder of the Ordinance shall be deemed valid and effective.

**Effective Date.**

This ordinance shall take effect after publication and passage in accordance with law.

A motion was made by Hamilton to approve Ordinance 2014-01 on first reading, seconded by Miller. All in favor. Motion carried.

**2014-02**

**AN ORDINANCE OF THE COUNCIL OF THE TOWNSHIP OF  
HARDYSTON AUTHORIZING THE SALE OF REAL  
PROPERTY KNOWN AS BLOCK 67.24, LOT 15 AS PART OF  
THE TOWNSHIP'S MARKET TO AFFORDABLE HOUSING  
PROGRAM**

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
JANUARY 22, 2014**

**Purpose Statement:**

The purpose of this Ordinance shall be to authorize the sale of real property known as 8 Mulberry Lane, Block 67.24, Lot 15 in the Township of Hardyston to Buyer Sheila Brunda, as part of the Township's market to affordable housing program.

**WHEREAS**, the Township owns Block 67.24, Lot 15, 8 Mulberry Lane ("the property") in the Township of Hardyston ("Township" or "Hardyston"); and

**WHEREAS**, the property is a low-income housing unit that the Township desires to convey to Sheila Brunda, 223B Lakeside Blvd., Hopatcong, NJ 07843("the Buyer") as part of the Township's Market to Affordable Housing Program; and

**WHEREAS**, the Township Council has determined that it should convey the property to the Buyer as part of the Township's Market to Affordable Housing Program for the purpose of addressing the Township's affordable housing obligations pursuant to the Township's Housing Element and Fair Share Plan and the New Jersey Council on Affordable Housing ("COAH") Substantive Rules (N.J.A.C. 5:97-1 et seq.).

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Hardyston that the Township shall convey 8 Mulberry Lane, Block 67.24, Lot 15 in the Township to Buyer Sheila Brunda, for consideration in the amount of \$123,499.00, and in accordance with the terms of a Contract for Sale to be executed by the Buyer and the Township.

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Mayor and Council of the Township of Hardyston, the Township Administrator and Clerk, the Township Housing Liason, and Vogel, Chait, Collins and Schneider, P.C., as Special Counsel to the Township of Hardytson are hereby authorized to prepare and execute any and all documentation to effectuate the sale of the property described herein.

**Severability.**

If any section, paragraph, subdivision clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, sub-division, clause or provision and the remainder of the Ordinance shall be deemed valid and effective.

**Effective Date.**

This ordinance shall take effect after publication and passage in accordance with law.

A motion was made by Hamilton to approve Ordinance 2014-02 on first reading, seconded by Miller. All in favor. Motion carried.

**ORDINANCES**  
**2nd READING:**

**None**

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
JANUARY 22, 2014**

**NEW BUSINESS:**

- A. Resolution #07-14 – Shared Service Agreements – Hardyston Township Board of Education
1. Lawn Maintenance
  2. Park Maintenance
  3. Solid Waste and Recycling Removal

**RESOLUTION #07-14**

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING SHARED  
SERVICE AGREEMENTS**

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

- a. Lawn Maintenance – Hardyston Board of Education
- b. Park Maintenance – Hardyston Board of Education
- c. Solid Waste and Recycling Removal – Hardyston Board of Education

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

- B. Soil Removal/Quarry License Renewals:

1. Beaver Run Farms – Soil Removal & Quarry
2. Shotmeyer Brothers, Inc. – Soil Removal
3. Eastern Concrete Materials, Inc. – Quarry
4. North Church Gravel, Inc. – Soil Removal

A motion was made by Hamilton to approve the above renewals based on the Township Engineer's recommendation, seconded by Miller. All in favor. Motion carried.

- C. Resolution #08-14 – Resolution authorizing an Affordable Housing Down Payment Assistance Loan Repayment Agreement with the owner of an Affordable Housing Unit located in Hardyston Township – 5 Pale Star Court, Block 67.07, Lot 1.30

**RESOLUTION #08-14**

**A RESOLUTION AUTHORIZING AN AFFORDABLE HOUSING DOWN PAYMENT  
ASSISTANCE LOAN REPAYMENT AGREEMENT WITH THE OWNER OF AN  
AFFORDABLE HOUSING UNIT LOCATED IN HARDYSTON TOWNSHIP**

**WHEREAS**, Kristy Lavin is purchasing property located at 5 Pale Star Court, Block No. 67.07, Lot No. 1.30, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit which, among other restrictions, restricts the property owner in financing the property or otherwise encumbering the property by way of mortgage, home equity loan, or other form of financing; and

**WHEREAS**, the property owner has requested a Down Payment Assistance Program loan from the Affordable Housing Trust Fund; and

**WHEREAS**, the Township of Hardyston is willing to extend a loan to the property owner toward the down payment on the price of the home in the amount of \$6,140 in order to allow the buyer to procure a First Purchase Money Mortgage; and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
JANUARY 22, 2014**

**WHEREAS**, it is appropriate for the Township of Hardyston to enter into an Agreement with the property owner setting forth the terms of the agreement at this time;

**NOW THEREFORE BE IT RESOLVED** on this 22<sup>nd</sup> day of January, 2014, by the Township Council of Hardyston, County of Sussex, State of New Jersey, that:

1. The Mayor, Manager, Clerk and attorney are hereby authorized to execute a Down Payment Assistance Program Agreement with the owner of an Affordable Housing unit located at 5 Pale Star Court, Block No. 67.07, Lot No. 1.30.
2. A copy of the fully executed Agreement shall be kept on file with the Clerk. The original shall be kept in the unit file by the Administrative Agent.

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

- D. Resolution #09-14 – Resolution authorizing an Affordable Housing Down Payment Assistance Loan Repayment Agreement with the owner of an Affordable Housing Unit located in Hardyston Township – 8 Mulberry Lane, Block 67.24, Lot 15

**RESOLUTION #09-14**

**A RESOLUTION AUTHORIZING AN AFFORDABLE HOUSING DOWN PAYMENT ASSISTANCE LOAN REPAYMENT AGREEMENT WITH THE OWNER OF AN AFFORDABLE HOUSING UNIT LOCATED IN HARDYSTON TOWNSHIP**

**WHEREAS**, Sheila Brunda is purchasing property located at 8 Mulberry Lane, Block No. 67.24, Lot No. 15, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit which, among other restrictions, restricts the property owner in financing the property or otherwise encumbering the property by way of mortgage, home equity loan, or other form of financing; and

**WHEREAS**, the property owner has requested a Down Payment Assistance Program loan from the Affordable Housing Trust Fund; and

**WHEREAS**, the Township of Hardyston is willing to extend a loan to the property owner toward the down payment on the price of the home in the amount of \$3,087.48 in order to allow the buyer to procure a First Purchase Money Mortgage; and

**WHEREAS**, it is appropriate for the Township of Hardyston to enter into an Agreement with the property owner setting forth the terms of the agreement at this time;

**NOW THEREFORE BE IT RESOLVED** on this 22<sup>nd</sup> day of January, 2014, by the Township Council of Hardyston, County of Sussex, State of New Jersey, that:

3. The Mayor, Manager, Clerk and attorney are hereby authorized to execute a Down Payment Assistance Program Agreement with the owner of an Affordable Housing unit located at 8 Mulberry Lane, Block No. 67.24, Lot No. 15.
4. A copy of the fully executed Agreement shall be kept on file with the Clerk. The original shall be kept in the unit file by the Administrative Agent.

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
JANUARY 22, 2014**

- E. Resolution #10-14 – Resolution authorizing submission of an application for the 2014 New Jersey Governor’s Council on Alcoholism and Drug Abuse Grant

**RESOLUTION #10-14**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR  
THE 2014 NEW JERSEY GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG  
ABUSE GRANT**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Township Council of the Township of Hardyston, County of Sussex, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE BE IT RESOLVED by the Township of Hardyston, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Hardyston/Franklin Municipal Alliance grant for fiscal year 2015 in the amount of:
 

DEDR	\$12,474
Cash Match	\$3,118
In-Kind	\$9,355
  
2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

- F. Resolution #11-14 – Budget Transfer Resolution

<b>Resolution #11-14</b>			
Now, Therefore be it resolved by the Township Council of the Township of Hardyston, State of New Jersey, That the following 2013 Budget Appropriation Reserves transfers be authorized:			
Transfer From	Amount	Transfer To	Amount
General Admin S&W	\$ 5,770.59	General Admin OE	\$ 5,770.59
General Admin Supplies	\$ 1,595.03	General Admin OE	\$ 1,595.03
Elections OE	\$ 154.89	General Admin OE	\$ 154.89
Tax Collector OE	\$ 2,596.93	Tax Assessment OE	\$ 2,596.93
Tax Assessment S&W	\$ 44.65	Tax Assessment OE	\$ 44.65
Engineering Services OE	\$ 1,179.89	Tax Assessment OE	\$ 1,179.89
Land Use S&W	\$ 493.88	Tax Assessment OE	\$ 493.88

Zoning Board OE	\$ 475.37	Tax Assessment OE	\$ 475.37
Construction OE	\$ 553.01	Tax Assessment OE	\$ 553.01
Zoning Official OE	\$ 1,143.31	Tax Assessment OE	\$ 1,143.31
Waiver Health Insurance	\$ 51.19	Unemployment Ins.	\$ 51.19
Disability Insurance	\$ 83.13	Unemployment Ins.	\$ 83.13
Disability Insurance	\$ 1,380.16	General Admin OE	\$ 1,380.16
Police S&W	\$ 127.24	Police OE	\$ 127.24
Purchase of Police Cars OE	\$ 61.05	Police OE	\$ 61.05
Communications S&W	\$ 3,552.42	Police OE	\$ 3,552.42
OEM S&W	\$ 9.53	OEM OE	\$ 9.53
Uniform Fire Safety S&W	\$ 4,885.56	General Admin OE	\$ 4,885.56
Uniform Fire Safety OE	\$ 20.24	General Admin OE	\$ 20.24
Municipal Prosecutor OE	\$ 16.24	General Admin OE	\$ 16.24
Streets & Roads S&W	\$ 154.65	Streets & Roads OE	\$ 154.65
Aid to Volunteer Ambulance	\$ 2,828.12	Roads Road Equip. Repair	\$ 2,828.12
Animal Control OE	\$ 456.14	Admin OE	\$ 456.14
Utility Electric	\$ 5,237.73	Utility Street Lighting	\$ 5,237.73
Utility Electric	\$ 966.28	Police OE	\$ 966.28
Utility Electric	\$ 1,315.16	Social Security	\$ 1,315.16
Utility Telephone	\$ 8,300.00	Tax Assessment OE	\$ 8,300.00
Utility Natural Gas	\$ 6,000.00	Police OE	\$ 6,000.00
Utility Natural Gas	\$ 1,000.00	Tax Assessment OE	\$ 1,000.00
Utility Natural Gas	\$ 3,752.61	Streets & Roads OE	\$ 3,752.61
Utility Diesel	\$ 2,286.75	Streets & Roads OE	\$ 2,286.75
<b>Total</b>	<b>\$ 56,491.75</b>	<b>Total</b>	<b>\$ 56,491.75</b>

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

G. Resolution #12-14 – Resolution authorizing the execution of the following shared service agreements:

1. Administrative Services – HTMUA
2. Secretarial/Billing Services – HTMUA
3. Maintenance and Service - HTMUA

Township Manager asked that this item be carried to the next meeting. Council agreed.

H. Request from S.M.S. Hardyston, LLC – Ridgefield Commons

Mr. Samuel Diaz, representing S.M.S. Hardyston, LLC, the purchaser's of the balance of the Ridgefield Commons Development, was present at the Council workshop meeting prior to this regular meeting and requested an extension to complete the extension of Ridgefield Road until the asphalt plants open in the spring.

A motion was made by Miller to authorize the Manager to amend the Developer's agreement with Ridgefield Commons as long as the appropriate performance bond is submitted in accordance with the Township Engineer's estimates adding additional funds for paving and any other conditions that are outlined in the Township Engineer's letter dated January 15, 2014 are met. The bond would also be approved conditional upon the review and approval of the Township Engineer and the Township Attorney, seconded by Verrilli. All in favor. Motion carried.

I. Board of Chosen Freeholders resolution authorizing the Freeholder Director to sign a letter urging the United States Congress to support and fully fund the mandatory federal Payment In Lieu of Tax Program (P.I.L.O.T.) for local governments

A motion was made by Miller to have a letter and resolution prepared from Hardyston Township in support of same, seconded by Hamilton. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
JANUARY 22, 2014**

J. Correspondence

1. Township of Pohatcong
2. County of Sussex
3. State of NJ

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

**BILLS TO BE PAID:** A motion was made by Hamilton 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 Hamilton to adjourn at approximately 8:05 p.m., seconded by Miller. All in favor. Motion carried.

Jane Bakalarczyk,  
RMC/CMC Municipal Clerk