

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 14, 2014

The meeting was called to order by Mayor Kula at approximately 9:07 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, 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.

Agreements/Applications/Licenses:

1. Raffle – The Myocarditis Foundation
2. Raffle – Medhen Orphan Relief Effort

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

ORDINANCES

1st READING:

2014-06

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$454,228.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Township of Hardyston, County of Sussex, New Jersey, as follows:

Section 1: The sum of Four hundred fifty-four thousand two hundred twenty-eight dollars (\$454,228.00) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purpose:

For Various Capital Improvements or Purposes for the Township of Hardyston.

Section 2: In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 hereof is not a Current Expense and is an improvement, which the Township of Hardyston may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed on to the extent of there inconsistency:

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Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

A motion was made by Miller to approve Ordinance 2014-06 on first reading, seconded by Hamilton. All in favor. Motion carried.

ORDINANCES

2nd READING: **None**

NEW BUSINESS:

- A. Resolution #36-14 – Resolution in support of raising awareness of Fibrodysplasia Ossificans Progressiva

RESOLUTION #36-14

RESOLUTION IN SUPPORT OF RAISING AWARENESS OF FIBRODYSPLASIA OSSIFICANS PROGRESSIVA

WHEREAS, Fibrodysplasia Ossificans Progressiva is an illness characterized by normal bone forming in muscles and connective tissue, forming an extra skeleton that immobilizes the body; and

WHEREAS, Fibrodysplasia Ossificans Progressiva affects children, usually in the first or second decade of life being diagnosed by the age of ten, depriving them of normal development; and

WHEREAS, it is estimated that 2,500 people worldwide are afflicted with Fibrodysplasia Ossificans Progressiva, with 200 diagnosed cases in the United States and 12 cases in New Jersey; and

WHEREAS, currently the University of Pennsylvania is the only medical research facility investigating a cure for Fibrodysplasia Ossificans Progressiva; and

WHEREAS, numerous states, countries and international organizations have joined together to increase public awareness of this devastating, rare genetic disorder, to promote research to find the cure; and

WHEREAS, the Township Council of the Township of Hardyston wishes to help to increase awareness of Fibrodysplasia Ossificans Progressiva and to provide public support to find a cause and a cure for this devastating disorder.

NOW, THEREFORE, I, Stanley J. Kula, Mayor of the Township of Hardyston, on behalf of my colleagues on the Township Council, wish to raise awareness of this devastating disease and support research to find a cause and cure for Fibrodysplasia Ossificans Progressiva. We urge all residents of Hardyston Township to learn about this devastating disorder with the hope of developing a treatment and cure.

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

- B. Resolution #37-14 – Resolution certifying to the Sussex County Board of Chosen Freeholders that the Township of Hardyston recognizes and approves the Hardyston First Aid Squad's efforts to seek financial assistance from the County of Sussex

RESOLUTION #37-14

RESOLUTION CERTIFYING TO THE SUSSEX COUNTY BOARD OF CHOSEN FREEHOLDERS THAT THE TOWNSHIP OF HARDYSTON RECOGNIZES AND APPROVES THE HARDYSTON FIRST AID SQUAD'S EFFORTS TO SEEK FINANCIAL ASSISTANCE FROM THE COUNTY OF SUSSEX

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WHEREAS, the County of Sussex has, for several years, provided financial assistance to Emergency Rescue and First Aid Squads serving the residents of the County; and

WHEREAS, on February 28, 2001 the Sussex County Board of Chosen Freeholders adopted a resolution requiring municipalities to certify that First Aid Squad's serving their community are approved to seek financial assistance from the County of Sussex; and

WHEREAS, the volunteers of the Hardyston Township First Aid Squad have for many years provided emergency medical and rescue services to Township residents, businesses and visitors.

NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that it hereby certifies its approval of the Hardyston Township First Aid Squad seeking financial assistance from the County of Sussex.

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

- C. Resolution #38-14 – Resolution releasing the maintenance bond posted by Crystal Springs Builders, LLC for The Bramble at Crystal Springs

RESOLUTION #38-14

RESOLUTION RELEASING THE MAINTENANCE BOND POSTED BY CRYSTAL SPRINGS BUILDERS, LLC FOR THE BRAMBLE AT CRYSTAL SPRINGS

WHEREAS, the Hardyston Township Planning Board granted approvals to Crystal Springs Builders, LLC, for The Bramble at Crystal Springs; and

WHEREAS, as part of the Planning Board approval Crystal Springs Builders, LLC was required to post a maintenance bond for site improvements; and

WHEREAS, Crystal Springs Builders, LLC has posted a maintenance bond in the amount of \$23,046.00 which includes a surety in the amount of \$20,741.40 and a cash bond in the amount of \$2,304.60 in compliance with the Planning Board approval and upon the recommendation of the Township Engineer; and

WHEREAS, the Township Engineer has inspected the site improvements and has found the site improvements to be in good condition and acceptable to the Township; and

WHEREAS, the Township Engineer has therefore recommended that the maintenance bond should be released.

NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that the maintenance bond for The Bramble at Crystal Springs in the amount of \$23,046.00, which includes a surety in the amount of \$20,741.40 and a cash bond in the amount of \$2,304.60 be released in accordance with the recommendation of the Township Engineer.

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

- D. Resolution #39-14 - Bid award resolution for Holland Mountain Road Improvements Project

RESOLUTION #39-14

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF THE CONTRACT FOR THE HOLLAND MOUNTAIN ROAD IMPROVEMENTS PROJECT TO THE LOW BIDDER, MARK PAVING

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WHEREAS, pursuant to authorization by the Mayor and Township Council of the Township of Hardyston, the Township received bid proposals on Friday, May 9, 2014 for the Holland Mountain Road Improvements Project; and

WHEREAS, the Mayor and Township Council find and declare that the following five (5) bid proposals were received, opened and read on May 9, 2014 from the following vendors:

1. Mark Paving Co., Inc.
2. Tilcon New York Inc.
3. Top Line Construction Corp.
4. Haskell Paving, Inc.
5. Smith-Sondy Construction Co.

; and

WHEREAS, the lowest bid was received from Mark Paving in the amount of \$235,730.80; and

WHEREAS, Mark Paving's bid was found to be compliant with the bid specifications in all relevant respects pursuant to a technical review by the Township Engineer and a legal review by the Township Attorney; and

WHEREAS, the Township Council is satisfied with the proposal submitted by Mark Paving, the lowest responsible bidder, as being the proposal which satisfies the best interest of the Township and being in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Chief Financial Officer of the Township of Hardyston has certified that sufficient funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, as follows:

1. The contract for Holland Mountain Road Improvements Project is hereby awarded to Mark Paving Co., Inc., 77 Cutters Dock Road, Woodbridge, NJ 07095, and the Mayor and Township Clerk are hereby authorized and directed to execute a contract with Mark Paving Co., Inc. in accordance with its bid proposal for a total contract price of \$235,730.80, subject to execution of its corporate seal by Mark Paving Co., Inc. on its bid proposal or submission of an Affidavit certifying as to the genuineness of its bid proposal.
2. This Resolution shall take effect immediately.

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

- E. Resolution #40-14 - A resolution authorizing an agreement to participate as a member of the watershed coalition seeking tax equity for the Newark Watershed property

RESOLUTION #40-14

A RESOLUTION AUTHORIZING AN AGREEMENT TO PARTICIPATE AS A MEMBER OF THE WATERSHED COALITION SEEKING TAX EQUITY FOR THE NEWARK WATERSHED PROPERTY

WHEREAS, the Townships of West Milford, Vernon, Hardyston, Jefferson, Rockaway and Borough of Kinnelon all have significant lands within their municipality known as the Newark Watershed and owned by the City of Newark; and

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WHEREAS, notwithstanding that these lands are most sensitive and protected, and that each municipality is the steward of such land, the municipalities sacrifice significant ratables for the preservation of said land and its favorable tax treatment pursuant to the laws of the State of New Jersey; and

WHEREAS, these “host” communities have collaborated to form a “Watershed Coalition” with the goal of obtaining equity with respect to these watershed lands by way of a partnership with the City of Newark, legislative initiatives and/or legal review; and

WHEREAS, the Township of West Milford has retained the services of the Princeton Public Affairs Group, Inc. to act as the lead lobbyist in an effort to achieve the goals of the Watershed Coalition; and

WHEREAS, the cost of the Princeton Public Affairs Group, Inc. is \$4,000 per month; and

WHEREAS, each member of the Watershed Coalition has agreed to contribute the following on a monthly basis for a period of one year which contribution is based generally upon the amount of watershed land within their respective community:

MEMBER	MONTHLY AMOUNT
West Milford	\$2,500
Vernon	\$500
Hardyston	\$500
Jefferson	\$500
Rockaway Township	\$500

The Borough of Kinnelon agrees to join the Coalition and support its efforts at no cost as it has less than 200 acres of watershed lands.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Township of Hardyston agrees to participate as a Member of the Watershed Coalition and as part of their membership, it agrees to remit to the Township of West Milford the sum of \$500 per month to support the efforts of the Watershed Coalition.
2. Each participating Member agrees to participate and maintain its membership in the Watershed Coalition for a period of one (1) year from January 1, to December 31, 2014 and shall have an equal voting rights as all other Members of the Watershed Coalition.
3. Each participating Member shall be kept informed and apprised of all efforts with respect to the goals of the Watershed Coalition by the Princeton Public Affairs Group, Inc. and the Township of West Milford.

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

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F. Resolution #41-14 – Wallkill Valley Travel Soccer Club Waiver

RESOLUTION #41-14

RESOLUTION GRANTING A WAIVER TO THE WALLKILL VALLEY TRAVEL SOCCER CLUB

BE IT RESOLVED, by the Township Council of the Township of Hardyston that it hereby grants a waiver to the Wallkill Valley Travel Soccer Club from meeting the criteria that 51% of their players reside in Hardyston based on the fact that the Wallkill Valley Travel Soccer Club is also utilizing Franklin Borough and Hamburg Borough fields.

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

G. Resolution #42-14 – Resolution to authorize settlement of Tax Appeal for Block 16.19, Lot 12 – Gerard Fazio – 18 Havenhill Road

RESOLUTION #42-14

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE SETTLEMENT OF TAX APPEAL FOR BLOCK 16.19, LOT 12

WHEREAS, a tax appeal was filed by Gerard Fazio Group for the tax year 2012 for property known as Block 16.19, Lot 12 and commonly known as 18 Havenhill Road, Hardyston, New Jersey; and

WHEREAS, settlement of the appeal is in the best interest of the 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 the settlement of the above referenced tax appeal filed at the Tax Court of New Jersey is hereby authorized as follows:

Gerard Fazio
18 Havenhill Road
Block 16.19, Lot 12

Tax Year	Original Assessment	Proposed Assessment
2012	\$389,600.	\$340,000.

BE IT FURTHER RESOLVED, that the municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

This Resolution shall take effect immediately.

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

H. Appointment to Recreation Committee – Heidi Coscia

A motion was made by Cicerale to appoint Heidi Coscia to the Recreation Committee, seconded by Miller. All in favor. Motion carried.

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I. Resolution #43-14 – Resolution opposing Aqua New Jersey, Inc. increase in water rates

RESOLUTION #43-14

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OPPOSING AQUA NEW JERSEY, INC'S INCREASE IN WATER RATES

WHEREAS, the Township of Hardyston received notification from the Board of Public Utilities that Aqua New Jersey, Inc. ("Aqua") is seeking an increase in excess of 10% for water rates; and

WHEREAS, Aqua has recently become the service provider for certain residents of Hardyston Township; and

WHEREAS, the Mayor and Township Council vigorously oppose an increase of such magnitude as said request is ten times the cost of living and Township budget increases; and

WHEREAS, residents on fixed incomes cannot afford this type of rate for water service; and

WHEREAS, this type of increase is unjustified and unfair; and

WHEREAS, since Aqua just recently purchased the water system, they had full knowledge of the rates and the cost of operating the system and a rate increase in excess of 10% is unjustifiable and unconscionable.

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 the Township hereby opposes a rate increase by Aqua New Jersey, Inc. for the residents of Hardyston Township.

BE IT FURTHER RESOLVED, that this objection shall be considered a complaint filed by Hardyston Township opposing the rate increase.

This Resolution shall take effect immediately.

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

J. Resolution #44-14 – Resolution adopting the Hardyston Township Sports & Recreation Complex Guidelines/Procedures

RESOLUTION #44-14

RESOLUTION ADOPTING THE HARDYSTON TOWNSHIP SPORTS & RECREATION COMPLEX GUIDELINES/PROCEDURES

BE IT RESOLVED, by the Township Council of the Township of Hardyston that it hereby adopts the Hardyston Township Sports & Recreation Complex Guidelines/Procedures.

A motion was made by Verrilli to approve the resolution 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 Verrilli. 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.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 14, 2014

EXECUTIVE SESSION:

BE IT RESOLVED by the Township Council of the Township of Hardyston on the 14th day of May, 2014, that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
2.
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
3. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Motion to adopt: Hamilton
 Seconded by: Miller

MOTION	YES	NO	ABSTAIN	ABSENT
Kula	<u> x </u>	_____	_____	_____
Hamilton	<u> x </u>	_____	_____	_____
Miller	<u> x </u>	_____	_____	_____
Cicerale	<u> x </u>	_____	_____	_____
Verrilli	<u> x </u>	_____	_____	_____

Motion carried.

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

ADJOURNMENT: A motion was made by Miller to adjourn at approximately 9:40 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
 Municipal Clerk