

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

The meeting was called to order by Mayor Kula at approximately 9:25 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**

**PROCLAMATION:** The Original Tee Golf Classic – Mayor Kula read a Proclamation congratulating the Original Tee Golf Classic on its 15<sup>th</sup> Anniversary.

**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 – July 2014
2. Construction Certificate Activity Report – July 2014
3. Construction Permit Activity Report – Hardyston – July 2014
4. Construction Permit Activity Report – Hamburg – July 2014
5. Construction Permit Activity Report – Franklin – July 2014
6. Construction Permit Activity Report – Newton – July 2014
7. Construction Permit Activity Report – Sussex – July 2014
8. Police Department Report – June 2014
9. Littell Community Center Report – July 2014
10. Land Use Report – June/July 2014
11. Sussex County Health Department Report – June 2014
12. Municipal Court Report – July 2014
13. Police Department Report – July 2014

**Minutes:**

1. Regular Minutes of 5/28/14
2. Workshop Minutes of 6/11/14
3. Regular Minutes of 6/11/14
4. Executive Minutes of 6/11/14
5. Regular Minutes of 6/25/14
6. Workshop Minutes of 7/9/14
7. Regular Minutes of 7/9/14
8. Executive Minutes of 7/9/14

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

**ORDINANCES**

**1st READING:**

**2014-11**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON,  
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO  
AMEND CHAPTER 3, “ADMINISTRATION OF GOVERNMENT,”  
ARTICLE II, “TOWNSHIP COUNCIL,” OF THE CODE OF THE  
TOWNSHIP OF HARDYSTON BY ADDING SECTION 3-12,  
“WEAPONS PROHIBITED AT PUBLIC MEETINGS” TO BAN  
WEAPONS AND IMITATION WEAPONS AT PUBLIC MEETINGS  
AND MUNICIPAL COURT SESSIONS**

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

**WHEREAS**, there have been multiple previous incidents of violence at public meetings including a shooting in 1993 in New Hampshire, in 2003 in New York City, in 2008 in Missouri, in 2011 in Arizona and in 2013 in Pennsylvania, resulting in 23 fatalities or injured persons; and

**WHEREAS**, due to these incidents of violence at public meetings, the Township of Hardyston is concerned for the safety of its public at public Township meetings and municipal court sessions; and

**WHEREAS**, the Township of Hardyston desires to prevent persons from bringing weapons into council chambers during public meetings; and

**WHEREAS**, there is currently in existence a Township policy banning weapons from publicly accessible areas of the municipal building during municipal court; and

**WHEREAS**, the Township Council desires to memorialize that policy; and

**WHEREAS**, as weapons are already banned from municipal court, the Township currently has the ability to effectively implement a weapons ban for public meetings occurring at the Township Municipal Complex; and

**WHEREAS**, the Township Council desires to ban weapons and imitation weapons from public meetings at the Township Municipal Complex and Municipal Court sessions in order to protect the public, the court employees and officials and the elected officials.

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

**SECTION 1.** Amend Chapter 3, "Administration of Government," Article II, "Township Council" to add Section 3-12, "Weapons Prohibited at Public Meetings" which shall state in its entirety as follows:

**Section 3-12. Weapons Prohibited at Public Meetings and Municipal Court Sessions**

A. It is an offense for any person to carry or possess a weapon or imitation weapon at a public meeting of a governmental body which is being held at the Township Municipal Complex, 149 Wheatsworth Road, Hardyston, NJ 07419, or into the building during municipal court sessions.

B. This section does not apply to any members of the Hardyston Township that have been assigned by the Hardyston Township Police Department to provide security at the public meeting or municipal court, who possess a firearm in connection with that duty as permitted by State or Federal law.

C. The Chief of Police shall establish a procedure with regard to the enforcement of this Ordinance.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

D. For the purposes of this section, the following definitions shall apply:

"Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

"Imitation weapon" means an object or device reasonably capable of being mistaken for a weapon.

"Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

E. Any person violating any provision of this Section shall, upon conviction thereof, be subject to the maximum penalty prescribed by § 1-15 of the Hardyston Township Code.

**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, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON.**

A motion was made by Hamilton to approve Ordinance 2014-11 on first reading, seconded by Verrilli. All in favor with Cicerale voting "No". Motion carried.

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

**2014-10**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON  
AMENDING CHAPTER 88 ENTITLED "FEES" OF THE CODE  
OF THE TOWNSHIP OF HARDYSTON TO AMEND SECTION  
88-3 ENTITLED LAND USE FEES TO MODIFY THE  
PROVISIONS REGARDING ESCROW CHARGES**

**Purpose Statement:** The purpose of this Ordinance is to amend the land use fees provisions of Section 88-3 of the Code of the Township of Hardyston to authorize the municipality to charge

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

for its professional employees in accordance with the provisions of the Municipal Land Use Law.

**Section 1. Section 88-3** entitled “Land Use Fees” of the Code of the Township of Hardyston. Chapter 88 entitled “Fees” is hereby amended to amend as sub-section H entitled “Review Fee Escrow Deposits to Municipal Agency” to add the following sub-paragraphs after paragraph 88-3H(1):

(d) Fees or charges shall be based upon a schedule by contract approved by the Township Council or Planning Board by Resolution and shall be limited only to professional charges for review of applications, requests for master plan amendments and/or ordinance amendments, review and preparation of developer agreements and any amendment requests, review and preparation of documents and inspection of developments under construction and review by outside consultants when an application or request is of a nature beyond the scope of the expertise of the professional or consultant utilized by the Township. The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any such professionals or consultants, including normal and typical expenses incurred in processing application and inspecting improvements. The Applicant shall not be charged for any township, clerical or administrative functions, overhead expenses, meeting rooms or any other township costs and expenses except those provided for herein.

(e) If the professional services are provided by a township professional employee, the charge shall not exceed two-hundred (200%) percent of the sum of the products resulting from multiplying (1) the hourly based salary, which was established annually by ordinance, of each of the professionals by two (2) the number of hours spent by the respective professional upon review of the applications, requests for master plan amendments and/or ordinance amendment, review and preparation of developer agreements and any amendment requests, review and preparation of documents or inspection of the developer’s improvements. For other professionals, the charge shall be the same rate as all other work of the same nature by the professional for the Township when fees are not disbursed or otherwise imposed on applicants or developers.

**Section 2. 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.

**Section 3.**

This ordinance shall take effect after final passage and publication in the manner required 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 2014-10 on second reading, seconded by Hamilton. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

**NEW BUSINESS:**

- A. Resolution #56-14 – Resolution authorizing a review of compliance with prior annual continuing disclosure obligations and participation in the Securities and Exchange Commission’s Municipalities Continuing Disclosure Cooperation Initiative

**RESOLUTION #56-14**

---

**RESOLUTION AUTHORIZING A REVIEW  
OF COMPLIANCE WITH PRIOR ANNUAL  
CONTINUING DISLCOSURE  
OBLIGATIONS AND PARTICIPATION IN  
THE SECURITIES AND EXCHANGE  
COMMISSION'S MUNICIPALITIES  
CONTINUING DISCLOSURE  
COOPERATION INITIATIVE**

---

**WHEREAS**, the TOWNSHIP of HARDYSTON, New Jersey (the "Issuer") has previously issued one or more series of bonds, including in the past five (5) years pursuant to one or more preliminary and final official statements (collectively, the "Bonds"); and

**WHEREAS**, in connection with the issuance of such Bonds, the Issuer covenanted with Bondholders to provide certain secondary market information on an annual basis to the Nationally Recognized Municipal Securities Information Repositories (pre-2009) and to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access Data Port (2009 to present) ("EMMA"), including, but not limited to, audited financial statements, municipal budgets, other financial and operating data and ratings changes; and

**WHEREAS**, the Securities and Exchange Commission (the "SEC") has recently focused attention on what it alleges is widespread failure of local government issuers across the nation to meet their continuing disclosure obligations and misrepresentation through material misstatements in an official statement (innocently, inadvertently or otherwise) of past compliance with continuing disclosure obligations; and

**WHEREAS**, in an effort to remedy these perceived issues, the SEC has implemented the Municipalities Continuing Disclosure Cooperation Initiative (the "SEC Initiative"), a limited-time program ending at 12:00 a.m. on December 1, 2014, that encourages issuers of municipal bonds, including the Issuer, to self-report possible material misstatements or omissions, made in the past five (5) years in an official statement regarding compliance with prior continuing disclosure obligations; and

**WHEREAS**, by participating in the SEC Initiative, issuers agree to accept certain non-monetary penalties, in lieu of unknown, and, by all accounts, hefty monetary and non-monetary penalties the SEC has threatened on issuers that do not participate in the SEC Initiative, should the SEC determine than an issuer has made material misstatements in an official statement regarding compliance with prior continuing disclosure obligations; and

**WHEREAS**, by participating in the SEC Initiative, issuers agree to accept the following penalties, if imposed by the SEC (i) compliance with a cease and desist order in which the issuer neither admits nor denies the findings of the SEC, (ii) implementation of policies, procedures and training regarding continuing disclosure obligations, (iii) compliance with all existing continuing disclosure undertakings, (iv) cooperation with any further SEC investigation, (v) disclosure of settlement terms in any final official statement issued within five years of the date of institution of the proceedings, and (vi) production to the SEC of a compliance certificate regarding the applicable undertakings on the one year anniversary of the proceedings; and

**WHEREAS**, on July 24, 2014, the Division of Local Government Services issued Public Finance Notice (i) alerting New Jersey local governments to the SEC Initiative, (ii) strongly recommending that local governments examine their continuing disclosure contractual

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

obligations and past official statements in order to determine if it is advisable for an issuer to participate in the SEC Initiative and (iii) cautioned that local governments that fail to complete a disclosure assessment in connection with the SEC Initiative will likely have difficulty accessing capital markets, difficulty in receiving timely approvals of the Local Finance Board or Director of the Division of Local Government Services, as applicable, and decreased scores on the future "Best Practices Questionnaires"; and

**WHEREAS**, the Issuer desires to conduct a disclosure audit which will (i) summarize the results of the Issuer's prior compliance with its secondary market disclosure obligations and (ii) compare those results to the statements made by the Issuer in its official statements regarding past compliance (the "Disclosure Audit"); and

**WHEREAS**, the Issuer further desires to retain the services of disclosure specialist to conduct the Disclosure Audit; and

**WHEREAS**, based on the results of the Disclosure Audit, and weighing heavily the known, non-monetary penalties that may come through the Issuer's participation in the SEC Initiative versus the unknown, and, by all accounts, hefty monetary and non-monetary penalties the SEC has threatened on issuers that do not self-report, the Issuer further desires to delegate to the Chief Financial Officer, in consultation with the Issuer's general counsel, bond counsel, auditor and other finance professionals, the power to prepare and submit all documentation required to enter the Issuer's Bond issues into the SEC Initiative, as necessary;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE ISSUER, AS FOLLOWS:**

**Section 1.** The Issuer hereby authorizes completion of the Disclosure Audit.

**Section 2.** The Issuer hereby authorizes the Chief Financial Officer to engage the services of a disclosure specialist to complete the Disclosure Audit; provided that the award of any contract in connection therewith meets the requirements of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.).

**Section 3.** In the event the Disclosure Audit reveals that the Issuer may have made a material misstatement regarding the Issuer's compliance with prior continuing disclosure undertakings, the Issuer hereby authorizes and directs the Chief Financial Officer to prepare and submit all documentation necessary to enter the Issuer's applicable Bond issues into the SEC Initiative.

**Section 4.** Any action taken by the Chief Financial Officer, or any other officer of the Issuer, with respect to the Disclosure Audit, the engagement of a disclosure specialist and participation in the SEC Initiative is hereby ratified and confirmed.

**Section 5.** This resolution shall take effect immediately.

A motion was made by Miller to approve the resolution as presented and to accept the proposal for services received from Phoenix Advisors through December 2015 to complete the Disclosure Audit, seconded by Hamilton. All in favor. Motion carried.

B. Resolution #57-14 – Resolution to authorize settlement of tax appeal for Block 15, Lot 7

**RESOLUTION #57-14**

**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 15, LOT 7**

---

**WHEREAS**, a tax appeal was filed by Artim Investments, LLC for the tax years 2011, 2012 and 2013 for property known as Block 15, Lot 7 and commonly known as 3673 Route 94, Hardyston, New Jersey; and

**WHEREAS**, settlement of the appeal is in the best interest of the Township.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

**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:

Artim Investments, LLC  
3673 Route 94  
Block 15, Lot 7

Tax Year	Original Assessment	Proposed Assessment
2011	\$762,600.	\$762,600.
2012	\$762,600.	\$662,600.
2013	\$762,600.	\$600,000.

**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 Verrilli to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

- C. Resolution #58-14 – NJDEP Treatment Works Application – Consent By Governing Body – Lake Gerard Co., LLC – 275 West Shore Drive – Septic Disposal System Alteration

**RESOLUTION #58-14**

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 – Lake Gerard Co., LLC – 275 West Shore Drive – Parcel 78 – Septic Disposal System Alteration

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

- D. Resolution #59-14 – Chapter 159 – Hazard Mitigation Grant

**RESOLUTION #59-14**

**STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY HAZARD MITIGATION GRANT PROGRAM ENERGY ALLOCATION INITIATIVE**

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

**SECTION I.**

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the

Insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2014, in the sum of \$75,000.00, which is, now available as a revenue from State of New Jersey Department of Law and Public Safety Hazard Mitigation Grant pursuant to the provision of Statute, and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

**SECTION II.**

BE IT FURTHER RESOLVED, that a like sum of \$75,000.00. and the name is hereby appropriated under the caption State of New Jersey Department of Law and Public Safety Hazard Mitigation Grant, Other Expenses \$75,000.00.

**SECTION III.**

BE IT FURTHER RESOLVED, that the above is a result of State of New Jersey Department of Law and Public Safety Hazard Mitigation Grant and /or/ has been anticipated as a revenue from the State of New Jersey Department of Law and Public Safety Hazard Mitigation Grant, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

E. Resolution #60-14 – Chapter 159 – DOT Municipal Aid Program for Bunn Road Phase I

**RESOLUTION #60-14**

**STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION MUNICIPAL AID PROGRAM FOR  
BUNN ROAD PHASE 1**

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

**SECTION I.**

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the

Insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2014, in the sum of \$110,000.00, which is, now available as a revenue from New Jersey Department of Transportation Municipal Aid Program for Bunn Road Phase1 pursuant to the provision of Statute, and

**SECTION II.**

BE IT FURTHER RESOLVED, that a like sum of \$110,000.00. and the name is hereby appropriated under the caption New Jersey Department of Transportation Municipal Aid Program for Bunn Road Phase1, Other Expenses \$110,000.00.

**SECTION III.**

BE IT FURTHER RESOLVED, that the above is a result of New Jersey Department of Transportation Municipal Aid Program for Bunn Road Phase1 and /or/ has been anticipated as a revenue from the New Jersey Department of Transportation Municipal Aid Program for Bunn Road Phase1, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

- F. Resolution #61-14 – Chapter 159 – DOT Municipal Aid Program for Holland Mountain Road

**RESOLUTION #61-14**

**STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION MUNICIPAL AID PROGRAM FOR HOLLAND MOUNTAIN ROAD**

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

**SECTION I.**

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the

Insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2014, in the sum of \$185,115.00, which is, now available as a revenue from New Jersey Department of Transportation Municipal Aid Program for Holland Mountain Road pursuant to the provision of Statute, and

**SECTION II.**

BE IT FURTHER RESOLVED, that a like sum of \$185,115.00. and the name is hereby appropriated under the caption New Jersey Department of Transportation Municipal Aid Program for Holland Mountain Road, Other Expenses \$185,115.00.

**SECTION III.**

BE IT FURTHER RESOLVED, that the above is a result of New Jersey Department of Transportation Municipal Aid Program for Holland Mountain Road and /or/ has been anticipated as a revenue from the New Jersey Department of Transportation Municipal Aid Program for Holland Mountain Road, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

- G. Resolution #62-14 – Resolution authorizing the award of a contract through the State of New Jersey Public Purchasing Contracts #83903 for Radio Communication Equipment and Services to KML Technology, Inc.

**Resolution #62-14  
Township of Hardyston**

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT THROUGH THE STATE OF NEW JERSEY PUBLIC PURCHASING CONTRACTS #83903 FOR RADIO COMMUNICATION EQUIPMENT AND SERVICES TO KML TECHNOLOGY INC.**

**WHEREAS**, the State of New Jersey extends it Public Bid items to Local Government Units and the Township of Hardyston is interest in utilizing a contract and

**WHEREAS**, the State of New Jersey Public Purchasing has awarded Contract # 83903 Radio Communication Equipment and Service to KML Technology Inc. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

**WHEREAS**, the Township's Chief Financial Officer has certified that sufficient funds are available for this purpose.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

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

1. The Township hereby authorizes the award of a contract to KML Technology Inc. in the amount not to exceed \$75,000.00 for Radio Communication Equipment and Service in accordance with plans and technical specifications provided by the Hardyston Township Police Department .
2. This resolution and contract shall be available for public inspection in the office of the Township Clerk.
3. 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.

- H. Resolution #63-14 – Resolution authorizing the award of contract through the Morris County Cooperative Pricing Council Contract #15(a) for purchase of police vehicles to Beyer Ford, LLC

**Resolution #63-14  
Township of Hardyston**

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT THROUGH THE  
MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT #15(a) FOR  
PURCHASE OF POLICE VEHICLES TO BEYER FORD, LLC**

**WHEREAS**, the Township of Hardyston is a member of the Morris County Cooperative Purchasing Council; and

**WHEREAS**, the Morris County Cooperative Purchasing Council has awarded Contract #15-a Purchase of Police Vehicles to Beyer Ford, LLC. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

**WHEREAS**, the Township's Chief Financial Officer 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 the State of New Jersey, as follows:

1. The Township hereby authorizes the award of a contract to Beyer Ford, LLC. in the amount not to exceed \$100,000.00 for Purchase of Police Vehicles in accordance with plans and technical specifications provided by the Hardyston Township Police Department .
2. This resolution and contract shall be available for public inspection in the office of the Township Clerk.
3. 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.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

- I. Resolution #64-14 – Resolution authorizing the award of contract through the Morris County Cooperative Pricing Council Contracts #1 & 2 for purchase of gasoline and #2 fuel oil to Finch Fuel Oil

**Resolution #64-14  
Township of Hardyston**

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT THROUGH THE  
MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACTS #1 & 2 FOR  
PURCHASE OF GASOLINE AND # 2 FUEL OIL TO FINCH FUEL OIL.**

**WHEREAS**, the Township of Hardyston is a member of the Morris County Cooperative Purchasing Council; and

**WHEREAS**, the Morris County Cooperative Purchasing Council has awarded Contract #1&2 Purchase of Gasoline & #2 Fuel Oil to Finch Fuel Oil. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

**WHEREAS**, the Township's Chief Financial Officer 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 the State of New Jersey, as follows:

1. The Township hereby authorizes the award of a contract to Finch Fuel Oil. in the amount not to exceed \$100,000.00 for Purchase of Purchase of Gasoline & #2 Fuel Oil in accordance with plans and technical specifications provided by the Hardyston Township DPW Department .
2. This resolution and contract shall be available for public inspection in the office of the Township Clerk.
3. 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.

- J. Resolution #65-14 – Resolution supporting the Drive Sober or Get Pulled Over 2014 Statewide Crackdown

**RESOLUTION #65-14**

*Resolution Supporting the Drive Sober or Get Pulled Over  
2014  
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 summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

**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 2014 Statewide Crackdown*; and

**Whereas**, the project will involve increased impaired driving enforcement from August 15 through September 1, 2014; and

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

**Therefore**, be it resolved that Hardyston Township declares its support for the *Drive Sober or Get Pulled Over 2014 Statewide Crackdown* from August 15 through September 1, 2014 and pledges to increase awareness of the dangers of drinking and driving.

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

- K. Resolution #66-14 – Resolution to foreclose in rem tax certificates held by the Township of Hardyston

**RESOLUTION #66-14**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,  
COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO FORECLOSE IN REM TAX  
CERTIFICATES HELD BY THE TOWNSHIP OF HARDYSTON**

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, the following tax sale certificates now held by the Township of Hardyston be foreclosed by the summary proceedings IN REM and as described in New Jersey Statutes R.S. 54:5-104.29 to R.S. 54:5-104.71, as amended, and pursuant to the Rules of Civil Practice of the Superior Court of New Jersey:

As outlined on Exhibit A attached hereto and made a part hereof.

**BE IT FURTHER RESOLVED** that the Township Attorney is hereby authorized to pursue the foreclosure of the aforesaid properties, striking any properties from the proceedings at the discretion of the Manager for good cause.

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

- L. Resolution #67-14 – Resolution endorsing the settlement of the matter entitled Gregory & Sons, LLC v. Mayor and Council of the Township of Hardyston, et al.

**RESOLUTION #67-14**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,  
COUNTY OF SUSSEX AND STATE OF NEW JERSEY ENDORSING THE  
SETTLEMENT OF THE MATTER ENTITLED GREGORY & SONS, LLC v.  
MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, et al**

**WHEREAS**, the Mayor and Council of the Township of Hardyston, Township Officials and Police Department, were named as defendants in the matter entitled Gregory & Sons, LLC v. Hardyston Township, Superior Court of New Jersey, Sussex County, bearing Docket No. SSZ-L-097-12; and

**WHEREAS**, the matter has been defended by Statewide Insurance Fund (“Fund”) on behalf of the Township of Hardyston; and

**WHEREAS**, the Fund recommends, solely for economic purposes and to avoid the costs and uncertainties of trial, that the matter be resolved for the sum of \$150,000.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

**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 Manager is hereby authorized to notify the Fund that the Township endorses the recommended settlement of \$150,000 to resolve the matter known as Gregory & Sons, LLC v. Hardyston Township, Superior Court of New Jersey, Sussex County, bearing Docket No. SSZ-L-097-12.

**BE IT FURTHER RESOLVED**, that there are no additional costs or liability to the Township of Hardyston or any named defendants by virtue of this settlement.

This Resolution shall take effect immediately.

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

M. Temporary Appointment – Construction Official

Due to the retirement of Keith Utter, Construction Official, a motion was made by Verrilli to appoint Joe Butto as Temporary Construction Official, seconded by Cicerale. All in favor. Motion carried.

N. Resolution #68-14 – Resolution in opposition to Senate Bill S374

**RESOLUTION #68-14  
RESOLUTION IN OPPOSITION TO SENATE BILL S374**

**WHEREAS**, The Statewide Insurance Fund ("Fund") was created to provide a cost efficient means of supplying worker's compensation benefits to injured municipal and other public employees; and

**WHEREAS**, the Fund is not a traditional, profit-making insurance company, but rather is composed of individual municipalities, municipal utilities authorities and other local government entities whose budgets are all funded by taxpayers or public rate payers; and

**WHEREAS**, because the Fund's members are funded, to a large extent by tax dollars, increases in worker's compensation costs, especially those costs that do not benefit injured workers, are extremely burdensome to the taxpayers and rate payers of its members; and

**WHEREAS**, under the Worker's Compensation Laws of New Jersey, employers are required to make voluntary payments to injured employees; and

**WHEREAS**, the voluntary payment procedure was created in order to expedite the payment of injured workers and to reduce the costs of resolving worker's compensation claims by creating a mechanism whereby injured workers did not need to hire lawyers to prosecute their worker's compensation claims; rather, those workers would automatically receive a voluntary payment; and

**WHEREAS**, Senate Bill S374 seeks to alter the voluntary payment process by guaranteeing to lawyers a fee in connection with the voluntary payment, even though the lawyer's services were not instrumental in securing the payment; and

**WHEREAS**, this Bill will not serve the interest of the taxpayers and rate payers in New Jersey because it will force taxpayers and rate payers to pay attorneys' fees which are neither warranted nor earned in connection with the issuance of a voluntary payment; and

**WHEREAS**, the only beneficiaries of this Bill will be lawyers who will not be required to provide any services, but will end up earning a fee.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Hardyston that it strongly opposes the adoption of Senate Bill 5374 and urges the Governor, State Senators, and Assemblymen to protect taxpayers and rate payers from unnecessary and unwarranted charges; and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to the following:

1. The Honorable Chris Christie, Governor;
2. All members of the New Jersey State Senate;
3. All members of the New Jersey State Assembly; and
4. Statewide Insurance Fund

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

- O. Resolution #69-14 – Resolution authorizing the Township Manager to advertise for bids for a generator for Hardyston Township Firehouse #1

**RESOLUTION #69-14**

**RESOLUTION AUTHORIZING THE TOWNSHIP MANAGER TO ADVERTISE FOR  
BIDS FOR GENERATOR FOR HARDYSTON TOWNSHIP FIREHOUSE #1**

BE IT RESOLVED by the Township Council of the Township of Hardyston that the Township Manager is hereby authorized to advertise for bids on the following:

**GENERATOR FOR HARDYSTON TOWNSHIP FIREHOUSE #1**

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

- P. Resolution #70-14 – Resolution authorizing the execution of a shared service agreement with Wantage Township for Construction Office Services

**RESOLUTION #70-14**

**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:

1. Construction Office Services – Wantage Township

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

- Q. Correspondence

1. Wantage Township
2. Franklin Borough
3. Jefferson Township
4. Jefferson Township
5. Jefferson Township
6. Jefferson Township
7. Fredon Township
8. Vernon Township
9. Vernon Township
10. County of Sussex
11. State of NJ
12. State of NJ
13. State of NJ
14. State of NJ
15. State of NJ
16. State of NJ

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 13, 2014**

17. Dolan & Dolan
18. Michael R. Beck, Esq.
19. Arthur Edwards, Inc.

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

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk