

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

The meeting was called to order by Mayor Kula 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 Miller, Councilwoman Hamilton, Councilman Verrilli, Councilman Cicerale, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau.

### **DISCUSSION ITEMS:**

#### **A. SMS – Ridgefield Commons**

Developer was present to again request an extension to complete the extension of Ridgefield Road. He stated that he has secured another investor and that there will be no more issues as far as getting all of the work that needs to be done completed in a timely manner. Township Engineer recommended that the Council extend the completion date to the end of the month and if the work is not completed by then, the bond would be called. The Developer and the Council agreed that the work must be completed by September 24, 2014.

#### **B. Capital Improvement Planning – Recreation**

Recreation Director Becky Westra gave a presentation to the Council regarding current and future recreation use.

#### **C. SEC Secondary Bond Mark Continuing Disclosure Review**

Township Attorney stated that the Securities and Exchange Commission, “SEC”, has implemented the Municipalities Continuing Disclosure Cooperation 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. He stated that it is the recommendation of the Township Auditor to participate in this initiative. Township Manager stated that a proposal to complete the Disclosure Audit has been received from Phoenix Advisors and has been placed on the regular agenda to follow for Council consideration.

#### **D. Cross-River Fiber Agreement**

Township Attorney stated that Cross River Fiber, Inc. is a fiber optic agency seeking to construct, install, operate and maintain its telecommunications equipment and related facilities within the public right-of-ways of the Township of Hardyston. It was the consensus of the Council to discuss this matter further at another meeting.

#### **E. Energy Aggregation Status Report**

Township Manager stated that this project has been on hold because the market had spiked, however the project is now moving forward because the pricing is better.

#### **F. Resolution in Opposition to Senate Bill S374**

Township Manager stated that under the Worker’s Compensations Laws of New Jersey, employers are required to make voluntary payments to injured employees. Township Manager and Township Attorney explained that this bill 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. Township Manager stated that the resolution opposing this bill has been placed on the regular agenda to follow for the Council’s consideration.

#### **G. Public Works Department Project Status Update**

Director of Public Works Director, Robert F. Schultz, updated the Council on the status of current and upcoming projects such as paving, sports field maintenance and municipal building issues. Township Manager stated that the bid for the municipal building

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generator and the Fire Department generator will be split into two separate projects with the bid for the Fire Department, Firehouse #1 generator moving forward first. She stated that some grant money for this project has been received from FEMA. A resolution authorizing the advertisement of bids will be placed on the regular agenda to follow for the Council's consideration.

**H. Recommendations for Amendment to Ordinance Regarding the Hardyston Township Fire Department**

Township Manager stated that the Fire Department has requested some minor amendments to the township ordinance regarding the Hardyston Township Fire Department. She stated that she will have the Township Attorney review the recommendations.

**I. Construction Official Temporary Appointment**

Township Manager stated that the current Construction Official is retiring on August 30 and it has been recommended that a temporary Construction Official be appointed immediately. She stated that this item will be placed on the regular agenda to follow.

**COUNCIL COMMENTS:** Councilman Cicerale stated that he recently needed to contact JCP&L for an issue and the response from them was very favorable.

**PUBLIC COMMENT** (in accordance with P.L. 2002, c.80): 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.

**EXECUTIVE SESSION:**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston on the 13th day of August, 2014, that:

1. Prior to the conclusion of this **Workshop 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).

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Motion to adopt: Verrilli  
Seconded by: Miller

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

Motion carried.

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

**ADJOURNMENT:** At approximately 9:25 p.m., a motion was made by Hamilton to adjourn seconded by Verrilli. All in favor. Motion carried.

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Jane Bakalarczyk, RMC/CMC  
Municipal Clerk