

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 8, 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 Dawn Sullivan 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.

Minutes:

1. Regular Minutes of 9/10/14
2. Workshop Minutes of 9/10/14
3. Executive Minutes of 9/10/14

Agreements/Applications/Licenses:

1. Raffle License – Wallkill Valley Regional High School Booster Club
2. Raffle License – St. Monica’s R.C. Church

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

ORDINANCES

1st READING: None

ORDINANCES

2nd READING: None

NEW BUSINESS:

- A. Resolution #77-14 – NJDEP Treatment Works Application – Consent By Governing Body – Lake Gerard Co., LLC – 124 South Shore Drive – Septic Holding Tank System

RESOLUTION #77-14

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 – 124 South Shore Drive — Septic Holding Tank System

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

B. Tax Collector Resolutions

1. Resolution #78-14 – Cancel Tax Title Lien held by the Township and Refund Roland David Associates

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 8, 2014**

RESOLUTION # 78-14

WHEREAS, Block 91 Lot 20 also known as 107 Silver Fox Trail had been on our In Rem Foreclosure list with the the Township Attorney, Fred Semrau, and

WHEREAS, after a title search was done it revealed that title to this property was vested in Hardyston Township by Final Judgment of the Superior court of New Jersey for an In Rem Foreclosure filed under Docket No. F-5607-86, recorded February 13, 1987, and

WHEREAS, on October 2, 2002 property taxes were sold to an Outside Lien Holder Roland David Associates, and on October 1, 2003 the Township of Hardyston acquired a Tax Title Lien on this parcel, and

WHEREAS, the Township has already taken title to this parcel, the Tax Collector is requesting to cancel the Tax Title Lien #03-15 held by the Township in the amount of \$ 20,889.21 and to refund Roland David Associates for their Tax Lien #24-02 in the amount of \$ 944.84 plus the premium of \$ 700.00.

NOW THEEFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to cancel the amount of \$20,889.21 and to refund an amount of \$ 1,644.84.

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

- C. Resolution #79-14 – Resolution awarding contract for one (1) 2015 Freightliner Model 114SD diesel truck or equivalent to Campbell Freightliner, LLC

RESOLUTION #79-14

**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 PROVISION OF
ONE (1) 2015 FREIGHTLINER MODEL 114SD DIESEL TRUCK OR
EQUIVALENT TO CAMPBELL FREIGHTLINER, LLC**

WHEREAS, bids were opened on October 1, 2014 as advertised on September 7, 2014, for the provision of one (1) 2015 Freightliner Model 114SD Diesel Truck with Central Hydraulics and Associated Equipment or Equivalent; and

WHEREAS, one (1) sealed bid was received from the following vendor:

- 1) Campbell Freightliner, LLC - \$134,469.00; and

WHEREAS, the Township Council is satisfied with the proposal submitted by Campbell Freightliner, LLC, 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 the provision of one (1) 2015 Freightliner Model 114SD Diesel Truck with Central Hydraulics and Associated Equipment, or Equivalent is hereby awarded to Campbell Freightliner, LLC, 1015 Cranbury South River Road, South Brunswick, NJ 08831, and the Mayor and Township Clerk are hereby authorized and directed to execute a contract with Campbell Freightliner, LLC in accordance with its bid proposal for a total contract price of \$134,469.00.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 8, 2014**

2. 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.

- D. Resolution #80-14 – Chapter 159 - Construction Office Services – Wantage Township

RESOLUTION #80-14

INTER-LOCAL CONSTRUCTION/SUB-CODE SHARED SERVICE AGREEMENT WITH WANTAGE TOWNSHIP

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 \$53,333, which is, now available as a revenue from Inter-Local Construction/ Sub-Code Shared Service Agreement with Wantage Township pursuant to the provision of Statute, and

SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$53,333.00 and the name is hereby appropriated under the caption Inter-Local Construction/ Sub-Code Shared Service Agreement with Wantage Township, Other Expenses \$53,333.00.

SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of Inter-Local Construction/ Sub-Code Shared Service Agreement with Wantage Township and /or/ has been anticipated as a revenue from the Inter-Local Construction/ Sub-Code Shared Service Agreement with Wantage Township, 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 Cicerale. All in favor. Motion carried.

- E. Resolution #81-14 – Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Wits End Road Resurfacing Project.

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

At this time, Township Manager presented the Council with a spreadsheet comparing taxes of all Sussex County municipalities for their review. Township Manager also stated that the Hardyston Tax Sale was held today, 10/8/14, and the Township did very well. She also stated that she received an e-mail from the developer of Ridgefield Commons and that he anticipates the deal with their new partner to be closed by the end of the month. Township Manager stated that the developer did make the improvements to the roads using the new partner's financing and that the developer is confident that will continue. She stated that he could not attend tonight's meeting due to a personal health emergency.

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.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 8, 2014

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Resident Elyse Savino, 24 Pale Star Court, pointed out to the Council that the American Flag in the meeting room was touching the floor. The flag was adjusted by Sgt. O'Rourke.

Resident Marbeth Boffa asked what Item D, Resolution #80-14, regarding Wantage Construction Office Services entailed. Township Manager explained that Hardyston has assumed the responsibility of providing Construction Office services to Wantage Township. She stated that Hardyston has a satellite office in Wantage Township staffed by a part-time secretary that is employed by Hardyston that manages the intake of permits. She stated that everything is coordinated out of the Hardyston office for inspections and plan review. She stated that the total revenue from that shared service contract is \$160,000. Ms. Boffa asked if Wantage personnel was also involved. Township Manager stated that the department is handled by Hardyston employees only.

Ms. Boffa also stated that the meeting agenda states that the bill list is attached to the agenda, but it is not attached to the public copies. Township Manager stated that it is just a notation for the Council, but that hard copies are available to the public upon request. Ms. Boffa also asked who the person was that was seated next to the Township Manager. Township Manager stated that her name is Dawn Sullivan, attorney from the office of Township Attorney Fred Semrau.

Resident Debbie Caggianese, 26 Pale Star Court, asked about the status of the 7 affordable homes in Hardyston. Township Manager stated that they are being marketed this month. She stated that the marketing material will be out soon and there will be a timeframe for submission of applications.

A Lake Stockholm resident asked whether there will be more informational meetings regarding the energy aggregation program. Township Manager stated that there will be one additional information session and that information regarding the session will be made available to the residents. She also stated that the bidding will be done by the company that is running the aggregation program for Passaic County. She stated that once the rate has been established through the bidding process, the Council will have the ability to move forward as a partner in that program or not to move forward. She stated that, at any point, the residents would always have the opportunity to opt out, it is not required.

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 8th day of October, 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.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 8, 2014**

(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 Miller. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Miller to adjourn at approximately 7:50 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk