

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

The meeting was called to order by Mayor Kula at approximately 7:40 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.

Monthly Reports:

1. Municipal Clerk Report – September 2014
2. Tax Collector Report – September 2014
3. Construction Certificate Activity Report – September 2014
4. Construction Permit Activity Report – Hardyston – September 2014
5. Construction Permit Activity Report – Hamburg – September 2014
6. Construction Permit Activity Report – Franklin – September 2014
7. Construction Permit Activity Report – Newton – September 2014
8. Construction Permit Activity Report – Sussex – September 2014
9. Construction Permit Activity Report – Wantage – September 2014
10. Police Department Report – September 2014
11. Littell Community Center Report – September 2014
12. Sussex County Health Department Report – August 2014
13. Municipal Court Report – September 2014
14. Smoke Detector & CO Alarm Compliance Inspection Report – 3rd Q 2014
15. Land Use Report – September 2014
16. Sussex County Health Department Report – September 2014

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

ORDINANCES

1st READING: 2014-14

BOND ORDINANCE PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS, APPROPRIATING \$1,785,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,700,000 BONDS OR NOTES OF THE TOWNSHIP FOR THE FINANCING OF THE COST THEREOF TO BE UNDERTAKEN IN AND BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

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BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

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Section 1. The improvements and purposes described in Section 3 of this bond ordinance are hereby authorized as general capital improvements to be made, acquired or undertaken by the Township of Hardyston, County of Sussex, New Jersey (hereinafter "Township"). For said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,785,000, said sum being inclusive of all appropriations heretofore made therefore, amounting in the aggregate to \$1,785,000, including the aggregate sum of \$85,000 as the down payment for the improvements or purposes. Said \$85,000 down payment is appropriated herein from the Capital Improvement Fund or other legally available funds of the Township, said sum being now available for down payment or capital improvement purposes, as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1, et seq. (the "Local Bond Law") by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets of the Township.

Section 2. For the financing of said improvements or purposes and to meet part of said \$1,785,000 appropriation not otherwise provided for hereunder, negotiable bonds of the Township are hereby authorized to be issued in the principal amount not to exceed \$1,700,000, pursuant to the Local Bond Law. In anticipation of the issuance of bonds, negotiable bond anticipation notes (the "Notes") of the Township in an amount not to exceed \$1,700,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer in accordance with the Local Bond Law. The Chief Financial Officer shall determine all matters in connection with the Notes issued pursuant to this ordinance; and the Chief Financial Officer's signatures upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes, the estimated cost of such improvements and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for said improvements and the periods of usefulness of said improvements are as follows:

Improvement/Acquisition	Estimated Cost	Down Payment (Capital Improvement Fund)	Maximum Amount of Bonds/Notes	Useful Life (Years)
arious improvements and acquisitions including but not limited to (I) acquisition and installation of a generator, (ii) acquisition of utility vehicle for Fire Department, (iii) upgrades and expansion for Fire Company No. 1 (iv) acquisition of Fire Truck (Engine and equipment), (v) acquisition of access property (Lot 27.06, Block 63) to rear acreage on Wheatsworth Rd., (vi) fuel tank expansion Public Works, and (vii) acquisition of Backhoe, the forgoing to include all equipment, costs, and appurtenances necessary therefor or incidental thereto.	\$1,785,000	\$85,000	\$1,700,000	14

Section 4. The following additional matters are hereby determined, declared, recited and stated:

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(a) The purposes described in Section 3 of this bond ordinance are not current expenses of the Township and are improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness is within the limitations of the Local Bond Law. Taking into consideration the amount of the obligations authorized for each purpose, according to the reasonable life of each purpose, computed from the date of the bonds authorized by the bond ordinance, the average period of usefulness is 14 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,700,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$80,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 5. The capital budget of the Township of Hardyston is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. The Township reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. This Section is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.300-2, and no action (or inaction) will be an artifice or device in accordance with Treasury regulation 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 9. The governing body of the Township hereby covenants on behalf of the Township that to the extent any debt obligations are issued as tax-exempt debt obligations to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of such debt obligations authorized hereunder as is required under the Internal Revenue Code of 1986, as amended, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 10. The provisions of this ordinance are severable, to the extent that any clause, phrase, sentence, paragraph, or provision of this ordinance shall be declared void, illegal or unconstitutional, the remaining provisions shall continue in full force and effect.

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RESOLUTION #84-14

**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. Shared Service Agreement – Construction Department – Franklin Borough
2. Shared Service Agreement – Construction Department – Hamburg Borough
3. Shared Service Agreement – Construction Department – Town of Newton
4. Shared Service Agreement – Construction Department – Sussex Borough
5. Shared Service Agreement – DPW Services – Sussex Borough

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

D. Resolution #85-14 – Amendment to 2014 Capital Budget

A motion was made by Miller to approve the resolution as presented, seconded by Hamilton. All in favor. Motion carried. A copy of the resolution is on file in the Clerk's Office.

E. Correspondence

1. West Milford Township
2. Sparta Township
3. Wantage Township
4. Lafayette Township
5. NJ State League of Municipalities
6. State of NJ
7. State of NJ
8. State of NJ
9. State of NJ

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 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 7:45 p.m., seconded by Miller. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk