

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON DECEMBER 10, 2014

The meeting was called to order by Mayor Kula at approximately 7:35 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.

Minutes:

1. Workshop Minutes of 9/24/14
2. Regular Minutes of 9/24/14
3. Executive Minutes of 9/24/14
4. Regular Minutes of 10/8/14
5. Executive Minutes of 10/8/14
6. Regular Minutes of 10/22/14
7. Workshop Minutes of 10/22/14
8. Workshop Minutes of 11/12/14
9. Regular Minutes of 11/12/14

Monthly Reports:

1. Municipal Clerk Report – October 2014
2. Construction Certificate Activity Report – October 2014
3. Construction Permit Activity Report – Hardyston – October 2014
4. Construction Permit Activity Report – Hamburg – October 2014
5. Construction Permit Activity Report – Franklin – October 2014
6. Construction Permit Activity Report – Newton – October 2014
7. Construction Permit Activity Report – Sussex – October 2014
8. Construction Permit Activity Report – Wantage – October 2014
9. Police Department Report – October 2014
10. Littell Community Center Report – October 2014
11. Municipal Court Report – October 2014
12. Land Use Report – October 2014
13. Tax Collector Report – October 2014
14. Sussex County Health Department Report – October 2014
15. Tax Collector Report – November 2014
16. Construction Certificate Activity Report – November 2014
17. Construction Permit Activity Report – Hardyston – November 2014
18. Construction Permit Activity Report – Hamburg – November 2014
19. Construction Permit Activity Report – Franklin – November 2014
20. Construction Permit Activity Report – Newton – November 2014
21. Construction Permit Activity Report – Sussex – November 2014
22. Construction Permit Activity Report – Wantage – November 2014
23. Municipal Clerk Report – November 2014
24. Littell Community Center Report – November 2014
25. Police Department Report – November 2014

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

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ORDINANCES

1st READING: None

ORDINANCES

2nd READING: None

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #92-14 – Overpayment refund – Block 60, Lot 45 – 10 Munsonhurst Road – Beverly Hills Estate, LTD

RESOLUTION # 92-14

WHEREAS, Block 60 Lot 45 also known as 10 Munsonhurst Road, and owned by Beverly Hills Estates, LTD, and

WHEREAS, the November 1st taxes were paid by the homeowner and also paid by the mortgage company thus creating an overpayment,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund to Beverly Hills Estate, LTD the amount of \$ 361.78.

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

B. Resolution #93-14 – NJDEP Treatment Works Application – Consent By Governing Body – Lake Gerard Co., LLC – 127 South Shore Drive – Septic Holding Tank System

RESOLUTION #93-14

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 – 127 South Shore Drive — Septic Holding Tank System

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

C. Resolution #94-14 – Resolution authorizing Change Order No. 1 for the Holland Mountain Road Improvements Contract with Mark Paving Company, Inc.

RESOLUTION #94-14

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1
FOR THE HOLLAND MOUNTAIN ROAD IMPROVEMENTS
CONTRACT WITH MARK PAVING COMPANY, INC.**

BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey that the nature of the changes as described in the

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attached Change Order No. 1 dated October 29, 2014 for the contract entitled, "Holland Mountain Road Improvements", be and the same are hereby approved, and the Township Manager is hereby authorized and directed to execute said Change Order on behalf of the Township.

BE IT FURTHER RESOLVED, that said contract shall be amended to reflect an increase in the amount of \$696.56 for fuel and asphalt price adjustments and adjustments for as-built quantities as set forth on the attached Change Order.

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.

D. Tax Collector Resolutions

1. Resolution #95-14 – Overpayment refund – Block 16, Lot 1.09 Q C3323 – 3 Wild Turkey Way, Unit #3323 – Boiling Springs Savings

RESOLUTION # 95-14

WHEREAS, Block 16 Lot 1.09 Q C3323 also known as 3 Wild Turkey Way Unit # 3323 and owned by Joseph Murawski, and

WHEREAS, Mr. Murawski has paid his 2014 taxes in full as well as his 2015 Preliminary taxes, and on 11/4/14 Boiling Springs Savings also paid the November 1, 2014 taxes in error,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund to Boiling Springs Savings the amount of \$ 2,714.17 for their payment on the November 1, 2014 taxes.

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

- E. Resolution #96-14 – Resolution supporting the Drive Sober or Get Pulled Over 2014 Year-End Holiday Crackdown

RESOLUTION #96-14

**Resolution Supporting the *Drive Sober or Get Pulled Over*
2014 Year End Holiday Crackdown**

Whereas, impaired drivers on our nation's roads kill more than 10,000 people each year and cost our society more than \$37 billion annually; and

Whereas, 22% of motor vehicle fatalities in New Jersey in 2013 were alcohol-related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

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 Year End Holiday Crackdown*; and

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Whereas, the project will involve increased impaired driving enforcement from December 5, 2014 through January 2, 2015; 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 Year End Holiday Crackdown* from December 5, 2014 through January 2, 2015 and pledges to increase awareness of the dangers of drinking and driving.

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

F. Tax Collector Resolutions

1. Resolution #97-14 – Refund – Tax payment error – KCS Villa, LLC

RESOLUTION # 97-14

WHEREAS, Block 16.33 Lot 1 also known as Wild Turkey Way and owned by Shotland Bauer, LLC, and

WHEREAS, a payment in the amount of \$ 5,738.80 was paid for the November 1st 2014 taxes by KCS Villa, LLC in error as they do not own the property and Shotland Bauer also paid November taxes,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be Authorized to refund KCS Villa, LLC the amount of \$ 5,738.80 for their payment made on 10/30/14 in error.

2. Resolution #98-14 – Refund – Veteran Deduction – Block 67, Lot 34 – 3321 Route 94 – Peter Kolan

RESOLUTION # 98-14

WHEREAS, Block 67 Lot 34 also known as 3321 Route 94 and owned by Peter Kolan, and

WHEREAS, Mr. Kolan has paid his 2014 taxes in full and has been approved for the Veteran Deduction for the tax year 2014,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Peter Kolan \$ 250.00 for a veteran deduction as he has paid his 2014 taxes in full.

3. Resolution #99-14 – Overpayment refund – Block 67, Lot 53.11 – 39 Foxtail Lane – ServiceLink, LLC

RESOLUTION # 99-14

WHEREAS, Block 67 Lot 53.11 also known as 39 Foxtail Lane and owned by Timothy Brady, and

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WHEREAS, the Title Company ServiceLink, LLC and the mortgage company Corelogic both paid the November 1, 2014 taxes in the amount of \$ 779.85,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund ServiceLink, LLC \$ 779.85 for an overpayment on 39 Foxtail Lane.

4. Resolution #100-14 – Overpayment refund – Block 86, Lot 20 – 21 Lake Shore Road West – Janice Austin

RESOLUTION #100-14

WHEREAS, Block 86 Lot 20 also known as 21 Lake Shore Road West, and owned by Janice Austin, and

WHEREAS, the homeowner and the mortgage company Ocwen Loan Servicing have both paid the November 1, 2014 taxes,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Janice Austin \$ 1,505.64 for an overpayment on the November 1, 2014 taxes.

5. Resolution #101-14 – Assignment of Tax Sale Certificate 2014-015

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
AUTHORIZING THE ASSIGNMENT OF
TAX SALE CERTIFICATE 2014-015**

RESOLUTION # 101-14

WHEREAS, the Township of Hardyston has accumulated Tax Sale Certificates that have been struck off to the Municipality at Tax Sale due to the lack of bidders; and

WHEREAS, the Township of Hardyston is the record owner of Tax Sale Certificate # 2014-015; and

WHEREAS, N.J.S.A. 54:5-113 permits the sale, by way of private assignment, of municipally held Tax Sale Certificates together with subsequent liens thereon for an amount not less than the amount of liens charged against such real estate, together with interest and costs on the certificate of sale; and

WHEREAS, Vally Cicerale has requested to purchase at private sale the assignment of municipally held tax sale certificate # 2014-015 for full value in accordance with N.J.S.A. 54:5-113 for the total amount of \$ 17,796.25; and

WHEREAS, the Tax Collector has notified the owner of record as appearing on the last tax duplicate at least five days prior to approval of this resolution and public notices was posted in three public places within the Township at the time of the mailing of the notice and notice was published in a public newspaper published or circulated in the Township within five days prior to approval of this resolution pursuant to N.J.S.A. 54:5-114; and

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston, County of Sussex, State of New Jersey that Tax Sale Certificate # 2014-015 be sold to Vally Cicerale by way of assignment for the total amount of \$ 17,796.25; and

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BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Township Tax Collector and the Township Tax Collector is hereby authorized to execute the Assignment of Tax Sale Certificate, a copy of which is attached hereto, and deliver it, together with the original tax sale certificate to Vally Cicerale.

A motion was made by Hamilton to approve all of the above resolutions as presented, seconded by Miller. All in favor with Cicerale abstaining. Motion carried.

- G. Resolution #102-14 – NJDEP Treatment Works Application – Consent By Governing Body – Lake Gerard Co., LLC – 210 West Shore Drive – Septic Holding Tank System

RESOLUTION #102-14

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 – 210 West 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.

- H. Resolution #103-14 – 2014 Budget Appropriation Transfers

**Township of Hardyston
Resolution #103-14**

Now, Therefore be it resolved by the Township Council of the Township of Hardyston, State of New Jersey, That the following 2014 Budget Appropriation transfers be authorized:

From:	Amount	To	Amount
Administration Supplies	\$ 3,500.00	Finance OE	\$ 3,500.00
Planning Board OE	\$ 5,000.00	Computer Tech & Main OE	\$ 5,000.00
Administration OE	\$ 2,500.00	Computer Tech & Main OE	\$ 2,500.00
Administration S&W	\$ 1.00	Tax Collector S&W	\$ 1.00
Administration S&W	\$ 780.00	Tax Assessment S&W	\$ 780.00
Engineering OE	\$ 3,000.00	Tax Assesment OE	\$ 3,000.00
Administration S&W	\$ 150.00	Land Use S&W	\$ 150.00
Waiver Health Insurance	\$ 2,472.00	Insurance Other Premiums	\$ 2,472.00
Administration S&W	\$ 400.00	Unemployment Ins.	\$ 400.00
Legal OE	\$ 43,000.00	Purchase of Police Cars	\$ 43,000.00
Waiver Health Insurance	\$ 14,000.00	Purchase of Police Cars	\$ 14,000.00
Police Uniforms OE	\$ 3,000.00	Purchase of Police Cars	\$ 3,000.00
Waiver Health Insurance	\$ 5,000.00	Police OE	\$ 5,000.00
Unclassified Accumulated Leave Comp.	\$ 34,900.00	Police OE	\$ 34,900.00
Construction S&W	\$ 11,500.00	Police OE	\$ 11,500.00

Legal OE	\$ 7,000.00	Buildings & Grounds	\$ 7,000.00
Construction S&W	\$ 13,333.00	Buildings & Grounds	\$ 13,333.00
Gasoline	\$ 15,000.00	Buildings & Grounds	\$ 15,000.00
Diesel	\$ 5,300.00	Buildings & Grounds	\$ 5,300.00
Municipal Court OE	\$ 2,300.00	Municipal Court S&W	\$ 2,300.00
Littell Center OE	\$ 4,750.00	Fire Department OE	\$ 4,750.00
Deisel Fuel	\$ 8,800.00	Fire Department OE	\$ 8,800.00
Recycling OE	\$ 7,200.00	Streets and Roads OE	\$ 7,200.00
Disability Insurance	\$ 5,136.00	Employee Group Health Ins.	\$ 5,136.00
Gasoline	\$ 7,000.00	First Aid OE	\$ 7,000.00
Totals	\$ 205,022.00		\$ 205,022.00

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

I. Correspondence

1. Jefferson Township
2. West Milford Township
3. State of NJ
4. State of NJ
5. State of NJ
6. State of NJ
7. Bernd E. Hefele, Esq.
8. Bernd E. Hefele, Esq.

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

Mayor Kula stated that the Hardyston Township Council was presented with the Elected Officials Award for Outstanding Service to Local Government by the New Jersey Municipal Manager's Association at the NJ State League of Municipalities Conference held in November.

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. Resident Roger O'Brien asked for clarification regarding Resolution #101-14, Assignment of Tax Sale Certificate 2014-015. Township Attorney explained the procedure to him.

Resident Mr. Lohrfink shared concerns about the speeding issues in the Indian Field development. Township Manager stated that she brought the matter to the Police Department's attention and they will work to try and correct the issue.

Resident Bill Bennett asked if there were any plans to develop the property that circles Indian Field. Township Manager stated that there are no plans at this time.

Resident Elizabeth Eager shared concerns with regard to cars being parked too close to the stop sign at the bus stops in the Indian Field development. She stated that it is a dangerous situation for the children waiting for the school bus. Township Manager stated that she will advise the Chief of Police of the situation.

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Resident Mr. Ramcke inquired as to the zoning of the property that circles Indian Field. Township Manager stated that it is zoned Residential except for the front piece which is zoned commercial.

A question was brought up as to the maintenance of the front piece of property at the entrance to the development. Residents stated that up until the property was sold, the Association has maintained it. They asked if there was anything that the town could do if it is not maintained by the new owner. Township Attorney stated that the township has no authority over that type of matter and suggested the Association discuss it with the new owner as it is a private matter. A question was raised by an Indian Field resident as to whether the municipality has a legal obligation to notify everyone who may have an interest in a property before it is sold for a tax lien. Township Attorney stated that the township has an obligation to notify the owner of the property and to publish the required notices in the newspaper.

On behalf of the Hardyston Township Volunteer Fire Department, Bill Hickerson expressed thanks to the Township Manager and the Council for supporting the increase to the Length of Service Awards Program (LOSAP). He also wanted to offer a sincere apology on behalf of the Fire Department for the omission of Deputy Mayor Carl Miller's name in the thank you letter that was published in the New Jersey Herald on November 24th. Mr. Hickerson also wanted to thank the public for their overwhelming support of the LOSAP program.

A resident of Indian Field expressed his dissatisfaction with the quality of snow plowing in the development. Township Manager stated that she will pass the information on to the Department of Public Works. A motion was made and seconded to close the meeting to the public.

Township Attorney stated that the Township does not have the authority to get involved in private matters between property owners, but would be willing to meet with a few representatives of the Indian Field Association and seek out the property owner and try and set up a meeting to see if some of the resident's concerns can be resolved. Township Manager stated that the Township's role would only be as facilitator and mediator. Resident Roger O'Brien stated that this would be amendable to the Association.

At this time, a motion was made by Cicerale to authorize the agreement for the Energy Aggregation Program after review by the professionals, seconded by Miller. All in favor. Motion carried.

EXECUTIVE SESSION:

BE IT RESOLVED by the Township Council of the Township of Hardyston on the 10th day of December, 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.
 - (X) 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.

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(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: Verrilli
Seconded by: Miller

MOTION	YES	NO	ABSTAIN	ABSENT
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.

A motion was made by Hamilton to authorize the Township Attorney to draft a communication that would rescind the agreement with Riverdale Quarry with respect to the Park Drive Water System, seconded by Verrilli. Township Attorney stated that this is consistent with the position of the Hardyston Township Municipal Utility Authority so there would not be any conflict for members of the HTMUA to vote on this matter. All in favor. Motion carried.

With regard to the notice from the Hardyston Township First Aid Squad that they wish to dissolve the corporation, a motion was made by Miller to investigate the possibility of hiring a facilitator, subject to an agreement with the First Aid Squad, to assist in the dissolution of the FAS or provide alternatives in the best interest of the Township, and to authorize the Township Manager to enter into a contract due to the emergent nature and the public safety needs of the Township, seconded by Hamilton. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Hamilton to adjourn at approximately 9:20 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk