

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
JANUARY 14, 2015**

The meeting was called to order by Mayor Miller at approximately 8:40 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 Cicerale, Councilwoman Hamilton, Councilman Kula, Councilman Verrilli, 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.**

**Agreements/Applications/Licenses:**

1. Trailer Court License Renewal – Stanley Tabaka
2. R & R Radar, Inc. – Traffic Radar Maintenance Agreement - Police Department
3. Security Design Group, LLC/Meridien – Service Agreement - Access Control & Security Alarm System – Police Department
4. Morpho Trak, Inc. – Maintenance and Support Agreement – Police Dept.
5. KML Technology – 911 Emergency Phone System Service Agreement - Police Department
6. Fire Department – New Member Application – Ryan J. Olsen

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

**ORDINANCES**

**1<sup>st</sup> READING:**

**2015-01**

**AN ORDINANCE OF THE COUNCIL OF THE TOWNSHIP OF  
HARDYSTON AUTHORIZING THE SALE OF REAL  
PROPERTY KNOWN AS BLOCK 67.25, LOT 3 AS PART OF  
THE TOWNSHIP’S MARKET TO AFFORDABLE HOUSING  
PROGRAM**

**Purpose Statement:**

The purpose of this Ordinance shall be to authorize the sale of real property known as 7 Crestmont Court, Block 67.25, Lot 3 in the Township of Hardyston to Buyers Melissa Post and James Post Sr., as part of the Township’s market to affordable housing program.

**WHEREAS**, the Township owns Block 67.25, Lot 3, 7 Crestmont Court (“the property”) in the Township of Hardyston (“Township” or “Hardyston”); and

**WHEREAS**, the property is a low-income housing unit that the Township desires to convey to Melissa Post & James Post Sr., 103 Bourne Circle, Hardyston, NJ 07419 (“the Buyer”) as part of the Township’s Market to Affordable Housing Program; and

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**WHEREAS**, the Township Council has determined that it should convey the property to the Buyer as part of the Township's Market to Affordable Housing Program for the purpose of addressing the Township's affordable housing obligations pursuant to the Township's Housing Element and Fair Share Plan and the New Jersey Council on Affordable Housing ("COAH") Substantive Rules (N.J.A.C. 5:97-1 et seq.).

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Hardyston that the Township shall convey 7 Crestmont Court, Block 67.25, Lot 3 in the Township to Buyers Melissa Post and James Post Sr., for consideration in the amount of \$105,960.00, and in accordance with the terms of a Contract for Sale to be executed by the Buyer and the Township.

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Mayor and Council of the Township of Hardyston, the Township Manager and Clerk, the Township Housing Liason, and Vogel, Chait, Collins and Schneider, P.C., as Special Counsel to the Township of Hardyston are hereby authorized to prepare and execute any and all documentation to effectuate the sale of the property described herein.

**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.

**Effective Date.**

This ordinance shall take effect after publication and passage in accordance with law.

A motion was made by Hamilton to approve Ordinance 2015-01 on first reading, seconded by Cicerale. All in favor. Motion carried.

**2015-02**

**BOND ORDINANCE AUTHORIZING THE APPROPRIATION OF A SUM NOT TO EXCEED \$3,921,000 AND AUTHORIZING THE ISSUANCE OF REFUNDING BONDS AND/OR NOTES OF THE TOWNSHIP OF HARDYSTON, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$3,921,000, TO REFUND, IN FULL OR IN PART, THE OUTSTANDING BALANCE OF GENERAL IMPROVEMENT BONDS, SERIES 2007A OF THE TOWNSHIP AND TO FINANCE THE COSTS OF ISSUANCE OF SUCH REFUNDING BONDS ON BEHALF OF THE TOWNSHIP AND TO PROVIDE FOR THE ISSUANCE OF SUCH REFUNDING BONDS**

**WHEREAS**, the Township of Hardyston, County of Sussex, State of New Jersey (the "Township") issued \$4,825,000 General Obligation General Improvement Bonds, Series 2007A dated February 1, 2007, (the bond issues identified and set forth above are hereinafter referred as the "Outstanding Bonds") pursuant to the provisions of the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 et seq. (the "Law") for purposes of providing funds for various capital improvements in and for the Township; and

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**WHEREAS**, the Outstanding Bonds maturing on or prior to February 1, 2016 are not subject to redemption prior to maturity, however there is the principal amount of \$3,655,000 of the Outstanding Bonds that remain outstanding and will mature in various amounts between February 1, 2017 and February 1, 2030 inclusive which are subject to redemption prior to maturity; and

**WHEREAS**, the Township now desires to authorize and issue refunding bonds to refund the principal amount of the Outstanding Bonds maturing in the years 2017 through the final maturity in 2030, to authorize the execution of a refunding agreement to provide for the acquisition of obligations of the United States of America, the principal of and interest on which shall provide for the payment of the principal of and interest on the Outstanding Bonds, and to pay the cost of issuance of such refunding bonds, in order to provide for debt service savings to the Township;

**NOW THEREFORE BE ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY** (not less than two-third (2/3) of all members thereof affirming and concurring), **AS FOLLOWS:**

Section 1. The Township of Hardyston, in the County of Sussex, State of New Jersey, hereby authorize to an aggregate amount not to exceed \$3,921,000 for the payment, refunding or funding of all of part principal of and interest on the principal amount of \$3,655,000 outstanding Bonds of the Township maturing in the years 2017 through 2030.

Section 2. An aggregate amount not exceeding \$70,000 for items of expense listed and permitted under Section 40A:2-51(b) and 40A:2-53(a) of the Law has been reserved for the cost of issuance expenses relating to the refunding bonds authorized herein.

Section 3. In order to finance the cost of refunding the Outstanding Bonds in the aggregate principal amounts stated in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the aggregate principal amount not exceeding \$3,921,000 pursuant to the Law (the "Refunding Bonds"), consisting of one issue of general improvement refunding bonds in the principal amount not exceeding \$3,921,000. The Refunding Bonds shall pay interest at a rate or rates per annum as may be hereinafter determined within the limitation prescribed by Law. Said issue of general improvement refunding bonds shall mature in annual installments which may not exceed the limitations prescribed in Section 40A:2-26(b) of the Local Bond Law, and as set forth in N.J.A.C.5:30-2.5 of the regulations issued pursuant thereto. In addition, the Outstanding Bonds shall be paid and redeemed on the next call date after issuance of same through the proceeds from the sale held in escrow pledged to the payment of the principal and interest on the Outstanding Bonds to be refunded. The Refunding Bonds shall be sold at private sale by resolution of the Township Council to RBC Capital Markets, LLC. All matters with respect to Refunding Bonds not determined by this ordinance or a resolution of the Township Council shall be determined by the Chief Financial Officer in accordance herewith, and with the Local Bond Law.

Section 4. The Chief Financial Officer of the Township is directed to report in writing to the Township Council at the meeting next succeeding the date when any sale or delivery of Refunding Bonds pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, the maturity schedule of the Refunding Bonds sold, the price obtained, and the terms of the escrow, as well as any other material terms of the transaction.

Section 5. The Chief Financial Officer of the Township is hereby authorized to determine such details relating to the issuance of the Refunding Bonds and is directed to provide such details to the Township Council and the Director of the Division of Local Government Services for the Director's approval, including the final maturity schedule, the terms of the redemption of the Outstanding Bonds, the deposit, securing, regulations, escrow investments, disposition or application of refunding bond proceeds pending such escrow and redemption and the specific terms and conditions relating thereto and any information required by law, or resolution of the Local Finance Board.

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Section 6. The Chief Financial Officer is further authorized to determine the terms of any contract with the holders of the Refunding Bonds with respect to the establishment of, and the making of provisions for the funding of the escrow fund and the amount, source, securing, regulation and disposition thereof for escrow and redemption of the Outstanding Bonds, and enter into any contracts or agreements to implement the refunding program, including agreements for bond, insurance, rating agencies, investment banking, printing, legal services and financial advisor services, which terms and agreements shall not be inconsistent herewith.

Section 7. A certified copy of this Refunding Bond Ordinance as adopted on first reading shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs, of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Chief Financial Officer of the Township as to the indebtedness to be financed by the issuance of the Refunding Bonds authorized herein.

Section 8. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

A motion was made by Hamilton to approve Ordinance 2015-02 on first reading, seconded by Cicerale. All in favor. Motion carried.

**2015-03**

**AN ORDINANCE TO AMEND CHAPTER 88,  
SECTION 2, OF THE CODE OF THE TOWNSHIP OF HARDYSTON,  
CONSTRUCTION CODE FEES**

**A. Construction permit fees (88.2)**

The fee for a construction permit shall be the sum of all subcode applications, plus all administrative and miscellaneous fees listed in 1 through 11 below. All fees will be rounded to the nearest dollar and shall be paid before the permits are issued, unless otherwise stated. The minimum construction permit fee shall be \$55.00.

**Building Subcode fees are as follows:**

1. For new construction for buildings of Use Groups F and S the fee shall be \$0.025 per cubic foot and \$0.037 per cubic foot for all other Use Groups provided that the minimum fee shall be \$55.00. The fee for new commercial farm structures as per N.J.A.C. 5:23-3.2(d) shall be **\$0.0125** per cubic foot. For pre-manufactured construction, in addition to applicable cubic footage, fees shall be computed at a rate of \$35.00 per \$1,000.00 of the estimated cost of onsite construction associated with completion of the structure.
2. Renovations, alterations, and repairs are based on the estimated cost of the work. The fee shall be \$30.00 per \$1,000 provided that the minimum fee shall be \$55.00.
3. The fee for open decks, porches and raised platforms shall be **\$.55** per square foot provided that the minimum fee shall be \$55.00.
4. Fees for combination renovations and additions shall be the sum of the fees computed separately in accordance with (1), (2) and (3) above.
5. The fee for a permit to re-roof or re-side an existing structure of use group R-3, R-4 or R-5 shall be **\$65.00**.
6. Fees for retaining walls shall be as follows:
  - a. The fee for a retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be **\$200.00**.

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- b. The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall be **\$100.00**.
  - c. The fee for a newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of the construction as per #2 above.
7. The fee for temporary structures and structures for which volume cannot be computed, such as above-ground swimming pools and open structural towers, shall be \$150.00. The fee for an in-ground swimming pool shall be \$200.00. The fee for a storable pool shall be \$55.00. These fees shall include all required pool enclosures.

The fee for inspection of pre-existing pools requiring inspection for compliance with the barrier requirements as defined in the building subcode shall be \$55.00.

- 8. The fee for fencing exceeding six feet in height shall be \$55.00.
- 9. The fee for a permit to construct a ground or wall sign shall be **\$2.00** per square foot computed on one side only for single or double-faced signs provided that the minimum fee shall be \$55.00. The fee for a pylon sign per square foot shall be **\$4.00**.
- 10. The fee for a demolition permit issued for the removal of underground storage tanks for flammable and combustible liquids shall be \$55.00 per tank.
- 11. The fee for a permit to demolish a building or structure shall be as follows: Use Groups R-3 and R-5 shall be \$55.00; buildings and structures incidental to Use Groups R-3 and R-5 shall be \$25.00 and all other Use Groups shall be \$150.00.
- 12. The fee for mechanical inspection in a Use Group R-3 or R-5 structure by a mechanical inspector shall be **\$75.00** for the first device and **\$20.00** for each additional device. No separate fee shall be charged for gas, fuel oil, or water piping connections associated with the mechanical equipment inspected.

**Plumbing Subcode fees are as follows:**

- 1. The fee for each fixture, stack, appliance or residential backflow preventer connected to the plumbing system shall be \$16.00. The fee for oil or gas piping to a single fixture or appliance shall be \$16.00.
- 2. The fee for each special device including grease traps, oil separators, air conditioning or refrigeration units, water and sewer connections, flammable and combustible liquid storage tanks, commercial backflow preventers, steam or hot water boilers, gas or fuel oil piping (multiple fixtures or appliances), active solar systems, sewer pumps, and interceptors shall be \$55.00.
- 3. The minimum permit fee for work including the plumbing subcode shall be \$55.00.

**Fire Protection Subcode fees are as follows:**

- 1. Wet or dry sprinkler suppression systems as per the following numbers of heads:
 

1 – 20.....	\$100.00
21 - 100 .....	150.00
101 - 400 .....	<b>300.00</b>
401 - 1000 .....	<b>600.00</b>
Over 1000.....	<b>850.00</b>
- 2. Fee for each standpipe..... **200.00**
- 3. Fee for each gas or oil fired appliance not connected to the plumbing system..... \$ 55.00
- 4. Commercial kitchen exhaust system, each..... **\$100.00**
- 5. Independent pre-engineered suppression systems, each ..... \$100.00

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- 6. Fuel storage tanks (underground or above ground, installation only) each:
  - 1 to 1000 gallons..... **\$55.00**
  - 1001 to 4000 gallons..... 100.00
  - Over 4000 gallons..... 150.00
- 7. Smoke or heat detectors:
  - 1 - 20 ..... **\$55.00**
  - 21 - 100 ..... 75.00
  - 101 - 200 ..... 100.00
  - 201 - 400 ..... 150.00
  - 401 - 1000 ..... 250.00
  - Over 1000..... 350.00
  - Each Supervisory, signaling & other devices.:.....8.00**
- 8. Manual or automatic alarm systems..... \$ 75.00
- 9. Central control system ..... \$ 75.00

The fire protection subcode fee shall be a minimum of \$55.00 for single-family dwellings; and \$75.00 for all other structures.

**Electrical Subcode fees are as follows:**

- 1. The fees for electrical receptacles, fixtures and devices are as follows:
  - a. For the first block consisting of one to 50 receptacles, fixtures, or device..... \$ 55.00
  - b. For each additional block consisting of up to 25 receptacles, fixtures, or devices..... **\$ 25.00**
- 2. The fees for electrical devices/generators/transformers or solar photovoltaic systems, motors, air conditioner feeders and disconnects are as follows:
  - a. For each electrical device/generator/transformer, solar photovoltaic system or motor rated up to 10 kw or 10 hp; ..... **\$ 55.00**
  - b. For each electrical device/generator/transformer, or solar photovoltaic system rated over 10 kw to 45 kw; ..... **\$ 75.00**  
For each motor rated over 10 hp to 50 hp; or
  - c. For each electrical device/generator/transformer, or solar photovoltaic system rated over 45 kw to 112.5 kw; ..... **\$150.00**  
For each motor rated over 50 hp to 100 hp; or  
For each air conditioner feeder and disconnect, Comm'l: 51 hp or over, plus unit
  - d. For each electrical device/generator/transformer or solar photovoltaic system rated over 112.5 kw ..... **\$600.00**
  - e. For each motor over 100 hp ..... **\$600.00**
- 3. The fees for service panels/service entrances/sub panels are as follows:
  - a. For each service panel/service entrance/sub panel from 0 to 200 amps ..... \$ 55.00
  - b. For each service panel/service entrance/sub panel over 200 to 1,000 amps ..... \$100.00
  - c. For each service panel/service entrance/sub panel over 1,000 amps ..... \$450.00
- 4. The fee charged for electrical work for each permanently installed private swimming pool, spa, hot tub or fountain as defined in the building subcode shall be a flat fee of \$65.00 which shall include any required bonding, and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles, and heaters, etc., excepting panel boards

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and under-water lighting fixtures. For public swimming pools, the fee shall be charged on the basis of number of electrical fixtures and rating of electrical devices involved in accordance with 1 through 3 above. The fee for annual inspections for public swimming pools shall be \$55.00.

- 5. The fees for pool permit, with UW lights ..... \$ 10.00
- 6. The fees for storable pool/spa/hot tub ..... \$ 10.00
- 7. The fees for signs ..... \$ 10.00
- 8. The fees for light standards ..... \$ 10.00
- 9. The minimum permit fee for work including the Electrical subcode shall be \$55.00.

**Administrative and Miscellaneous Fees:**

- 1. The fee for plan review shall be twenty percent (20%) of the amount to be charged for the construction permit and shall be paid before the plans are reviewed. This fee shall be credited toward the amount of the construction permit fee.
- 2. The fee to process an application for a variance pursuant to N.J.A.C. 5:23-2.10 shall be as follows:
  - a. Class I Structure ..... \$100.00  
Resubmission ..... \$ 50.00
  - b. Class II Structure ..... \$ 50.00  
Resubmission ..... \$ 25.00
  - c. Class III Structure ..... \$ 30.00  
Resubmission ..... \$ 15.00
- 3. An administrative surcharge fee of fifteen percent (15%) shall be charged on each subcode application issued by any third party agency contracted by the Township of Hardyston.
- 4. The fee for the reinstatement of a lapsed permit shall be twenty percent (20%) of the original fee calculated per subcode application; provided that the minimum fee shall be as per subcode.
- 5. The fee for each construction permit and certificate of occupancy issued for an asbestos hazard abatement project shall be as set forth in N.J.A.C. 5:23-8.9 (a), 1 and 2.
- 6. The fee for a permit for lead hazard abatement work and clearance certificate shall be as set forth in N.J.A.C. 5:23-4.20(c)3.ix
- 7. The fees for certificates of occupancy are as follows:
  - a. Certificate of occupancy for one and two family dwellings ..... \$ 50.00
  - b. Certificate of occupancy for accessory buildings to one and two family dwellings ..... \$ 20.00
  - c. Certificate of occupancy for buildings or structures of all other Use Groups ..... \$ 75.00
  - d. Certificate of occupancy for accessory buildings of all other Use Groups..... \$ 35.00
  - e. Multiple certificates of occupancy for all Use Groups, per unit ..... \$ 50.00
  - f. Certificates of occupancy for Change of Use Group only ..... \$100.00
  - g. Certificates of Continued Use or occupancy ..... \$150.00



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- (1) EM Electrical Contractors, LLC; net price \$78,580 (base \$72,480, alternate \$6,100)
- (2) Power With Prestige; base \$92,000, no alternate bid provided – indicated no addenda received
- (3) SREC Resources, Inc.; base \$61,450, no alternate bid – indicated only one of two addenda received

; and

**WHEREAS**, the Mayor and Township Council find and declare that none of the bids were qualified due to material, incurable omissions; and

**WHEREAS**, the Local Public Contracts Law, specifically N.J.S.A. §40A:11-13.2(d) authorizes a municipality to reject all bids if the contracting unit wants to substantially revise the specifications for the goods or services; and

**WHEREAS**, the Mayor and Township Council find and declare that in light of the obvious confusion pertaining to the addenda, causing only one bidder to submit a bid for the fence, the specifications must be revised to include the additional generator requirements and the fence construction; and

**WHEREAS**, the competitive bid process will be reinstated at a later date for the provision of a generator for Fire House # 1 containing all specifications required by the Township; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Hardyston, County of Sussex and State of New Jersey that all bids received for the furnishing of a generator for Fire House # 1 be and are hereby rejected for the reasons stated in this Resolution.

This Resolution shall take effect immediately.

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

- B. Resolution #08-15 – Resolution accepting a Letter of Credit from Shotland Bauer, LLC in the amount of \$121,284.00 and a cash bond in the amount of \$13,476.00 for Cloverdale West – Phase 2A

**RESOLUTION #08-15**

**RESOLUTION ACCEPTING AN IRREVOCABLE LETTER OF CREDIT IN THE AMOUNT OF \$121,284.00 AND A CASH BOND IN THE AMOUNT OF \$13,476.00 FROM SHOTLAND BAUER, LLC FOR CLOVERDALE WEST – PHASE 2A**

**WHEREAS**, the Hardyston Township Planning Board granted approval to Shotland Bauer, LLC for Cloverdale West – Phase 2A; and

**WHEREAS**, as a condition of said approval of Cloverdale West – Phase 2A, Shotland Bauer, LLC was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of \$134,760.00 and;

**WHEREAS**, Shotland Bauer, LLC has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$121,284.00 and a cash bond in the amount of \$13,476.00; and

**WHEREAS**, the letter of credit has been reviewed and approved as to form by the Township Attorney and Township Engineer.

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**NOW THEREFORE BE IT RESOLVED** by the Township Council of the Township of Hardyston that it hereby accepts the above stated bonds from Shotland Bauer, LLC for Cloverdale West – Phase 2A as performance securities required by the Hardyston Township Planning Board.

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

- C. Resolution #09-15 – Resolution authorizing the reduction of performance bond from Shotland Bauer, LLC for Cloverdale West – Phase 1C

**RESOLUTION #09-15**

**RESOLUTION REDUCING THE PERFORMANCE BOND IN THE AMOUNT OF \$55,512.00 AND A CASH BOND IN THE AMOUNT OF \$6,168.00 FROM SHOTLAND BAUER, LLC FOR CLOVERDALE WEST – PHASE 1C**

**WHEREAS**, the Hardyston Township Planning Board granted approval to Shotland Bauer, LLC for the Shotmeyer Tract; and

**WHEREAS**, as a condition of said approval, Shotland Bauer, LLC was required to post a performance guarantee with the Township of Hardyston for site improvements associated with said site in the amount of \$61,680.00; and

**WHEREAS**, Shotland Bauer, LLC subsequently requested a reduction in the bonding amount due to the extension of Coventry Road which negates the need for a temporary cul-de-sac as part of the site improvements; and

**WHEREAS**, the Township Engineer has determined that the temporary cul-de-sac guaranteed by this performance bond is no longer necessary in this phase and a performance bond for a temporary cul-de-sac at the current end of Coventry Lane has been included in a performance bond for a further subdivision of a portion of the same property said subdivision being known as Cloverdale West – Phase 2A; and

**WHEREAS**, the Township Engineer recommends that since the temporary cul-de-sac originally included in site improvements relating to Cloverdale West – Phase 1C is no longer needed, the performance bond for this phase be reduced to the following:

Total Bond Amount	\$31,680.00
Surety amount	\$28,512.00
Cash amount	\$ 3,168.00

**NOW THEREFORE BE IT RESOLVED** by the Hardyston Township Council that the bond for the Cloverdale West – Phase 1C be reduced in accordance with the recommendation of the Township Engineer.

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

- D. Tax Collector Resolutions

- 1. Resolution #10-15 – Refund – Shotland Bauer, LLC

**RESOLUTION #10-15**

**WHEREAS**, Block 16.29 Lot 1 Q C0105 also known as 177 Tarrington Road, Hardyston and owned by Shotland Bauer, LLC, and

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**WHEREAS**, this parcel has received an Added Assessment from the Tax Assessor's Office for a new condo prorated for 9 months, and

**WHEREAS**, they were billed for \$ 4,039.22 for November 1, 2014 and the taxpayer paid that amount, and

**WHEREAS**, Memorandum of Judgment has come thru in December 2014 stipulated, on 177 Tarrington Road that no C/O at this time not completed to be assessed.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Shotland Bauer, LLC the amount of the added assessment billed and paid in error for the amount of \$ 4,039.22.

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

E. Zoning Board Appointments

A motion was made by Verrilli to accept the resignation of Jeff Albanese from the Planning Board and to appoint Jeff Albanese to the Zoning Board as Alternate 2, and to appoint Robert Cook to the Zoning Board as Alternate 3, seconded by Cicerale. All in favor. Motion carried.

F. 2015 Soil Removal/Quarry License Renewals:

1. Beaver Run Farms – Soil Removal & Quarry
2. Shotmeyer Brothers, Inc. – Soil Removal
3. Eastern Concrete Materials, Inc. – Quarry
4. North Church Gravel, Inc. – Soil Removal

A motion was made by Hamilton to approve the annual license renewals listed above per the Township Engineer's recommendations, seconded by Cicerale. All in favor. Motion carried.

A motion was made by Hamilton to approve the request for a one year extension to the existing soil removal permit for North Church Gravel as recommended by the Township Engineer in his letter to the Council dated January 6, 2015, seconded by Verrilli. All in favor. Motion carried.

A motion was made by Hamilton to renew the junkyard/auto auction license for Central Auto Liquidators, Inc. conditional upon the recommendations outlined in the Township Engineer's letter to the Council dated January 5, 2015, and to adopt the updated map prepared by Surveyor Donald P. Sweeney, P.L.S. as the official junkyard area map for future reference, seconded by Kula. All in favor with Verrilli abstaining. Motion carried.

**BILLS TO BE PAID:** A motion was made by Hamilton to approve the bill list as presented, seconded by Kula. 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.

**EXECUTIVE SESSION:**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston on the 14th day of January, 2015, that:

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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.
  - ( 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.
    - (a) Park Drive Water System
    - (b) Beaver Run foreclosure litigation
    - (c) Isaacson v. Hardyston
  - ( ) 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: Cicerale

<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Miller	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Hamilton	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Kula	<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 Cicerale. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Hamilton to adjourn at approximately 9:15 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
 Municipal Clerk