

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
FEBRUARY 25, 2015**

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

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 – January 2015
2. Tax Collector Report – January 2015
3. Construction Certificate Activity Report – January 2015
4. Construction Permit Activity Report – Hardyston – January 2015
5. Construction Permit Activity Report – Hamburg – January 2015
6. Construction Permit Activity Report – Franklin – January 2015
7. Construction Permit Activity Report – Newton – January 2015
8. Construction Permit Activity Report – Sussex – January 2015
9. Construction Permit Activity Report – Wantage – January 2015
10. Police Department Report – January 2015
11. Sussex County Health Department Report – January 2015
12. Municipal Court Report – January 2015
13. Land Use Report – January 2015

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

ORDINANCES

1st READING: None

ORDINANCES

2nd READING: 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.

Township Manager stated that due to an oversight with the electronic filing of the Supplemental Debt Statement with the Division of Local Government Services, Ordinance 2015-02 will need to be re-adopted. 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. A motion was made by Cicerale to approve Ordinance 2015-02 on second reading, seconded by Verrilli. All in favor. Motion carried.

2015-05

**AN ORDINANCE OF THE COUNCIL OF THE TOWNSHIP OF
HARDYSTON AUTHORIZING THE SALE OF REAL
PROPERTY KNOWN AS BLOCK 67.07, LOT 1.11 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 22 Sundance Terrace, Block 67.07, Lot 1.11 in the Township of Hardyston to Buyer Amy L. Franek, as part of the Township's market to affordable housing program.

WHEREAS, the Township owns Block 67.07, Lot 1.11, 22 Sundance Terrace ("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 Amy L. Franek., 425 Canistear Road, Stockholm, New Jersey 07460 ("the Buyer") as part of the Township's Market to Affordable Housing Program; and

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

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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 22 Sundance Terrace, Block 67.07, Lot 1.11 in the Township to Buyer Amy L. Franek., for consideration in the amount of \$105,022.00, 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 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. A motion was made by Hamilton to approve Ordinance 2015-05 on second reading, seconded by Cicerale. All in favor. Motion carried.

2015-06

AN ORDINANCE OF THE COUNCIL OF THE TOWNSHIP OF HARDYSTON AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS BLOCK 67, LOT 51.12 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 3 Meadow Lane, Block 67, Lot 51.12 in the Township of Hardyston to Buyer Mary E. Jones, as part of the Township’s market to affordable housing program.

WHEREAS, the Township owns Block 67, Lot 51.12, 3 Meadow Lane (“the property”) in the Township of Hardyston (“Township” or “Hardyston”); and

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WHEREAS, the property is a low-income housing unit that the Township desires to convey to Mary E. Jones, 1 Division Street, Apt 4, Branchville, NJ 07826 (“the Buyer”) as part of the Township’s Market to Affordable Housing Program; and

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 3 Meadow Lane, Block 67, Lot 51.12 in the Township to Buyer Mary E. Jones, for consideration in the amount of \$100,180, 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 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. A motion was made by Hamilton to approve Ordinance 2015-06 on second reading, seconded by Verrilli. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution #15-15 - Resolution authorizing the signing of Government Energy Aggregation Program Agreements

It was the consensus of the Council to table this item to a future meeting.

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B. Resolution #16-15 - 2014 Budget Transfer Resolution

**Township of Hardyston
Resolution #16-15**

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

Transfer From:

Transfer To:

<u>Account From</u>	<u>Amount</u>	<u>Account To</u>	<u>Amount</u>
General Admin S&W	\$ 341.40	General Administration OE	\$ 341.40
Gen. Admin Supplies	\$ 3,482.28	General Administration OE	\$ 3,482.28
Elections OE	\$ 538.68	General Administration OE	\$ 538.68
Tax Collector OE	\$ 3,337.90	General Administration OE	\$ 3,337.90
Tax Assessment S&W	\$ 4.39	General Administration OE	\$ 4.39
Tax Assessment OE	\$ 481.45	General Administration OE	\$ 481.45
Economic Development OE	\$ 4,208.20	Legal OE	\$ 4,208.20
Planning OE	\$ 1,891.55	Legal OE	\$ 1,891.55
Zoning OE	\$ 2,827.70	Legal OE	\$ 2,827.70
Construction S&W	\$ 844.60	Legal OE	\$ 844.60
Construction OE	\$ 1,500.00	Legal OE	\$ 1,500.00
Construction OE	\$ 1,280.24	Finance OE	\$ 1,280.24
Zoning Official S&W	\$ 10.89	Finance OE	\$ 10.89
Zoning Official OE	\$ 328.57	Finance OE	\$ 328.57
Insurance Other	\$ 1,123.63	Finance OE	\$ 1,123.63
Insurance Other	\$ 103.37	Insurance Unemployment	\$ 103.37
Waiver Health Insurance	\$ 58.64	Finance OE	\$ 58.64
Disability Insurance	\$ 120.16	Finance OE	\$ 120.16
Public Health Serv. OE Hep. B	\$ 500.00	Finance OE	\$ 500.00
Animal Control OE	\$ 1,367.00	Finance OE	\$ 1,367.00
Police S&W	\$ 14,621.84	Police OE	\$ 14,621.84
Purchase of Police Cars	\$ 1,000.00	Police Uniforms	\$ 1,000.00
Communications S&W	\$ 5,404.08	Police Uniforms	\$ 5,404.08
Communications OE	\$ 1,000.00	Police Uniforms	\$ 1,000.00
Communications OE	\$ 4,363.95	Police OE	\$ 4,363.95
Uniform Fire Safety S&W	\$ 1,193.43	Social Security	\$ 1,193.43
Uniform Fire Safety S&W	\$ 2,459.31	Engineering OE	\$ 2,459.31
Streets & Roads S&W	\$ 42,825.25	Streets & Roads OE	\$ 42,825.25
Senior Citizen Bus Service	\$ 4,386.00	Buildings & Grounds	\$ 4,386.00
Celebration of Public Events	\$ 40.00	Recreation OE	\$ 40.00
Utility Expense Electric	\$ 6,228.99	Utility Expense Street Lighting	\$ 6,228.99
Utility Expense Telephone	\$ 11,132.34	Engineering OE	\$ 11,132.34
Utility Expense Natural Gas	\$ 324.32	Utility Expense Fuel Oil	\$ 324.32
Utility Expense Natural Gas	\$ 1,165.61	Aid to Volunteer First Aid	\$ 1,165.61
Utility Expense Gasoline	\$ 3,200.97	Aid to Volunteer First Aid	\$ 3,200.97
Utility Expense Diesel	\$ 2,358.84	Aid to Volunteer First Aid	\$ 2,358.84
Municipal Court S&W	\$ 959.03	Engineering OE	\$ 959.03
Municipal Court OE	\$ 954.30	Engineering OE	\$ 954.30

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

C. Correspondence

1. Borough of Tinton Falls
2. Vernon Township
3. Vernon Township
4. Andover Township
5. Montague Township
6. County of Sussex
7. State of NJ
8. State of NJ
9. State of NJ
10. State of NJ
11. State of NJ
12. State of NJ
13. SMS Hardyston, LLC

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

BILLS TO BE PAID: A motion was made by Hamilton to approve the bill list as presented, seconded by Verrilli. 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 Martin Schweighardt congratulated the Council on the Municipal Management Association Elected Officials Award they received at the NJ League of Municipalities conference that was held in November.

Resident Roger O'Brien shared his concerns relating to snow removal and parking within the Indian Field community. Township Manager stated that Township representatives would be glad to meet with Indian Field representatives to discuss their concerns. Mr. O'Brien also stated that he was glad that the Council decided to table the item regarding the Government Energy Aggregation Program until it was thoroughly reviewed.

Resident Debbie Caggionese asked where and when this meeting would be held, and if the DPW Director would be in attendance at that meeting. Township Manager stated that if a meeting is formally requested by Indian Field representatives, the Township will contact the Indian Field Property Manager and set up a meeting with the appropriate Township representatives and Indian Field representatives. 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 25th day of February, 2015, 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.

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- () 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).

Motion to adopt: Verrilli
 Seconded by: Hamilton

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

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

Jane Bakalarczyk, RMC/CMC
 Municipal Clerk