

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 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, Councilman Kula, 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 – February 2015
2. Tax Collector Report – February 2015
3. Construction Certificate Activity Report – February 2015
4. Construction Permit Activity Report – Hardyston – February 2015
5. Construction Permit Activity Report – Hamburg – February 2015
6. Construction Permit Activity Report – Franklin – February 2015
7. Construction Permit Activity Report – Newton – February 2015
8. Construction Permit Activity Report – Sussex – February 2015
9. Construction Permit Activity Report – Wantage – February 2015
10. Police Department Report – February 2015
11. Municipal Court Report – February 2015
12. Land Use Report – February 2015
13. Littell Community Center Report – January 2015
14. Littell Community Center Report – February 2015
15. Fire Prevention Bureau 2014 Year-End Report
16. Sussex County Health Department Report – February 2015

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

ORDINANCES

1st READING:

2015-09

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
AUTHORIZING A SPECIAL ASSESSMENT FOR THE SUMMIT LAKE DAM
IMPROVEMENTS

WHEREAS, in 2007 the Summit Lake Owners' Association sought financing from the State of New Jersey ("State") in order to enable improvements and repairs to the Summit Lake Dam; and

WHEREAS, under the 1992 New Jersey Dam Restoration and Inland Waters Projects Loan Program ("Program"), N.J.A.C. §7:24A-1 *et seq.*, a loan from the State was obtained an amount not to exceed Seven Hundred Forty-Three Thousand, Six Hundred Dollars (\$743,600.00); and

WHEREAS, pursuant to the regulations governing the Program, the municipality was required to act as co-borrower in order to qualify to receive the funds; and

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WHEREAS, the Township agreed to act as co-borrower, the funds were received and the improvements commenced; and

WHEREAS, the State's Dam, Lake and Stream Project Fund, N.J.S.A. §58:4-12 authorizes the Township to assess the amount of the principal, interest, and costs for the loan against the real property benefited by the loan together with interest and penalties; and

WHEREAS, the State's Dam, Lake and Stream Project Fund, N.J.S.A. §58:4-12 authorizes the collection of the assessment in the same manner as assessments for local improvements; and

WHEREAS, all improvements were completed and the final cost of improvements was Six Hundred Sixty-Six Thousand, Eight Hundred and Thirty-Five Dollars and Seventy Cents (\$666,835.70).

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, as follows:

1. The full cost of the principal, interest, and any associated costs, fees, or penalties expended to complete the improvements and repairs of the Summit Lake Dam to the satisfaction of the New Jersey Department of Environmental Protection, together with all costs associated with establishing and enforcing the assessments, shall be assessed against all benefitting properties as listed in the chart attached hereto as Schedule A.
2. The procedures for making and collecting this special assessment, which are set forth in N.J.S.A. §40:56-1 *et seq.* and N.J.S.A. §40:49-6, have been followed in developing the information in Schedule A.
3. The Township's Special Assessment Commission, with the Township's Tax Assessor acting as consultant, was responsible for making the assessment in accordance with the statutory parameters.
4. The Township will not contribute to the repayment of any part of the costs of this local improvement.
5. The assessment shall constitute a first and paramount lien on the property pursuant to N.J.S.A. §40:56-33 and a record of same shall be maintained in accordance with N.J.S.A. §40:56-41.3.
6. The assessment shall be paid in annual installments, plus interest, over the course of fifteen (15) years. Bills for the assessment will be sent out by the Tax Collector, separate and apart from any tax bills. There will be no penalty for prepayment.
7. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.
8. All ordinances of the Township of Hardyston, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.
9. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

A motion was made by Cicerale to approve Ordinance 2015-09 on first reading, seconded by Verrilli. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
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2015-10

**CALENDAR YEAR 2015
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 2.0% increase in the budget for said year, amounting to \$145,386.75 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Hardyston, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Township of Hardyston shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$254,426.81, and that the CY 2015 municipal budget for the Township of Hardyston be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

A motion was made by Hamilton to approve Ordinance 2015-10 on first reading, seconded by Verrilli. All in favor. Motion carried.

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2015-11

AN ORDINANCE TO AMEND THE ESTABLISHED MINIMUM AND MAXIMUM SALARIES FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HARDYSTON TO PROVIDE THE METHOD FOR THE PAYMENT OF ANNUAL SALARY INCREMENTS IN THE DISCRETION OF THE TOWNSHIP COUNCIL

BE IT ORDAINED by the Township Council of the Township of Hardyston as follows:

Section 1. The minimum and maximum salary range for officers or employees of the Township of Hardyston who are employed on an annual salary basis shall be and is hereby fixed as follows:

POSITION	MINIMUM	MAXIMUM
Township Council	\$ 3,000.00	\$ 4,500.00
Mayor/Deputy Mayor: Marriage/Civil Union Ceremony Stipend (per ceremony)	\$ 50.00	\$ 200.00
Township Manager	\$ 100,000.00	\$ 175,000.00
Deputy Manager	\$ 8,000.00	\$ 15,000.00
Director of Public Works	\$ 75,000.00	\$ 120,000.00
Fleet Manager	\$ 1,500.00	\$ 4,000.00
Police Chief	\$ 90,000.00	\$ 157,000.00
Acting Police Chief	\$ 40,000.00	\$ 105,000.00
Township Clerk/Registrar/Search Officer	\$ 40,000.00	\$ 85,000.00
Deputy Clerk/Deputy Registrar	\$ -	\$ 35,000.00
Chief Financial Officer/Treasurer	\$ 25,000.00	\$ 40,000.00
Tax Collector/Search Officer	\$ 45,000.00	\$ 80,000.00
Tax Assessor	\$ 25,000.00	\$ 63,000.00
Municipal Planner	\$ 50,000.00	\$ 85,000.00
Computer Technician	\$ 30,000.00	\$ 60,000.00
Radio Dispatcher	\$ 33,000.00	\$ 60,000.00
Land Use Administrator	\$ 35,000.00	\$ 68,000.00
Planning/Zoning Board/EDC/Council Meeting Meeting Stipend Land Use Admin/Twp Clerk (per session)	\$ 82.00	\$ 97.00
Construction Code Official	\$ 55,000.00	\$ 115,000.00
Building Subcode Official	\$ 35,000.00	\$ 95,000.00
Administrative Assistant – Public Works	\$ 2,000.00	\$ 4,000.00
Municipal Court Administrator	\$ 35,000.00	\$ 68,000.00
Municipal Court Administrator (Night Court per session)	\$ 75.00	\$ 100.00
Deputy Court Clerk (per session)	\$ 50.00	\$ 100.00
Municipal Court Magistrate	\$ 20,000.00	\$ 45,000.00
Temporary Municipal Court Magistrate (per session)	\$ 900.00	\$ 1,100.00
Zoning Officer	\$ 5,000.00	\$ 42,000.00
Recycling Coordinator	\$ 1.00	\$ 3,000.00
Fire Official	\$ 8,500.00	\$ 30,000.00
Fire Prevention Inspector	\$ 5,000.00	\$ 12,000.00
Emergency Management Coordinator	\$ 2,000.00	\$ 12,000.00

Section 2. The minimum and maximum rates of compensation for each employee or class of employees who are employed on an hourly basis shall be and are hereby fixed as follows:

POSITION	MINIMUM HOURLY	MAXIMUM HOURLY
Planning Intern	\$ 14.00	\$ 18.00
Road Supervisor	\$ 24.25	\$ 38.00
Assistant Road Supervisor	\$ 24.00	\$ 38.00
Laborer/Driver	\$ 16.72	\$ 36.00
Seasonal Laborer/Driver	\$ 10.00	\$ 20.00
Laborer	\$ 14.00	\$ 23.00

Laborer with CDL	\$	16.00	\$	25.00
Water & Sewer Operator	\$	30.00	\$	45.00
Custodian	\$	12.00	\$	19.50
Senior Clerk/Radio Dispatcher	\$	8.00	\$	30.00
Dispatcher In Training	\$	12.00	\$	14.00
Municipal Court Officer	\$	20.00	\$	27.00
Plumbing Subcode Official	\$	15.00	\$	45.00
Electric Subcode Official	\$	15.00	\$	52.00
Building Inspector	\$	15.00	\$	35.00
Assistant to Chief Financial Officer	\$	10.00	\$	24.00
Utility Billing Specialist	\$	10.00	\$	24.00
Secretary/Administrative	\$	10.00	\$	24.00
Secretary/Clerical	\$	8.00	\$	22.00
Seasonal/Temporary/Clerical	\$	7.25	\$	14.00
Recreation Director	\$	18.00	\$	25.00
Assistant to Recreation Director	\$	8.00	\$	17.00
Recreation Program Presenter	\$	12.00	\$	28.00
Recreation On-Call Staff	\$	9.00	\$	11.00

Section 3. Any officer or employee of the Township of Hardyston who is at any time receiving less than the maximum compensation or salary as hereinabove provided may, as hereinafter provided, be given an additional annual increment of salary until the maximum salary has been reached.

Section 4. No officer or employee shall be entitled to receive an additional increment of salary until the same has been approved by resolution of the Township Council, and no officer or employee shall receive more than one (1) additional increment of salary in any one calendar year.

Section 5. Nothing herein contained shall be so construed as to make mandatory the payment of annual salary increments to any officer or employee of the Township of Hardyston. Salary or wage increases shall be contingent upon the availability of funds and shall be granted on a merit basis.

Section 6. The Township Council reserves the right to pay a salary to any new employee during his or her probationary period of ninety (90) days which may be less than the minimum rate of salary or compensation as hereinabove provided. However, upon the satisfactory completion of such probationary period said employee shall be paid not less than the minimum salary provided for the particular office or employment.

Section 7. The Township Council further reserves the right to pay a salary to any new employee at any figure between the minimum and maximum salary provided for such office or position and not necessarily the minimum salary.

Section 8. The adoption of this Ordinance shall not operate to either increase or decrease the present pay of any officer or employee of the Township of Hardyston, and the salaries or compensations provided by existing ordinances shall remain in full force and effect until such time as the Township Council may grant and approve such additional increments of salary as may be deemed advisable pursuant to the terms of this Ordinance. A resolution of the Township Council establishing specific salaries or wages may be made retroactive to January 1st of the year in which the resolution is adopted.

Section 9. Salaries shall be paid in the same manner and the same time as heretofore provided by ordinance.

Section 10. All ordinances or parts of ordinances which may be inconsistent with the terms of this ordinance are to the extent of such inconsistency hereby repealed.

A motion was made by Cicerale to approve Ordinance 2015-11 on first reading, seconded by Hamilton. All in favor. Motion carried.

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ORDINANCES
2nd READING:

2015-07

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
PROVIDING FOR THE ESTABLISHMENT OF “NO STOPPING OR
STANDING” AND/OR “NO PARKING” ZONES ON A PORTION OF
COLSON TERRACE [TO BE INCORPORATED INTO CHAPTER
172 OF THE HARDYSTON TOWNSHIP CODE].

WHEREAS, there is loading and unloading of vehicles by auto carriers on Colson Terrace; and

WHEREAS, this loading and unloading of vehicles by auto carriers on Colson Terrace threatens to impede in the future the ability of fire trucks and ambulances to leave their facilities on Colson Terrace and respond to emergency and fire calls;

and

WHEREAS, the Township of Hardyston Zoning Officer recommends a "No Stopping or Standing" and/or "No Parking" zone on both sides of Colson Terrace from 220 feet from the intersection of New Jersey State Highway Route 23 and Colson Terrace to the end of Colson Terrace in the best interest of the public safety (except for emergency personnel, which shall include firemen, first aid squad members and police officers, while responding to a call); and

WHEREAS, the sections of the roadways in question are wholly contained in the Township of Hardyston; and

WHEREAS, N.J.S.A. 3 9:4-197 authorizes the Township to pass, without the approval of the New Jersey Commissioner of Transportation, an ordinance regulating the parking of vehicles on streets and portions thereof that are under the jurisdiction of the Township;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

SECTION 1. Commencing (20) days upon final passage, approval and publication as required by law, Section 172-10 of Article II of Chapter 172 of the Hardyston Township Code entitled, "Parking prohibited at all times on certain streets" is hereby amended to incorporate the following:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Colson Terrace	Both	From 220 feet from the intersection of New Jersey State Highway Route 23 and Colson Terrace to the end of Colson Terrace (except for emergency personnel, which shall include firemen, first aid squad members and police officers, while responding to a call)

SECTION 2. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

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SECTION 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This ordinance may be renumbered for purposes of codification.

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 Verrilli to approve Ordinance 2015-07 on second reading, seconded by Cicerale with Hamilton abstaining. All in favor. Motion carried.

2015-08

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
AUTHORIZING THE EXECUTION AND ACCEPTANCE OF
AN EASEMENT FOR PURPOSES OF ENFORCING THE
TOWNSHIP'S ORDINANCE PROVIDING FOR "NO
PARKING" AND/OR "NO STOPPING OR STANDING" ON A
PORTION OF COLSON TERRACE AS WELL AS ON THE
EASEMENT PREMISES

WHEREAS, All for DOE, LLC ("Grantor") is the owner of certain property located in the Township of Hardyston, Sussex County, New Jersey, at Block 36, Lot 44.01, known as 4 Colson Terrace as shown on the Official Tax Map of the Township of Hardyston; and

WHEREAS, there is loading and unloading of vehicles by auto carriers on Colson Terrace; and

WHEREAS, this loading and unloading of vehicles by auto carriers on Colson Terrace threatens to impede in the future, the ability of fire trucks and ambulances to leave their facilities on Colson Terrace and respond to emergency and fire calls; and

WHEREAS, the Township of Hardyston has adopted, or will take measures to adopt, an Ordinance providing for "No Parking" and/or "No Stopping or Standing" zone on both sides of Colson Terrace from 220 feet from the intersection of New Jersey State Highway Route 23 and Colson Terrace to the end of Colson Terrace; and

WHEREAS, part of the Grantor's premises on Colson Terrace are paved and merge into Colson Terrace as to make Colson Terrace and that portion of the Grantor's premises that is paved indistinguishable; and

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WHEREAS, Raymond Ganz, the owner of All for DOE, LLC, has agreed to cooperate with the Township in its efforts to curtail the unloading of auto carriers on Colson Terrace by providing an easement to the Township to allow the Township to enforce its Ordinance providing for "No Parking" and/or "No Stopping or Standing" on both sides of Colson Terrace from 220 feet from the intersection of New Jersey State Highway Route 23 and Colson Terrace to the end of Colson Terrace not only on this portion of Colson Terrace but also on that part of Grantor's premises on Colson Terrace that are paved and merge into Colson Terrace ("easement premises") and as set forth on the easement and annexed legal description attached hereto as Exhibit A; and

WHEREAS, the Township of Hardyston wishes to execute and accept the easement.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

SECTION 1. The easement and annexed legal description attached hereto as Exhibit A, which has been approved by the Township Attorney and Township Engineer for form and legal description is hereby accepted by the Township of Hardyston.

SECTION 2. The Mayor of the Township of Hardyston is hereby authorized to execute the aforementioned attached Easement on behalf of the Township of Hardyston.

SECTION 3. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5. This ordinance may be renumbered for purposes of codification.

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 Verrilli to approve Ordinance 2015-08 on second reading, seconded by Cicerale with Hamilton abstaining. All in favor. Motion carried.

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NEW BUSINESS:

A. 2015 Municipal Budget Introduction

Township Manager gave a written and verbal presentation of the 2015 Municipal Budget. A motion was made by Hamilton to approve the 2015 Municipal Budget as introduced, seconded by Miller. All in favor. Motion carried. Public hearing and adoption of the budget is scheduled for April 22, 2015.

B. Resolution #21-15 – Remington & Vernick – Proposal for tax map maintenance services for tax year 2015

RESOLUTION #21-15

RESOLUTION ACCEPTING PROPOSAL FROM REMINGTON & VERNICK ENGINEERS FOR TAX MAP MAINTENANCE SERVICES

BE IT RESOLVED by the Township Council of the Township of Hardyston that the following proposal is hereby accepted:

- Remington & Vernick Engineers – Proposal for Tax Map Maintenance/Revisions services for the Township of Hardyston for Tax Year 2015

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

C. Resolution #22-15 – Resolution commending Northwest NJ Community Action Partnership, Inc. (NORWESCAP) upon the occasion of celebrating the 50th Anniversary of Community Action

RESOLUTION #22-15

RESOLUTION COMMENDING NORTHWEST NJ COMMUNITY ACTION PARTNERSHIP, INC. (NORWESCAP) UPON THE OCCASION OF CELEBRATING THE 50TH ANNIVERSARY OF COMMUNITY ACTION

WHEREAS, it is the sense of the Hardyston Township Council to recognize that the quality and character of life in the communities across northwestern New Jersey are reflective of the concerned and dedicated efforts of the organization and individuals that are devoted to the welfare of the community and its citizenry; and,

WHEREAS, attendant to such concern, and in full accord with its long-standing traditions, the Hardyston Township Council is justly proud to commend NORWESCAP, upon the occasion of celebrating their 50th Anniversary of serving the community.

WHEREAS, since 1965, Northwest NJ Community Action Partnership, Inc. (NORWESCAP) has been providing invaluable and outstanding service to the citizens; and,

WHEREAS, NORWESCAP is one of 23 Community Action Agencies in New Jersey State, and one of over 1,000 nationwide founded on a common purpose: to support low-income households as they develop their abilities to be self-supporting and develop family and community relationships that will sustain self-reliance; and,

WHEREAS, Community Action was born out of the Equal Opportunity Act of 1964 that was initiated by President John F. Kennedy and brought to fruition by President Lyndon B. Johnson who, during a memorable State of the Union address 50 years ago, declared unconditional war on poverty; the Economic Opportunity Act was signed into law on August 20, 1964, and not only **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 25, 2015**

spurred the birth of Community Action, but also inspired the introduction of Head Start one year later; and,

WHEREAS, NORWESCAP was created through these efforts; and,

WHEREAS, half a century later, NORWESCAP operates fifteen major programs, has grown to 270 full and part-time employees and more than 30,000 individuals are served each year through a multitude of anti-poverty services; and,

WHEREAS, NORWESCAP, is a community leader; its positive action changes people's lives, embodies the spirit of hope, improves communities, and makes New Jersey a better place in which to live; and,

WHEREAS, it is the sense of the Hardyston Township Council that when organizations and individuals of such noble aims and accomplishments are brought to our attention, they should be recognized and applauded by all the citizens of New Jersey.

NOW, THEREFORE BE IT RESOLVED, that the Hardyston Township Council pause in its deliberations to commend the Northwest NJ Community Action Partnership, Inc. (NORWESCAP), upon the occasion of celebrating the 50th Anniversary of Community Action; and,

BE IT FURTHER RESOLVED, that a copy of this resolution, suitably endorsed, be transmitted to Northwest NJ Community Action Partnership of Phillipsburg, Inc.

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

- D. Resolution #23-15 – Resolution determining the form and other details of general obligation refunding bonds and providing for the sale and the delivery of such general obligation bonds to RBC Capital Markets, LLC

RESOLUTION #23-15

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF GENERAL OBLIGATION REFUNDING BONDS AND PROVIDING FOR THE SALE AND THE DELIVERY OF SUCH GENERAL OBLIGATION REFUNDING BONDS TO RBC CAPITAL MARKETS, LLC

BE IT RESOLVED 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:

Section 1. (a) General Obligation Refunding Bonds, in an amount not exceeding \$3,921,000 (the "Refunding Bonds") of the Township of Hardyston, in the County of Sussex (the "Township") are hereby authorized to be issued and sold as "Refunding Bonds" (or sometimes referred to herein as the "Bonds").

(b) In order to effectuate the Refunding Plan (defined herein), the Mayor and/or Township Manager or Chief Financial Officer shall determine the actual aggregate principal

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amount of the Refunding Bonds to be issued (including the principal amount of the Refunding Bonds); provided that such determination shall be consistent with the refunding provisions of the Internal Revenue Code as described in the refunding bond ordinance finally adopted by the Township Council on February 25, 2015 entitled, "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" and be within the parameters set forth in Section 2 of this resolution. The signature of the Mayor and/or Township Manager or Chief Financial Officer on the Purchase Contract (defined herein) authorized in Section 2 hereof shall constitute evidence of the approval of such actual principal amounts.

Section 2. The Refunding Bonds are hereby authorized to be sold to RBC Capital Markets, LLC (the "Underwriter") in accordance with a purchase contract to be entered into by and between the Underwriter and the Township. The Mayor and/or Township Manager or the Chief Financial Officer, are hereby authorized to execute and, on behalf of the Township, negotiate a purchase contract substantially in the form attached hereto as Exhibit A (the "Purchase Contract") with the Underwriter in the form satisfactory to bond counsel and upon terms satisfactory to the Mayor and/or Township Manager or the Chief Financial Officer for the sale of the Refunding Bonds to the Underwriter in accordance with the provisions of this resolution, provided that (i) the underwriter's discount shall not exceed \$6.00 per bond, and (ii) the terms of the sale of the Refunding Bonds and the Refunding Plan (hereinafter defined) are in accordance with the provisions of N.J.S.A. 40A:2-51 and N.J.A.C. 5:30-2.5 (which does not require the approval of the New Jersey Local Finance Board, provided the conditions therein are satisfied). The signature of the Mayor and/or Township Manager or the Chief Financial Officer on the Purchase Contract shall be conclusively presumed to evidence any necessary approvals.

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Section 3. (a) The Refunding Bonds shall be issued in the par amounts determined by the Mayor and/or Township Manager or the Chief Financial Officer to be necessary to (collectively, the “Refunding Plan”) pay costs of issuance and to provide a deposit to one or more escrow funds that, when invested, will be sufficient to advance refund all or a portion of the remaining outstanding principal amount of the originally issued \$4,825,000 General Improvement Bonds, Series 2007A of the Township dated February 1, 2007 (the “General Improvement Bonds”) and maturing on February 1, 2017 through and including February 1, 2030 in the principal amount of \$3,655,000 (the “Refunded Bonds”) and to call for redemption the Refunded Bonds on such date determined by the Mayor and/or Township Manager or Chief Financial Officer, at the option of the Township at a redemption price of 100% of the principal amount of such Refunded Bonds to be redeemed plus any unpaid accrued interest to such date. The Bonds of shall mature as set forth in paragraph (f) below.

(b) The Refunding Bonds shall bear interest at rates agreed to by the Mayor and/or Township Manager or Chief Financial Officer as provided in the Purchase Contract, such rates to be set to assure that the Township achieves at least a 3% net present value debt service savings measured against the Refunded Bonds.

(c) The Refunding Bonds may be subject to redemption prior to their stated maturities as determined by the Mayor and/or Township Manager or Chief Financial Officer as part of the sale and as shall be set forth in the Purchase Contract.

(d) The Refunding Bonds shall be dated their date of delivery or such other date consistent with the date of sale and shall bear interest at the rates per annum as the Mayor and/or Township Manager or Chief Financial Officer shall determine.

(e) The Refunding Bonds shall be numbered and have such prefix or prefixes as determined necessary by the Mayor and/or Township Manager or Chief Financial Officer and be sold and issued with such serial maturities or with such term bond maturities payable from mandatory sinking fund payments made by the Township as determined in the Purchase Contract.

(f) The Refunding Bonds shall mature on February 1, 2017 in the principal amount as may be determined by the Mayor and/or Township Manager or Chief Financial Officer and shall

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bear interest payable semiannually on February 1 and August 1 in each year until maturity commencing August 1, 2015 (or such other dates as shall be determined by the Mayor and/or Township Manager or Chief Financial Officer and set forth in the Purchase Contract), at the rates per annum on such maturity dates as may be determined by the Mayor and/or Township Manager or Chief Financial Officer and as set forth in the Purchase Contract.

(g) The Refunding Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Refunding Bonds maturing in each year. Both principal of and interest on the Refunding Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with The Depository Trust Company. The Depository Trust Company will be responsible for maintaining a bookentry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$1,000 or any integral multiple thereof through bookentries made on the books and the records of The Depository Trust Company and its participants except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$1,000 or any integral multiple thereof. The principal of and the interest on the Bonds will be paid to the Securities Depository by the Township on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as may be determined by the Mayor and/or Township Manager or Chief Financial Officer (the "Record Dates" for the Bonds). The Refunding Bonds shall be executed by the manual or facsimile signatures of the Mayor and/or Township Manager and the Chief Financial Officer under the official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Township Clerk.

(i) The following matters are hereby determined with respect to the Refunding Bonds:

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Designation:	General Obligation Refunding Bonds, Series 2015.
Qualification:	The t Refunding Bonds <u>will be</u> designated as “qualified tax-exempt obligations” for the purposes of Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986.
Date of Bonds:	Date of Delivery.
Principal Payment	On dates to be determined by the Mayor and/or Township Manager or the Chief Financial Officer.
Interest Payment Dates:	August 1 and February 1, commencing August 1, 2015 (or such other dates as are determined by the Mayor and/or Township Manager or Chief Financial Officer).
Redemption	As may be determined by the Mayor and/or Township Manager or Chief Financial Officer.
Place of Payment:	Cede & Company, and the Township will pay Cede & Company directly.

Section 4. The Refunding Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to market the Refunding Bonds:

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MARCH 25, 2015**

REGISTERED
NUMBER _____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF SUSSEX

TOWNSHIP OF HARDYSTON

GENERAL OBLIGATION REFUNDING BOND, SERIES 2015

DATE OF ORIGINAL ISSUE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
___/___/___	___/___/___	_____ %	_____

TOWNSHIP OF HARDYSTON, in the County of Sussex, New Jersey (the "Township") hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, which will act as Securities Depository, on the Maturity Date specified above, the principal sum of _____ DOLLARS (\$ _____), and to pay interest on such sum from the Date of Original Issue of this bond until it matures at the Rate of Interest Per Annum specified above semiannually on the first days of _____ and _____ in each year until maturity, commencing on _____, 20___. Interest on this bond will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the ___ day of _____ and ___ next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Township will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the bookentry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a bond ordinance of the Township finally adopted February 25, 2015, entitled, "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" and a resolution of the Township adopted _____, 2015 in all respects duly approved and published as required by law.

The Bonds maturing on or after February 1, 20__ are subject to redemption prior to maturity at the option of the Township, as a whole at any time or in part from time to time on or after February 1, 20__, in such order of maturity as directed by the Township, at a redemption price equal to one hundred percent (100%) of the principal amount being redeemed plus accrued interest thereon to the date fixed for redemption.

Any Bond subject to redemption as aforesaid may be called in part, provided that the portion not called for redemption shall be in the principal amount of \$5,000 or any integral

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multiple of \$1,000 in excess thereof. If less than all of the Bonds of a particular maturity are to be redeemed, Bonds of that maturity shall be selected by the Chief Financial Officer (or by the Paying Agent) by lot.

When any Bonds are to be redeemed, the Chief Financial Officer (or the Paying Agent) shall give notice of the redemption of the Bonds by mailing such notice, by first class mail in a sealed envelope postage prepaid, to the registered owners of any Bonds or portions thereof which are to be redeemed, at their respective addresses as they last appear on the registration books of the Township. Such mailing shall not be a condition precedent to such redemption, and failure to so mail or to receive any such notice to any of such registered owners shall not affect the validity of the proceedings for the redemption of the Bonds. Notice of redemption having been given as aforesaid, the Bonds, or portions thereof so to be redeemed, shall, on the date fixed for redemption, become due and payable at the redemption price specified therein plus accrued interest to the redemption date and, upon presentation and surrender thereof at the place specified in such notice, such Bonds, or portions thereof, shall be paid at the redemption price, plus accrued interest to the redemption date. On and after the redemption date (unless the Township shall default in the payment of the redemption price and accrued interest), such Bonds shall no longer be considered as outstanding.

During any period in which The Depository Trust Company (or any successor thereto) shall act as securities depository for the Bonds, the notices referred to above shall be given only to such depository and not to the beneficial owners of the Bonds. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the TOWNSHIP OF HARDYSTON has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor, Township Manager and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of the Clerk of the Township, and this bond to be dated the Date of Original Issue as specified above.

TOWNSHIP OF HARDYSTON, IN THE
COUNTY OF SUSSEX, NEW JERSEY

By: _____ (Facsimile)
Mayor

By: _____ (Facsimile)
Township Manager

ATTEST:

By: _____ (Facsimile)
Chief Financial Officer

By: _____
Township Clerk

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Section 5. The law firm of GluckWalrath LLP is authorized to arrange for the printing of the Refunding Bonds. The proper officials of the Township are hereby authorized and directed to execute the Refunding Bonds and to deliver them to or upon the order of the Underwriter upon receipt of payment therefor.

Section 6. By purchasing the Refunding Bonds pursuant to the Purchase Contract, the Underwriter shall agree to the following:

Payment shall be in immediately available funds.

The Underwriter shall inform the Township in writing of the yield at which a substantial amount of the Refunding Bonds are sold to the public, such amount being sufficient to satisfy the requirements of bond counsel.

Section 7. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986 (the "Code") in order to preserve the exemption from taxation of interest on the pt Refunding Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Refunding Bonds, and that it will refrain from taking any action that would adversely affect the tax exemption of the Refunding Bonds under the Code.

Section 8. The distribution by the Township of a Preliminary Official Statement, (the "Preliminary Official Statement") is hereby authorized and/or ratified, and the use of the information contained therein concerning the Township in connection with the sale of the Refunding Bonds is hereby approved and authorized. The Mayor and/or Township Manager or the Chief Financial Officer of the Township is hereby authorized and directed to execute and deliver to the Underwriter the final Official Statement with such changes from the Preliminary Official Statement as counsel may advise and the officer executing the same may approve, such approval to be evidenced by such officer's execution thereof. The Mayor and/or Township Manager or the Chief Financial Officer is hereby authorized to deem the Preliminary Official Statement final for purposes of Rule 15c212 of the Securities and Exchange Commission.

Section 9. The Mayor and/or Township Manager or Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, as may be necessary in order to provide that the Refunding Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

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Section 10. In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Refunding Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Refunding Bonds which were previously issued in bookentry form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$1,000 or any integral multiple thereof. The beneficial owner under the bookentry system, upon registration of the Refunding Bonds held in the beneficial owner's name, will become the registered owner of such Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 11. A Continuing Disclosure Certificate in substantially the form attached hereto as Exhibit B is hereby approved, and the Mayor and/or Township Manager or Chief Financial Officer is hereby authorized and directed to execute and deliver a Continuing Disclosure Certificate on behalf of the Township in substantially such form, with such insertions and changes therein as the Mayor and/or Township Manager or Chief Financial Officer may approve, such approval to be evidenced by his execution thereof.

Section 12. The Refunding Bonds are being issued to effectuate the Refunding Plan.

Section 13. The Bank of New York Mellon, Woodland Park, New Jersey is hereby appointed as Escrow Agent (the "Escrow Agent") for the Refunded Bonds.

Section 14. To effectuate the Refunding Plan, the Township hereby approves the preparation and the execution of an escrow agreement by and between the Township and the Escrow Agent, said escrow agreement to be in substantially the form attached hereto as Exhibit C (the "Escrow Agreement"), which is hereby approved, and the Mayor and/or Township Manager or Chief Financial Officer is hereby authorized and directed to execute and deliver the Escrow Agreement on behalf of the Township in substantially such form, with such insertions and changes therein as the Mayor and/or Township Manager or Chief Financial Officer may approve, such approval to be evidenced by his execution thereof. The Escrow Agreement shall also provide for the payment of costs of issuance of the Refunding Bonds. The Mayor and/or Township Manager or Chief Financial Officer is hereby authorized to direct the Escrow Agent to pay the costs incurred in connection with the sale and the issuance of the Refunding Bonds from

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

the proceeds derived from the sale of the Refunding Bonds in accordance with the terms of a certificate of the Mayor and/or Township Manager or Chief Financial Officer to be executed upon delivery of the Refunding Bonds. Phoenix Advisors, LLC, the Township's Financial Advisor (the "Financial Advisor"), the Underwriter and the Escrow Agent are each hereby authorized on behalf of the Township to apply for United States Treasury Securities - State and Local Government Series and, the Chief Financial Officer is hereby authorized to appoint a bidding agent of the Township to the extent open market securities are purchased for the escrow funds for the Refunded Bonds, all in accordance with the Escrow Deposit Agreement. The Underwriter, the Financial Advisor and the Escrow Agent are each authorized to submit applications for such investments.

Section 15 Ferraioli, Wielkocz, Cerullo & Cuva, P.A., Pompton Lakes, New Jersey is hereby appointed as Verification Agent who shall verify the mathematical computations performed initially by the Underwriter and related to the Refunding Bonds, the Refunded Bonds and the investment of certain funds in accordance with the terms of the Escrow Agreement.

Section 16. The Mayor and/or Township Manager, the Chief Financial Officer, the Clerk and other appropriate representatives of the Township are hereby authorized to take all steps necessary to provide for the issuance of the Refunding Bonds and the refunding of the Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Township and taking all steps necessary or desirable to implement the terms of this resolution, such agreements and documents as may be necessary and appropriate and the transactions contemplated thereby.

Section 17. This resolution shall take effect immediately.

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

E. Request for Waiver from Septic Permit Renewal Fees for Emerald Estates

CJS Investments, the developer of the Emerald Estates project on Wheatsworth Road, has contacted the Township to request a waiver of the \$40 per septic system renewal fee required by the County Health Department citing the economy and the status of the project as the need for the waiver of the fees.

A motion was made by Hamilton to approve the waiver of the fees, seconded by Verrilli. All in favor. Motion carried.

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

F. Correspondence

1. Hopatcong Borough
2. Stillwater Township
3. Lafayette Township
4. Byram Township
5. Byram Township
6. State of NJ
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. State of NJ
14. State of NJ
15. Vogel, Chait, Collins & Schneider, PC
16. William E. Hinkes, Esq.

A motion was made by Cicerale to approve the correspondence as presented, seconded by Kula. 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 Roger O'Brien stated that he was disappointed that a resolution regarding the Sussex County solar project was not on the agenda. Mayor Miller responded that although a resolution was not on the agenda, the Township agrees that an investigation should be done. Mr. O'Brien also asked about the energy aggregation program. Township Manager stated that the Township is no longer considering joining the program.

Resident Charles Markham asked about the policing of Indian Fields with regard to speeding through the neighborhood. Township Manager stated that she relayed his concerns to the Police Chief. 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 7:30 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk