

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2015

The meeting was called to order by Mayor Miller at approximately 9:05 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 – April 2015
2. Tax Collector Report – April 2015
3. Construction Certificate Activity Report – April 2015
4. Construction Permit Activity Report – Hardyston – April 2015
5. Construction Permit Activity Report – Hamburg – April 2015
6. Construction Permit Activity Report – Franklin – April 2015
7. Construction Permit Activity Report – Newton – April 2015
8. Construction Permit Activity Report – Sussex – April 2015
9. Construction Permit Activity Report – Wantage – April 2015
10. Police Department Report – April 2015
11. Municipal Court Report – April 2015
12. Sussex County Health Department Report – March 2015
13. Land Use Report – April 2015
14. Littell Community Center Report – April 2015
15. Sussex County Health Department Report – April 2015

Minutes:

1. Regular Minutes of 2/25/15
2. Executive Minutes of 2/25/15
3. Regular Minutes of 3/25/15
4. Workshop Minutes of 4/8/15
5. Regular Minutes of 4/8/15
6. Regular Minutes of 4/22/15

Agreements/Applications/Licenses:

1. Raffle License – Wallkill Valley Booster Club
2. Raffle License – Myocarditis Foundation, Inc.
3. Raffle License – The Craig School
4. GTBM, Inc. – Info- Cop Software Agreement Renewal - Police Department

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

ORDINANCES

1st READING: None

ORDINANCES

2nd READING: 2015-12

**AN ORDINANCE OF THE COUNCIL OF THE TOWNSHIP OF
HARDYSTON AUTHORIZING THE SALE OF REAL
PROPERTY KNOWN AS BLOCK 67.11, LOT 11 AS PART OF
THE TOWNSHIP'S MARKET TO AFFORDABLE HOUSING
PROGRAM**

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Purpose Statement:

The purpose of this Ordinance shall be to authorize the sale of real property known as 1 Spruce Run, Block 67.11, Lot 11 in the Township of Hardyston to Buyer, as part of the Township's market to affordable housing program.

WHEREAS, the Township owns Block 67.11, Lot 11, 1 Spruce Run ("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 Jennifer Castaldi and John Castaldi, of 33 Hummingbird Trail, Highland Lakes, NJ 07422 ("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 1 Spruce Run, Block 67.11, Lot 11 in the Township to Buyer, Jennifer Castaldi and John Castaldi, for consideration in the amount of \$123,830, 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 2015-12 on second reading, seconded by Cicerale. All in favor. Motion carried.

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NEW BUSINESS:

- A. Resolution #31-15 – Use of Building Agreement with Department of Military & Veterans Affairs, State of New Jersey, for Littell Community Center

RESOLUTION #31-15

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING CONTRACTS/AGREEMENTS

BE IT RESOLVED by the Township Council of the Township of Hardyston that the execution of the following contract/agreement is hereby authorized:

1. Use of Building Agreement with Department of Military & Veterans Affairs, State of New Jersey, for Littell Community Center

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

- B. Resolution #32-15 – Resolution authorizing disposal of surplus property

Resolution #32-15

Authorizing Disposal of Surplus Property

WHEREAS, the Hardyston Township is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Hardyston Township Council is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE, be it RESOLVED by the Hardyston Township Council, as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from Hardyston Township.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is as follows:

2008 Dodge Durango Vin-1D8HB38N38F156347

1997 International Chassis Vin-1HTGBAAR9VH462483

2010 Ford Crown Vic. Vin- 2FABP7BV9AX117137

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2011 Ford Crown Vic. Vin- 2FABP7BVOBX114418

2011 Ford Crown Vic. Vin- 2FABP7BV1BX107963

1997 Johnston Sweeper Vin- 1FDYH81E8VVA36335

1997 Coach Trailer Vin- 1TC2B0928V1203277

1 Hyundai 20.5-25 Tire

2- Front Tires from Case 580K 14-17.5

4- 10' Snow Plows

Fire Truck Body Compartment Panels

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) Hardyston Township reserves the right to accept or reject any bid submitted.

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

C. Resolution #33-15 – Resolution authorizing the advertising of bids for the Bunn Road Improvement Project

RESOLUTION #33-15

RESOLUTION AUTHORIZING THE TOWNSHIP MANAGER TO ADVERTISE FOR BIDS FOR THE BUNN ROAD IMPROVEMENT PROJECT

BE IT RESOLVED by the Township Council of the Township of Hardyston that the Township Manager is hereby authorized to advertise for bids on the following:

BUNN ROAD IMPROVEMENT PROJECT

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

D. Resolution #34-15 – Resolution releasing Letter of Credit to Crystal Springs Builders, LLC for the Crystal Springs Corporate Office Building site improvements

RESOLUTION #34-15

RESOLUTION RELEASING THE LETTER OF CREDIT IN THE AMOUNT OF \$32,821.20 AND A CASH BOND IN THE AMOUNT OF \$3,646.80 POSTED BY CRYSTAL SPRINGS BUILDERS, LLC FOR THE CRYSTAL SPRINGS CORPORATE OFFICE BUILDING SITE IMPROVEMENTS (BLOCK 14, LOT 24.04)

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WHEREAS, the Hardyston Township Planning Board granted approval to Crystal Springs Builders, LLC for the Crystal Springs Corporate Office Building site improvements; and

WHEREAS, as a condition of said approval, Crystal Springs Builders, LLC was required to either construct site improvements noted on the approved site plan or post a performance guarantee with the Township of Hardyston for required improvements which have not been completed; and

WHEREAS, the Planning Board Engineer has determined that the estimated costs to complete required site improvements at the time when a certificate-of-occupancy was issued is \$36,468.00; and

WHEREAS, Crystal Springs Builders, LLC has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$32,821.20, and a cash bond in the amount of \$3,646.80; and

WHEREAS, the Township Engineer has inspected the site improvements and has found the site improvements to be in good condition and acceptable to the Township; and

WHEREAS, the Township Engineer has therefore recommended that the Irrevocable Letter of Credit in the amount of \$32,821.20, and the cash bond in the amount of \$3,646.80 should be released.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that the Irrevocable Letter of Credit in the amount of \$32,821.20, and the cash bond in the amount of \$3,646.80 be released in accordance with the recommendation of the Township Engineer.

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

- E. Resolution #35-15 – Shared Service Agreement – Hamburg Borough – Curbside Recycling and Municipal Facility Solid Waste Collection Services

RESOLUTION #35-15

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING SHARED SERVICE AGREEMENT

BE IT RESOLVED by the Township Council of the Township of Hardyston that the execution of the following shared service agreement is hereby authorized:

1. Curbside Recycling and Municipal Facility Solid Waste Collection Services – Hamburg Borough

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

- F. COAH – Dr. Robert Burchell

A motion was made by Hamilton to have Hardyston Township included in the preparation of an agreement between Dr. Burchell, COAH expert and various municipalities for the purpose of the preparation of an expert report to establish his view of the proper way to determine each municipality's fair share obligation, seconded by Kula. All in favor. Motion carried.

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G. Brecia Farms Subdivision – David Hook

RESOLUTION #36-15

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF SECOND ADDENDUM FOR THE EXISTING DEVELOPER’S AGREEMENT WITH DAVID HOOK AND AUTHORIZING THE PARTIAL RELEASE OF THE PERFORMANCE BONDS IN RELATION TO THE BRECIA FARMS SUBDIVISION

WHEREAS, the Township of Hardyston entered into a Developer’s Agreement with David Hook (“Developer”), on September 7, 2007, for the property designed as Block 68, Lot 16, known as the “Brecia Farms Subdivision”; and

WHEREAS, the Township and the Developer entered into an Addendum to the Developer’s Agreement extending the Developer’s Agreement through November 30, 2014; and

WHEREAS, due to reasons of economy, the Developer has requested a further extension of the Developer’s Agreement; and

WHEREAS, the Township Engineer has reviewed and approved the Developer’s request for an additional three (3) year extension of the Developer’s Agreement subject to the conditions outlined in the Second Addendum, attached hereto as Exhibit A, and subject to full payment of taxes for Block 68, Lot 16; and

WHEREAS, the Developer has now paid in full the taxes for Block 68, Lot 16, which the Township’s Tax Collectors confirms are now paid up to current; and

WHEREAS, the Developer has currently posted performance bonds totaling \$453,030.24 for the Brecia Farms Subdivision; and

WHEREAS, by letter dated May 6, 2015, the Township Engineer has recommended the reduction of the performance bond to \$336,432.60 with a minimum of 10% of the balance to be in cash (\$33,643.26) and the remaining balance to be a surety acceptable to the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, that the Township Council hereby authorizes the execution of a Second Addendum to the Developer’s Agreement between the Township of Hardyston and David Hook, dated September 7, 2007, for the Brecia Farms Subdivision, Block 68, Lot 16 to November 30, 2017.

BE IT FURTHER RESOLVED that the Performance Bonds posted by David Hook for the Brecia Farms Subdivision be released in part in the amount of \$116,597.64 from \$453,030.24 to \$336,432.60 with a minimum of 10% of the balance to be in cash (\$33,643.26) and the remaining balance to be a surety acceptable to the Township.

This Resolution shall take effect immediately upon adoption.

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

H. Correspondence

1. Hamburg Borough
2. Green Township
3. Fredon Township
4. Frankford Township
5. Vernon Township
6. Hamburg Borough
7. Andover Township
8. Sparta Township
9. Stillwater Township
10. Green Township
11. Hampton Township

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12. Hampton Township
13. County of Sussex
14. State of NJ
15. State of NJ
16. State of NJ
17. State of NJ
18. State of NJ
19. State of NJ
20. Dykstra Associates, PC
21. Cavalier Environmental Compliance Services, Inc.
22. Morris County Park Commission
23. Dykstra Walker Design Group
24. Kelly & Ward, 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. 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 27th day of May, 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.
 - () 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: Cicerale
Seconded by: Hamilton

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| MOTION | YES | NO | ABSTAIN | ABSENT |
|---------------|--------------|---------------|----------------|---------------|
| 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 Kula to come out of Executive Session, seconded by Hamilton. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Hamilton to adjourn at approximately 9:45 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk