

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

The meeting was called to order by Mayor Miller at approximately 7:15 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 – May 2015
2. Tax Collector Report – May 2015
3. Construction Certificate Activity Report – May 2015
4. Construction Permit Activity Report – Hardyston – May 2015
5. Construction Permit Activity Report – Hamburg – May 2015
6. Construction Permit Activity Report – Franklin – May 2015
7. Construction Permit Activity Report – Newton – May 2015
8. Construction Permit Activity Report – Sussex – May 2015
9. Construction Permit Activity Report – Wantage – May 2015
10. Police Department Report – May 2015
11. Zoning Board Report - 2014 Year End
12. Land Use Report – May 2015
13. Municipal Court Report – May 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:**

**2015-13**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF TITLE BY VIRTUE OF A DEED FROM THE HARDYSTON TOWNSHIP FIRST AID SQUAD FOR 8 COLSON TERRACE, BLOCK 36 LOT 44.02**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. §40A:12-1 *et seq.*, provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. §20:3-1 *et seq.*; and

**WHEREAS**, in light of its being disbanded, the Hardyston Township First Aid Squad has agreed to transfer title of its property located at 8 Colson Terrace, Stockholm, Block 36 Lot 44.02 to the Township in consideration of the payment of \$1.00; and

**WHEREAS**, said acceptance of title is subject to the conditions contained in the original, whereby the Township will endeavor to locate the family and/or heirs of the original grantor in order to determine their intentions with regard to a right of reverter “for the payment of the actual and true cost of the land and any buildings hereinafter constructed thereon”; and

**WHEREAS**, the Mayor and Township Council of the Township of Hardyston have determined that it is in the best interest of the Township to accept title to said property for municipal purposes.

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

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**SECTION 1.** The Township of Hardyston hereby authorizes acceptance of the deed transferring title of the property located at 8 Colson Terrace, Stockholm, Block 60 Lot 44.02 for municipal purposes for the total sum of \$1.00,

**SECTION 2.** The said land to be transferred to the Township of Hardyston is described on Schedule A which is attached hereto and made a part hereof.

**SECTION 3.** The Mayor and Township Manager and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

**SECTION 4.** No debt is to be authorized by the enactment and passage of this ordinance.

**SECTION 5.** 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 6.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 7.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

A motion was made by Kula to approve Ordinance 2015-13 on first reading, seconded by Hamilton. All in favor. Motion carried.

**ORDINANCES**

**2nd READING:**

**None**

**NEW BUSINESS:**

- A. Resolution #37-15 – Estimated Tax Bills

**RESOLUTION # 37-15**

WHEREAS, due to the late adoption of the Township of Hardyston 2015 Municipal Budget and 2015 Sussex County Budget, the Sussex County Board of Taxation is unable to certify tax rates for the year 2015, and

WHEREAS, without a 2015 certified tax rate the Tax Collector of the Township of Hardyston will be unable to issue 2015 tax bills on a timely basis, and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Township Mayor and Council requests the Director of the Division of Local Government Services to approve the 2015 estimated tax levy not exceeding 105% of the previous year's tax levy. Approval will enable the Township of Hardyston to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expense on borrowing.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston, as follows:

1. The Tax Collector of the Township of Hardyston is hereby authorized and directed to prepare and issue estimated tax bills for the Township of Hardyston for the third installment of 2015. The Tax Collector shall proceed

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upon approval from the Director and take such actions as are permitted and required by Chapter 72, Public Laws of 1994 and N.J.S.A. 54:4-66.2 and 54:4-66.3.

2. The entire estimated tax levy for 2015 is hereby set \$ 28,368,709.33. The estimated tax rate for 2015 is hereby set at \$ 2.637.

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

- B. Resolution #38-15 – Resolution authorizing Hardyston Township to become a member of the National Joint Powers Alliance Co-op

**Resolution #38-15**

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF HARDYSTON TO BECOME A MEMBER OF THE NATIONAL JOINT POWERS ALLIANCE CO-OP**

**WHEREAS**, the State of New Jersey extends its public bid items to other State and National Co-op Units and the Township of Hardyston is interested in utilizing a contract from a National Co-Op; and

**WHEREAS**, the National Joint Powers Alliance is a public bid purchasing co-op and meets the bidding laws required by the State of New Jersey.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Hardyston, in the County of Sussex and the State of New Jersey, that the Township is hereby authorized to participate in the National Joint Powers Alliance.

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

- C. Resolution #39-15 – Resolution to foreclose in rem tax certificates held by the Township of Hardyston

**RESOLUTION #39-15**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO FORECLOSE IN REM TAX CERTIFICATES HELD BY THE TOWNSHIP OF HARDYSTON**

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**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, the following tax sale certificates now held by the Township of Hardyston be foreclosed by the summary proceedings IN REM and as described in New Jersey Statutes R.S. 54:5-104.29 to R.S. 54:5-104.71, as amended, and pursuant to Rules of Civil Practice of the Superior Court of New Jersey:

As outlined on Exhibit A attached hereto and made a part hereof.

**BE IT FURTHER RESOLVED** that the Township Attorney is hereby authorized to pursue the foreclosure of the aforesaid properties, striking any properties from the proceedings at the discretion of the Manager for good cause.

A motion was made by Hamilton to approve the resolution as presented, seconded by Cicerale. All in favor. Motion carried. Exhibit A is on file in the Clerk's Office.

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- D. Resolution #40-15 – Certification for Rescue Squad Contribution from the County of Sussex to Hamburg EMS Squad and Sparta Ambulance Squad

**RESOLUTION #40-15**

**RESOLUTION CERTIFYING TO THE SUSSEX COUNTY BOARD OF CHOSEN FREEHOLDERS THAT THE TOWNSHIP OF HARDYSTON RECOGNIZES AND APPROVES THE HAMBURG EMS SQUAD AND SPARTA AMBULANCE SQUAD EFFORTS TO SEEK FINANCIAL ASSISTANCE FROM THE COUNTY OF SUSSEX**

WHEREAS, the County of Sussex has, for several years, provided financial assistance to Emergency Rescue and First Aid Squads serving the residents of the County; and

WHEREAS, on February 28, 2001 the Sussex County Board of Chosen Freeholders adopted a resolution requiring municipalities to certify that First Aid Squad's serving their community are approved to seek financial assistance from the County of Sussex; and

WHEREAS, Hardyston Township has entered into agreements with the Hamburg EMS Squad and the Sparta Ambulance Squad for first aid and ambulance services for calendar year 2015.

NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that it hereby certifies its approval of the Hamburg EMS Squad and the Sparta Ambulance Squad seeking financial assistance from the County of Sussex.

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

- E. Resolution #41-15 – Resolution authorizing the execution of a Municipal Shared Service Defense Agreement

**RESOLUTION #41-15**

**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:

- Municipal Shared Service Defense Agreement with the State University of NJ – Rutgers to Determine Individual Municipal Affordable Housing Obligations

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

- F. Correspondence

1. Montague Township
2. Vernon Township
3. State of NJ

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 Kula. All in favor. Motion carried.

Due to the light summer schedule with regard to Township business, it was the consensus of the Council to cancel the Council meeting scheduled for June 24, 2015.

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**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 10th day of June, 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

<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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 Verrilli 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 8:20 p.m., seconded by Cicerale. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
 Municipal Clerk