

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 8, 2015

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

2015-14

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$509,228.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Township of Hardyston, County of Sussex, New Jersey, as follows:

Section 1: The sum of Five hundred nine thousand two hundred twenty-eight dollars (\$509,228.00) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purpose:

For Various Capital Improvements or Purposes for the Township of Hardyston.

Section 2: In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 hereof is not a Current Expense and is an improvement, which the Township of Hardyston may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

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Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed on to the extent of there inconsistency:

Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

A motion was made by Verrilli to approve Ordinance 2015-14 on first reading, seconded by Cicerale. All in favor. Motion carried.

ORDINANCES

2nd 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:

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.

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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 2015-13 on second reading, seconded by Cicerale. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution #42-15 – Resolution authorizing the public display of fireworks at Hardyston Day on September 12, 2015 (Rain Date September 13th)

RESOLUTION #42-15

RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS AT HARDYSTON DAY ON SEPTEMBER 12, 2015 (RAIN DATE SEPTEMBER 13th)

WHEREAS, the Hardyston Township Recreation Committee has submitted an application to the Hardyston Township Council for permission for the public display of fireworks on September 12, 2015 (rain date - September 13, 2015) in conjunction with the Township's Hardyston Day events; and

WHEREAS, the Township of Hardyston has adequate insurance coverage for the day of the event,

NOW, THEREFORE, BE IT RESOLVED by the Hardyston Township Council, in accordance with Chapter 94 of the Hardyston Township Code regarding "Fire Prevention" and the Uniform Fire Code, that permission is hereby granted to the Hardyston Township Recreation Committee for the public display of fireworks on September 12, 2015; and

BE IT FURTHER RESOLVED that the Hardyston Township Recreation Committee must obtain a permit from the Hardyston Township Fire Official and comply with all requirements imposed by the Hardyston Township Fire Official. Failure to obtain a permit or adhere to all of the said requirements will render this permission null and void and subject to enforcement proceedings, fines and penalties as permitted by law. A certified copy of this Resolution shall be provided to the Hardyston Township Fire Official.

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

- B. Resolution #43-15 – Resolution authorizing Hardyston Township to join the Houston-Galveston Area Council ("HGAC") through execution of an interlocal agreement

RESOLUTION #43-15

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP OF HARDYSTON TO JOIN THE HOUSTON-GALVESTON AREA COUNCIL ("HGAC") THROUGH EXECUTION OF AN INTERLOCAL AGREEMENT

WHEREAS, pursuant to P.L. 2011, c.139, the Township of Hardyston is authorized to enter into and utilize certain national cooperative purchasing contracts; and

WHEREAS, the Houston-Galveston Area Council ("H-GAC") administers the HGACBuy program, a cooperative purchasing program that is available to local government units nationwide; and

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WHEREAS, the terms and conditions of the HGACBuy program satisfy the requirements of New Jersey law concerning such national cooperative purchasing programs; and

WHEREAS, in order to utilize the provisions of a contract awarded by HGACBuy, the Township of Hardyston is required to enter into an interlocal agreement with H-GAC setting forth the terms and conditions of the Township of Hardyston's participation in the HGABuy program; and

WHEREAS, the Township of Hardyston is desirous of entering into an interlocal agreement with H-GAC in order to utilize the contracts available under the HGACBuy program.

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 Township Clerk and Mayor of the Township of Hardyston are hereby authorized to execute all necessary documents in order to implement the purpose of this resolution, including, but not limited to, an Interlocal Contract for Cooperative Purchasing with the Houston-Galveston Area Council.

This Resolution shall take effect immediately upon adoption.

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

- C. Resolution #44-15 – Shared Service Agreements – Hardyston Township Board of Education

RESOLUTION #44-15

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING SHARED SERVICE AGREEMENTS

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

1. Park Maintenance – Hardyston Board of Education
2. Solid Waste and Recycling Removal – Hardyston Board of Education

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

- D. Resolution #45-15 – Shared Service Agreements

RESOLUTION #45-15

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING SHARED SERVICE AGREEMENTS

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

- a. Administrative Services - HTMUA
- b. Secretarial/Billing Services – HTMUA
- c. Maintenance and Service – HTMUA
- d. Recreation – Franklin Borough

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

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- E. Resolution #46-15 - Resolution revising the established bidding threshold for the Qualified Purchasing Agent

RESOLUTION #46-15

RESOLUTION REVISING THE ESTABLISHED BIDDING THRESHOLD FOR THE QUALIFIED PURCHASING AGENT

WHEREAS, P.I. 2009, C. 166, codified as N.J.S.A. 40A:11-2 et seq. supplementing and amending Chapter 11 of Title 40A of the New Jersey Statutes allows local contracting units in New Jersey to create the position of Qualified Purchasing Agent and increase the bidding threshold; and

WHEREAS, the Township Hardyston has an established position of Qualified Purchasing Agent within the Township of Hardyston; and

WHEREAS, Grant Rome possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:11-3(a), the Township of Hardyston desires to reauthorize the Qualified Purchasing Agent to award contracts on behalf of the Township of Hardyston that do not exceed the total sum of \$40,000.00 in a contract year, without the public advertising for bids.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston, County of Sussex and State of New Jersey that pursuant to N.J.S.A. 40A:11-3 (a) that it does hereby authorize Grant Rome, as Qualified Purchasing Agent, to award contracts on behalf of the Township of Hardyston, that do not exceed \$40,000.00 in a contract year, without public advertising for bids; and

BE IT FURTHER RESOLVED, that in accordance with N.J.A.C. 5:34-5.2, the Township Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Grant Rome's certification to the Director of the Division of Local Government Services.

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

- F. Resolution #47-15 – Resolution authorizing the execution of a sub-grant agreement between Hardyston Township and the State of New Jersey Office of Emergency Management for the Hazard Mitigation Grant Program

RESOLUTION #47-15

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING AGREEMENT

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

- a. Sub-Grant Agreement – Hazard Mitigation Grant Program – State of New Jersey Office of Emergency Management

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

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- G. Resolution #48-15 – Resolution authorizing the award of the contract for the Bunn Road Improvements Project to Mark Paving Co., Inc.

RESOLUTION #48-15

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF THE CONTRACT FOR THE BUNN ROAD IMPROVEMENTS PROJECT TO THE LOW BIDDER, MARK PAVING

WHEREAS, pursuant to authorization by the Mayor and Township Council of the Township of Hardyston, the Township received bid proposals on Tuesday, July 7, 2015 for the Bunn Road Improvements Project; and

WHEREAS, the Mayor and Township Council find and declare that the following two (2) bid proposals were received, opened and read on Tuesday, July 7, 2015 from the following vendors:

1. Mark Paving Co., Inc.
2. Salmon Brothers, Inc.

; and

WHEREAS, the lowest bid was received from Mark Paving in the amount of \$212,218.26; and

WHEREAS, the Chief Financial Officer of the Township of Hardyston has certified that sufficient funds are available for this purpose.

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

1. The contract for Bunn Road Improvements Project is hereby awarded to Mark Paving Co., Inc., 77 Cutters Dock Road, Woodbridge, NJ 07095, and the Mayor and Township Clerk are hereby authorized and directed to execute a contract with Mark Paving Co., Inc. in accordance with its bid proposal for a total contract price of \$212,218.26, subject to a technical review by the Township Engineer and a legal review by the Township Attorney, and approval by the Department of Transportation.

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

- H. Resolution #49-15 – Resolution authorizing the award of the contract for the Provision and Installation of One (1) Generator at Fire House No. 1 and One (1) Generator at the Municipal Building to SREC Resources, Inc.

RESOLUTION #49-15

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ACCEPT THE PROPOSAL SUBMITTED BY SREC RESOURCES, INC. AS THE LOWEST RESPONSIBLE BIDDER FOR THE PROVISION AND INSTALLATION OF ONE GENERATOR FOR FIRE HOUSE # 1 AND ONE GENERATOR FOR THE MUNICIPAL BUILDING AND AWARDED THE CONTRACT FOR THE PROJECT

WHEREAS, pursuant to authorization by the Mayor and Township Council of the Township of Hardyston, the Township received sealed competitive bids for the provision and installation of one generator for Fire House # 1 and one generator for the Municipal Building; and

WHEREAS, in response to the "Notice to Bidders" the Township received two (2) bids; and

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WHEREAS, said bids have been duly reviewed and analyzed by the Director of Public Works and the Township Attorney; and

WHEREAS, the bid received from the lowest bidder, SREC Resources, Inc., has been found to be substantially in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account 04-215-55-970-001, 04-215-55-970-003 and from a FEMA grant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston, County of Sussex, State of New Jersey, the following:

1. The Township Council hereby awards a contract to SREC Resources, Inc. in an amount not to exceed \$243,250.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract for a total amount not to exceed of \$243,250.00 to SREC Resources, Inc., in accordance with its bid for the Generators Project for the provision and installation of one generator for Fire House # 1 and one generator for the municipal building.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

This Resolution shall take effect immediately.

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

I. Appointment to Economic Development Commission – Gil Roessner

A motion was made by Kula to appoint Gil Roessner to the Economic Development Commission, seconded by Cicerale. All in favor. Motion carried.

J. Correspondence

1. Borough of Laurel Springs
2. County of Sussex
3. Montague Township
4. County of Sussex
5. County of Sussex
6. State of NJ
7. State of NJ
8. Morris, Downing & Sherred, LLP

A motion was made by Kula to approve the correspondence as presented, seconded by Hamilton. 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. Comments were made by various Township residents regarding EMS response times. Mayor Miller stated that the EMS report prepared by an outside consultant with regard to options to provide EMS services to the residents due to the dissolution of the Hardyston Township First Aid Squad will be presented at the regular meeting to be held on July 22, 2015.

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Indian Fields resident Cathy Martino expressed her concerns over the parking and mowing situation at the entrance to Indian Fields. Township Manager stated that the Zoning Officer has been notified and he will take appropriate action. 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 8th day of July, 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: Kula
 Seconded by: Verrilli

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 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 9:40 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
 Municipal Clerk