

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
AUGUST 12, 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 and Township Attorney Tracy Schnurr of Dorsey & Semrau.

SALUTE THE FLAG

NEW BUSINESS:

- A. Proclamation Recognizing Nicholas DaSilva for Surviving His Battle With Cancer and Declaring the Month of September as Childhood Cancer Awareness Month in Hardyston Township

**PROCLAMATION RECOGNIZING NICHOLAS DASILVA FOR SURVIVING HIS BATTLE WITH
CANCER AND DECLARING THE MONTH OF SEPTEMBER AS CHILDHOOD CANCER AWARENESS
MONTH IN HARDYSTON TOWNSHIP**

WHEREAS, Nicholas DiSilva, of the Township of Hardyston, New Jersey bravely fought and is in remission from Burkett's Lymphoma – Non Hodgkin's Lymphoms, a form of pediatric cancer; and

WHEREAS, in gratitude to all those who helped him and his family on his journey to recovery the DiSilva family and the Township of Hardyston would like to help raise awareness for childhood cancer; and

WHEREAS, each year, pediatric cancer interrupts the childhood and limits the potential of thousands of young Americans, and it remains the leading cause of disease-related death for children; and

WHEREAS, September has been declared as National Childhood Cancer Awareness Month and in effort to raise awareness everyone is encouraged to go GOLD to show support and promote recognition of those young lives affected by cancer; and

WHEREAS, during Childhood Cancer Awareness Month, we come together to remember all those whose lives were cut short by pediatric cancer, to recognize the loved ones who know too well the pain it causes, and to support every child and every family battling cancer each day. We join with their loved ones and the researchers, health care providers, and advocates who support them as we work toward a tomorrow where all children are able to pursue their full measure of happiness without the burden of cancer.;

NOW THEREFORE, BE IT PROCLAIMED, by the Mayor and Council of the Township of Hardyston that it hereby recognizes

NICHOLAS DASILVA & THE DASILVA FAMILY
FOR SURVIVING CHILDHOOD CANCER
BE IT FURTHER PROCLAIMED THAT
SEPTEMBER 2015
SHALL BE KNOWN AS
CHILDHOOD CANCER AWARENESS MONTH
IN THE TOWNSHIP OF HARDYSTON

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

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- B. Resolution #50-15 - Resolution authorizing an Affordable Housing Down Payment Assistance Loan Repayment Agreement with Jennifer & John Castaldi for the purchase of an Affordable Housing unit located in Hardyston Township

RESOLUTION #50-15

A RESOLUTION AUTHORIZING AN AFFORDABLE HOUSING DOWN PAYMENT ASSISTANCE LOAN REPAYMENT AGREEMENT WITH JENNIFER & JOHN CASTALDI FOR THE PURCHASE OF AN AFFORDABLE HOUSING UNIT LOCATED IN HARDYSTON TOWNSHIP

WHEREAS, Jennifer Castaldi & John Castaldi are purchasing property located at 1 Spruce Run, Block No. 67.11, Lot No. 11, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit which, among other restrictions, restricts the property owner in financing the property or otherwise encumbering the property by way of mortgage, home equity loan, or other form of financing; and

WHEREAS, the property owner has requested a Down Payment Assistance Program loan from the Affordable Housing Trust Fund; and

WHEREAS, the Township of Hardyston is willing to extend a loan to the property owner toward the down payment on the price of the home in the amount of \$6,141.50 in order to allow the buyer to procure a First Purchase Money Mortgage; and

WHEREAS, it is appropriate for the Township of Hardyston to enter into an Agreement with the property owner setting forth the terms of the agreement at this time;

NOW THEREFORE BE IT RESOLVED on this 12th day of August, 2015, by the Township Council of Hardyston, County of Sussex, State of New Jersey, that:

1. The Mayor, Manager, Clerk and attorney are hereby authorized to execute a Down Payment Assistance Program Agreement with the owner of an Affordable Housing unit located at 1 Spruce Run, Block No. 67.11, Lot No. 11.
2. A copy of the fully executed Agreement shall be kept on file with the Clerk. The original shall be kept in the unit file by the Administrative Agent.

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

- C. Resolution #51-15 – 2015 – 2016 Annual Liquor License Renewals

RESOLUTION #51-15

WHEREAS, the following Liquor License is to be renewed effective July 1, 2015, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2015 for the following license holders.

1. Anthony Pignataro Corp. – #1911-33-004-006
2. Crystal Springs Beverages, Inc.- #1911-33-006-009
3. HGF, Inc.- #1911-33-005-009
4. Grand Cascades Lodge Liquor, LLC - #1911-36-007-001
5. RBAA, LLC - #1911-44-003-010

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

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D. Resolution #52-15 – Resolution Supporting the Drive Sober or Get Pulled Over 2015 Statewide Crackdown

RESOLUTION #52-15

**Resolution Supporting the *Drive Sober or Get Pulled Over*
2015 Statewide Crackdown**

Whereas, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

Whereas, impaired driving crashes cost the United States almost \$50 billion a year; and

Whereas, 27% of motor vehicle fatalities in New Jersey in 2013 were alcohol-related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2015 Statewide Crackdown*; and

Whereas, the project will involve increased impaired driving enforcement from August 21 through September 7, 2015; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

Therefore, be it resolved that Hardyston Township declares its support for the *Drive Sober or Get Pulled Over 2015 Statewide Crackdown* from August 21 through September 7, 2015, and pledges to increase awareness of the dangers of drinking and driving.

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

E. Appointments to Community EMS Committee

The following appointments were made:

James Armstrong	Jane Caiazzo	Meg Demsak	William Hickerson
Kelly Kiernan	Stanley Kula	Debra Lukacsko	Heather Malmstrom
Charles Markarian	Kristia Markarian	Ellis Marples	Lois Marples
Rodney Schmidt			

Mayor Miller stated that Rodney Schmidt will also be appointed to serve as Chairman of the Committee and Stanley Kula will serve as the Council Liaison.

A motion was made by Hamilton to approve the appointments, seconded by Cicerale. All in favor with Kula abstaining on his appointment. Motion carried. Mayor Miller also mentioned that the Professional Support Team for the Committee will be Marianne Smith, Township Manager, Bret Alemy, Chief of Police, Robb Rehberg of the Rehberg Konin Group, and Wayne Dunn, Dispatcher and EMT. Mayor Miller also thanked Fred Steinkoff and Rourke Day for reaching out and offering their assistance. Although they are non-residents and were not appointed to the committee, Mayor Miller expressed the Council's appreciation of their outreach and offer to assist in any way. Township Manager stated that the first meeting of the Committee will be planned for September 2015. Mayor Miller thanked everyone that volunteered to be on the Committee.

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F. Fire Department New Member Applications

1. Anthony Ceglia
2. Marshal Cohen

A motion was made by Kula to approve the new member applications, seconded by Hamilton. All in favor. Motion carried.

G. Resolution #53-15 – Resolution Authorizing participation in the North Jersey Health Insurance Fund Employee Wellness Program

RESOLUTION #53-15

***RESOLUTION AUTHORIZING PARTICIPATION IN THE
NORTH JERSEY HEALTH INSURANCE FUND
EMPLOYEE WELLNESS PROGRAM***

WHEREAS, the Township of Hardyston is a member of the North Jersey Health Insurance Fund; and

WHEREAS, the North Jersey Health Insurance Fund is establishing an employee wellness program for its member municipalities, known as the North Jersey Health Insurance Fund Employee Wellness Program; and

WHEREAS, the purpose of the employee wellness program is to encourage healthier lifestyle choices for employees, improve employees' knowledge regarding health, and improve the overall health of employees of the member municipalities; and

WHEREAS, the employee wellness program will proceed in Phase I for 2015 and Phase II for 2016 as detailed in the Wellness Program Announcement Letter and Employee Wellness Agreement, appended hereto; and

WHEREAS, Hardyston Township supports the purposes of the employee wellness program and seeks to participate in the program to support the good health of its employees; and

WHEREAS, Hardyston Township has been a leader in employee wellness and is presently in year 3 of a successful employee wellness program for employees and spouses that provide education, screenings and incentives for participation; and

WHEREAS, Hardyston Township's existing program has been successful with 77% of employees participating in the program; and

WHEREAS, Hardyston Township has funded all program costs and incentives with health insurance dividends received from the North Jersey Health Insurance Fund as a result of positive health insurance claims experience; and

WHEREAS, the North Jersey Health Insurance Fund Employee Wellness Program will be complimentary to the Township's existing wellness program providing additional benefits and information to employees; and

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

1. Hardyston Township is hereby authorized to participate in the North Jersey Health Insurance Fund Employee Wellness Program in addition to the already established Hardyston Employee Wellness Program.

2. The Hardyston Township Administration is hereby authorized to take any necessary actions to facilitate participation in the Employee Wellness Program, including, but not limited to, requiring participating employees to review and execute the Wellness Program

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3. Announcement Letter and Employee Wellness Agreement. The Township of Hardyston shall take all necessary actions immediately to implement the Employee Wellness Program.

4. A copy of the Wellness Program Announcement Letter and Employee Wellness Agreement is attached and incorporated hereto.

5. Hardyston Township acknowledges and agrees that in Phase I, ending December 31, 2015, that there will be no cost to Hardyston Township, but that beginning January 1, 2016, Phase II will be implemented and that this Phase II will require Hardyston Township to commit to and provide a \$250 incentive for each participating employee. This \$250 incentive will be at the sole cost and responsibility of Hardyston Township. However, in light of historic dividends received and reserved for this purpose it is expected that said costs will not have a municipal budgetary impact.

6. A copy of this Resolution shall be forwarded to the Township Clerk.

This Resolution shall take effect immediately.

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

H. Authorization to purchase fire truck equipment

A motion was made by Hamilton to authorize the purchase of a fire truck and equipment order to be placed after comment period of 20 days from date of tonight's Council meeting, seconded by Verrilli. 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.

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Resident Rod Schmidt thanked the Council for the opportunity to work with the EMS Committee. 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 12th day of August, 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.

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- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
3. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Motion to adopt: Verrilli
Seconded by: Cicerale

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.

I. Resolution #54-15 – Emergency Appropriation

RESOLUTION #54-15
EMERGENCY RESOLUTION – NJS 40A:4-48
(Under 3% limitation)

WHEREAS, an emergency has arisen with respect to *Tax Assessment, Other Expense Appraisal Services* and, no adequate provision was made in the 2015 budget for the aforesaid purpose, and

NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$100,000.00 and three (3) percent of the total operating appropriations in the budget for 2015 is \$231,717.43 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating in the budget for 2015,

NOW, THEREFORE, BE IT RESOLVED, Mayor and Council of the Township of Hardyston, County of Sussex that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for *TAX ASSESSMENT, OTHER EXPENSES, APPRAISAL SERVICES* in the amount of \$100,000.00
2. That said emergency appropriation shall be provided for in full in the 2014 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)
3. That an Emergency Note not in excess of the above amount be authorized pursuant to NJS 40A:4-51
4. That such note shall be executed by *Grant W. Rome, Chief Financial Officer* and by *Marianne Smith, Township Manager*
5. That such note shall be date December 31, 2015, may be renewed from time to

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time, and such note and any renewals shall be payable on or before December 31, 2015.

6. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

- J. Resolution #55-15 – Resolution approving a professional services contract with Integra Realty Resources for appraisal services

RESOLUTION #55-15

WHEREAS, N.J.S.A. 40A:11-1 et seq the “Local Public Contracts law” permits governing bodies to contract for certain professional services without competitive bidding, and

WHEREAS, the Township of Hardyston has need for the professional services of a **Integra Realty Resources** and;

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contract law (N.J.S.A. 40A:11-1 et seq) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, the business disclosure entity certification and the determination of value shall be placed in a file with this resolution.

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

1. The Township of Hardyston hereby makes the following appointment in a amount Not To Exceed \$99,000 for Special Appraisal Services for Tax Appeals

Integra Realty Resources
80 S. Jefferson Road
2nd Floor
Whippany, NJ 07981

2. Political Contribution Disclosure: This contract has been awarded to **Integra Realty Resources**, based on the merits and abilities of **Integra Realty Resources** to provide the goods or services as described herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that **Integra Realty Resources**, it’s subsidiaries, assigns, or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16 in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c. 19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Township of Hardyston, County of Sussex if a member of that political party is serving in an elective public office of the Township of Hardyston, County of Sussex when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Township of Hardyston, County of Sussex when the contract is awarded.

3. Vendors performing work for and on behalf of Hardyston Township must conduct business according to the highest ethical standards. The Township recognizes the right of individuals to engage in outside activities that are private in nature and unrelated to municipal business. However, business dealings can create or appear to create a conflict between the individual and the Township’s interests.

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Prior to becoming a vendor for the Township, all vendors are required to disclose possible conflicts so that the municipality may assess and prevent potential conflicts. Vendors, after being engaged by the Township, shall not engage in matters that create a conflict of interest for the Township. If a potential conflict arises, a vendor is required to promptly notify the Township Manager of the possible conflict of interest. The vendor shall not take any action that will be adverse to the Township.

4. A copy of this resolution shall be published in the New Jersey Herald as required by law within ten days of its passage.

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

ADJOURNMENT: A motion was made by Kula to adjourn at approximately 8:30 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk