

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
DECEMBER 9, 2015**

The meeting was called to order by Deputy Mayor Cicerale at approximately 8:00 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: Mayor Miller (by phone conference), Councilman Verrilli, Councilman Kula, Councilwoman Hamilton, 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 – November 2015
2. Tax Collector Report – November 2015
3. Construction Certificate Activity Report – November 2015
4. Construction Permit Activity Report – Hardyston – November 2015
5. Construction Permit Activity Report – Hamburg – November 2015
6. Construction Permit Activity Report – Franklin – November 2015
7. Construction Permit Activity Report – Newton – November 2015
8. Construction Permit Activity Report – Sussex – November 2015
9. Construction Permit Activity Report – Wantage – November 2015
10. Court Report – November 2015
11. Littell Community Center Report – November 2015

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

**ORDINANCES**

**1st READING: None**

**ORDINANCES**

**2nd READING: None**

**NEW BUSINESS:**

- A. Resolution #85-15 – Resolution authorizing the extension of a shared service agreement with the Sussex County Municipal Utilities Authority for the provision of designated Class A fiber recyclable material handling and marketing with profit sharing

**RESOLUTION #85-15**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXTENSION OF A SHARED SERVICES AGREEMENT WITH THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR THE PROVISION OF DESIGNATED CLASS A FIBER RECYCLABLE MATERIAL HANDLING AND MARKETING WITH PROFIT SHARING**

**WHEREAS**, the Sussex County Municipal Utilities Authority (hereinafter “SCMUA”), among other things, operates a recycling program within Sussex County as provided in the Sussex County District Solid Waste Management Plan; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act, (N.J.S.A. 40A:65-1, et. seq.) (hereinafter, “the Act”) provides that local units of government may enter into a contract to provide or receive any service that either local unit participating in the Agreement is empowered

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to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating units. (N.J.S.A. 40A:65-4.); and

**WHEREAS**, the Township of Hardyston has entered into a contract for services of the SCMUA in the form of performing designated Class A Fiber recyclable material handling and marketing with profit sharing; and

**WHEREAS**, the Township of Hardyston seeks to extend such terms of said contract for a term expiring August 31, 2016; and

**WHEREAS**, SCMUA has the ability and is desirous of making its Recycling Facility and recycling marketing capabilities available to Hardyston Township under the terms and conditions set forth in the Shared Services Agreement.

**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 Mayor and Township Clerk are hereby authorized and directed to extend the Shared Services Agreement, a copy of which is attached hereto, with the SCMUA for the provision of designated Class A Fiber recyclable material handling and marketing with profit sharing whereby the term of said agreement shall expire on August 31, 2016.
2. The Mayor and Clerk are hereby authorized to execute any additional non-substantial amendments and/or modifications to the Agreement without the consent of the Township Council.
3. 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.

- B. Resolution #86-15 – Resolution authorizing the Township of Hardyston to renew registration for a Commodity Resale System and to enter into Commodity Resale Agreements with other contracting units

**RESOLUTION #86-15**

**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 RENEW REGISTRATION FOR A  
COMMODITY RESALE SYSTEM AND TO ENTER INTO  
COMMODITY RESALE AGREEMENTS WITH OTHER  
CONTRACTING UNITS**

**WHEREAS**, N.J.A.C. 5:34-7.15 authorizes contracting units to establish a Commodity Resale System; and

**WHEREAS**, the Township of Hardyston, County of Sussex, State of New Jersey, is desirous of Renewing its Registration for a Commodity Resale System for the resale of gasoline and diesel fuel; and

**WHEREAS**, the Township of Hardyston has agreed to serve as the Lead Agency for a Commodity Resale System with other Contracting Units.

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

1. The Township Council hereby authorizes the Renewal of a Commodity Resale System to be known as the Hardyston Commodity Resale System with the Township of Hardyston serving as the Lead Agency.

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2. The Township Manager is hereby authorized to enter into a contract for the sale of gasoline and diesel fuel with the following entities:
  - Franklin Borough
  - Franklin Borough Board of Education
  - Hamburg Borough
  - Hardyston Board of Education
  - Walkkill Valley Regional High School
  
3. This Resolution shall take effect immediately upon passage.

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

- C. Resolution #87-15 – Resolution supporting the Drive Sober or Get Pulled Over 2015 Year End Holiday Crackdown

**RESOLUTION #87-15**

**Resolution Supporting the *Drive Sober or Get Pulled Over*  
*2015 Year End Holiday Crackdown***

**Whereas**, impaired drivers on our nation’s roads kill more than 10,000 people each year and cost our society more than \$37 billion annually; and

**Whereas**, 27% of motor vehicle fatalities in New Jersey in 2014 were alcohol-related; and

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

**Whereas**, the season at the end of the year is traditionally a time of social gatherings which often 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 Year End Holiday Crackdown*; and

**Whereas**, the project will involve increased impaired driving enforcement from December 11, 2015 through January 1, 2016; 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 Year End Holiday Crackdown* from December 11, 2015 through January 1, 2016 and pledges to increase awareness of the dangers of drinking and driving.

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 #88-15 – Resolution reducing the performance bond posted by SMS Hardyston, LLC for Ridgefield Commons – Phase 7A

**RESOLUTION #88-15**

**RESOLUTION REDUCING THE PERFORMANCE BOND POSTED BY SMS  
HARDYSTON, LLC FOR RIDGEFIELD COMMONS – PHASE 7A**

**WHEREAS**, the Hardyston Township Planning Board granted approvals to SMS Hardyston, LLC for Ridgefield Commons - Phase 7A;

**WHEREAS**, as part of the Planning Board approval SMS Hardyston, LLC was required to post a performance bond for site improvements; and

**WHEREAS**, SMS Hardyston, LLC has posted a performance bond in the amount of \$340,497.00 and a cash bond in the amount of \$37,833.00 for site improvements in compliance with the Planning Board approval and upon the recommendation of the Township Engineer; and

**WHEREAS**, SMS Hardyston, LLC has requested a reduction in the bonding amount due to completion of certain site improvements; and

**WHEREAS**, the Township Engineer has reviewed the request of SMS Hardyston, LLC and has found completion of various site improvements; and

**WHEREAS**, the Township Engineer has therefore recommended that the bond should be maintained as follows:

Total Bond Amount	\$233,052.00
Surety amount	\$209,746.80
Cash amount	\$ 23,305.20

**NOW THEREFORE BE IT RESOLVED** by the Hardyston Township Council that the bond for Ridgefield Commons - Phase 7A be reduced 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.

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E. Resolution #89-15 - 2015 Budget Transfers

**Township of Hardyston  
Resolution #89-15**

Now, Therefore be it resolved by the Township Council of the Township of Hardyston, State of New Jersey, That the following 2015 Budget Appropriation Payable transfers be authorized:

<u>From:</u>	<u>Amount</u>	<u>To</u>	<u>Amount</u>
Land Use S&W	\$ 2,750.00	Admin. S&W	\$ 2,750.00
Municipal Court S&W	\$ 3,600.00	Tax Assesment S&W	\$ 3,600.00
Waiver Health Ins.	\$ 21,000.00	Legal OE	\$ 21,000.00
Zoning Board OE	\$ 4,000.00	Admin. S&W	\$ 4,000.00
Construction S&W	\$ 4,800.00	Admin. S&W	\$ 4,800.00
Construction S&W	\$ 6,100.00	Uniform Fire Safety S&W	\$ 6,100.00
Disability Insurance	\$ 6,479.00	Insurance Other Insurance	\$ 6,479.00
Police OE	\$ 20,000.00	Legal OE	\$ 20,000.00
Purchase of Police Cars	\$ 44,564.00	Legal OE	\$ 44,564.00
Police Uniforms OE	\$ 3,800.00	Legal OE	\$ 3,800.00
Communications S&W	\$ 7,000.00	Legal OE	\$ 7,000.00
Communications OE	\$ 4,500.00	Legal OE	\$ 4,500.00
Utility & Bulk Expense Gasoline	\$ 30,000.00	Legal OE	\$ 30,000.00
Utility & Bulk Expense Disesel	\$ 8,000.00	Social Security	\$ 8,000.00
Streets & Roads S&W	\$ 4,000.00	Building & Grounds OE	\$ 4,000.00
Totals	\$ 170,593.00		\$ 170,593.00

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

At this time, Councilman Kula stated that the Council, on behalf of the citizens of Hardyston Township, thank the members of the EMS Community Committee and stated that the Council agrees with all of the recommendations of the EMS Community Committee.

A motion was made by Hamilton that the Council, with the assistance of the Township Manager and Township Attorney, will enter into contracts with both Milton and Hamburg's First Aid Squads for at least a period of 6 months, extending their night and weekend coverage through to July 30, 2016, seconded by Verrilli. All in favor. Motion carried.

The following motion was made by Miller:

The Council fully supports the concept of establishing a new volunteer first aid squad, and will provide funds within their 2016 budget to cover training costs associated with at least 10 individuals who may want to pursue certification as an EMT. The Council understands that the re-establishment of a volunteer squad will take a considerable amount of time. With this in mind, the Council will consider extending all three contracts as proposed with Milton, Hamburg and St. Clare's, in whatever configuration they see fit for the second half of 2016, in order to give ample time to ascertain whether or not there is viability in the concept of creating a new agency. The motion was seconded by Verrilli. All in favor. Motion carried.

The following motion was made by Hamilton:

The Council agrees and understands the development of a new squad will take considerable oversight and recruitment effort. The Council will make the appointment of a first aid administrator as a new temporary position. The Council will review and decide if this position should be a voluntary position or a part-time position. The duties of this post would be to oversee the relationship with the commercial provider, oversee the start-up of the new first aid squad, including development and oversight of the new squad's budget (start-up budget, operating budget, capital budget), ensure that proper township oversight is established and embedded in the bylaws and SOP's of the newly created squad and continue to guide continued recruitment efforts. A report of progress should be required by August of 2016 of the

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administrator to determine progress and gauge the potential for success of the volunteer agency so that the Council could with full knowledge make final long term arrangements for 2017, considering whether or not significant service will continue to be needed from a paid third-party agency. Township Manager added that the first aid administrator would coordinate and assist the Steering Committee and report to the Township Manager who in turn would report to the Council. The motion was seconded by Verrilli. All in favor. Motion carried.

- F. Resolution #90-15 – Resolution authorizing the execution of an agreement between the Township of Hardyston and Prime Healthcare Services-Saint Clare’s for Emergency Medical Services

**RESOLUTION #90-15**

**A RESOLUTION OF THE TOWNSHIP OF  
HARDYSTON AUTHORIZING THE EXECUTION OF AN AGREEMENT  
BETWEEN THE TOWNSHIP OF HARDYSTON AND PRIME HEALTHCARE SERVICES-  
SAINT CLARE’S FOR EMERGENCY MEDICAL SERVICES**

**WHEREAS**, the Township of Hardyston has the need for emergency medical services for daytime coverage; and

**WHEREAS**, Prime Healthcare Services, in conjunction with Saint Clare’s Hospital, provides such services; and

**WHEREAS**, the Township has reviewed a proposed Agreement for said emergency medical services to be provided by Prime Healthcare Services to the Township; and

**WHEREAS**, the term of the Agreement is for one (1) year however either party may cancel the Agreement by providing ninety (90) days written notice to the other party; and

**WHEREAS**, the cost for such services will be billed by Prime Healthcare Services to third party payers or the patient in accordance with the Rate Schedule that will be placed on file in the Township Clerk’s Office.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Hardyston that the Township Manager is hereby authorized to enter into an Agreement for emergency medical services with Prime Healthcare Services for a one (1) year term which may be automatically approved for successive one (1) year periods not to exceed three (3) years.

**BE IT FURTHER RESOLVED** that the Township Manager is authorized to take any and all necessary action to effectuate the implementation and terms of this Agreement.

A motion was made by Hamilton to approve the resolution with a right to amend the termination clause, seconded by Verrilli. All in favor. Motion carried.

- G. Resolution #91-15 – Resolution authorizing calling upon certain performance security associated with the Crystal Springs Developments in collaboration with the Hardyston Township Municipal Utilities Authority

**RESOLUTION #91-15**

**A RESOLUTION OF THE TOWNSHIP OF  
HARDYSTON AUTHORIZING CALLING UPON CERTAIN PERFORMANCE SECURITY  
ASSOCIATED WITH THE CRYSTAL SPRINGS DEVELOPMENTS IN COLLABORATION  
WITH THE HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY**

**WHEREAS**, several developments known as Highgrove at Crystal Springs, Phase I; Frendown at Crystal Springs, Phase I; and Cloverdale West at Crystal Springs, Phase 2A were constructed in Hardyston Township (the “Township”) over the course of several years

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(collectively referred to herein as the “Developments”) by a developer known as Shotland Bauer, LLC, (the “Developer”); and

**WHEREAS**, as a condition of approvals received from the Township and the Hardyston Township Municipal Utilities Authority (the “Authority) the Developer was required to post certain performance security to ensure that the construction of the developments would be completed in accordance with Township and Authority approvals and that the water and sewer facilities associated with the Developments (the “Facilities”) would be properly transferred to the Authority; and

**WHEREAS**, the Developer provided Letters of Credit (“LOC”) from Boiling Springs Savings Bank, specifically LOCs #200, 201 and 203 in fulfillment of its obligation to provide performance security; and

**WHEREAS**, the Authority received notification from Boiling Springs Savings Bank, dated November 3, 2015, that the LOCs will expire on December 17, 2015, February 24, 2016 and December 15, 2015, respectively; and

**WHEREAS**, the Developer will not be providing replacement security to take the place of the LOCs prior to their expiration; and

**WHEREAS**, the Developer’s obligations with respect to the Developments remain incomplete; and

**WHEREAS**, the Township desires to call the LOCs and, if necessary, undertake the work required to complete the Developer’s uncompleted obligations with respect to the Facilities (the “Work”); and

**WHEREAS**, the Township desires to, in conjunction with the Authority, call upon the LOCs in order to address the costs of the Work; and

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

1. That the Township’s engineer is hereby authorized and directed to develop a complete scope of activities that must be completed in order to properly address the Developer’s uncompleted obligations to the Township.

2. That the Township’s Manager, Deputy Manager, Engineer and legal counsel are hereby authorized and directed to work with the Authority to call the LOCs prior to their expiration and take any steps necessary to effectuate this Resolution.

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

H. Resolution # 92-15 - Proposal – Charles Schaffer Associates, LLC – Addition to Colson Terrace Firehouse facility bid documents

**RESOLUTION #92-15**

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

1. Charles Schaffer Associates, LLC – Proposal dated November 23, 2015 for bid documents for the addition to the Colson Terrace firehouse facility

A motion was made by Hamilton to accept the proposal submitted by Charles Schaffer Associates, LLC dated November 23, 2015, seconded by Verrilli. All in favor. Motion carried.

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- I. Resolution #93-15 – Land Use Administration Shared Service Agreement – Andover Township

**RESOLUTION #93-15**

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 agreement is hereby authorized:

1. Land Use Administration Services – Andover Township

A motion was made by Hamilton to approve the resolution 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.

**PUBLIC PORTION:** A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Russell Law, Hamburg Borough Councilman and Hamburg Borough First Aid Squad volunteer stated that he just wanted to bring the Council's attention to the opt out clause in the agreement between Hardyston Township and Hamburg Borough for Emergency Medical Services. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

At this time, a motion was made by Hamilton to cancel the Council meeting scheduled for December 23, 2015, seconded by Cicerale. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Kula to adjourn at approximately 8:20 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk