

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
APRIL 27, 2016**

The meeting was called to order by Deputy Mayor Kula at approximately 7:00 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 Hamilton via phone conference, Councilman Miller, Councilman Cicerale, Councilman Verrilli, Manager/Deputy Clerk Marianne Smith, 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 – March 2016
2. Tax Collector Report – March 2016
3. Construction Certificate Activity Report – March 2016
4. Construction Permit Activity Report – Hardyston – March 2016
5. Construction Permit Activity Report – Hamburg – March 2016
6. Construction Permit Activity Report – Franklin – March 2016
7. Construction Permit Activity Report – Newton – March 2016
8. Construction Permit Activity Report – Sussex – March 2016
9. Construction Permit Activity Report – Wantage – March 2016
10. Police Department Report – March 2016
11. Municipal Court Report – March 2016
12. SCHD Report – March 2016
13. Littell Community Center Report – March 2016
14. Land Use Report – March 2016

Agreements/Applications/Licenses:

1. GTBM, Inc. – Info- Cop Software Agreement Renewal - Police Department

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

ORDINANCES

1st READING: None

ORDINANCES

2nd READING: 2016-04

**CALENDAR YEAR 2016
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0.00% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$258,889.85 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Hardyston, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Hardyston shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$258,889.85, and that the CY 2016 municipal budget for the Township of Hardyston be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Township Auditor, Charles Ferraioli, summarized the ordinance for the Council and the public. 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 by Miller to approve Ordinance 2016-04 on second reading, seconded by Hamilton. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution #30-16 – Self-examination of Budget

**RESOLUTION #30-16
SELF-EXAMINATION OF BUDGET RESOLUTION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 THRU 7.5 the Township of Hardyston has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Hardyston meets the necessary conditions to participate in the program for the 2016 budget year, so now therefore

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BE IT RESOLVED, by the Township Council of the Township of Hardyston that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated.
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE Director of the Division of Local Government Services.

Township Auditor, Charles Ferraioli, summarized the resolution for the Council and the public. A motion was made by Miller to approve the resolution as presented, seconded by Cicerale. All in favor. Motion carried.

- B. Resolution #31-16 – Resolution to authorize settlement of tax appeal for Block 68, Lot 16

RESOLUTION #31-16

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE SETTLEMENT OF
TAX APPEAL FOR BLOCK 68, LOT 16**

WHEREAS, a tax appeal was filed by Bohdan Senyszyn and David Hook for the tax years 2014 and 2015 for property known as Block 68, Lot 16 and commonly known as 2 Davon Lane, Hardyston, New Jersey; and

WHEREAS, settlement of the appeal is in the best interest of 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 settlement of the above referenced tax appeal filed at the Tax Court of New Jersey is hereby authorized as follows:

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Bohdan Senyszyn and David Hook
2 Davon Lane
Block 68, Lot 16

Tax Year	Original Assessment	Proposed Assessment
2014	\$143,700.00	\$122,000.00
2015	\$87,500.00	\$1,500.00

BE IT FURTHER RESOLVED, that the municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

This Resolution shall take effect immediately.

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

- C. Resolution #32-16 – Resolution authorizing the Township of Hardyston to enter into the Middlesex Regional Educational Cooperative Pricing System

**RESOLUTION FOR MEMBER PARTICIPATION
IN A COOPERATIVE PRICING SYSTEM**

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF HARDYSTON
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

RESOLUTION #32-16

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on April 27, 2016, the Governing Body of the Township of Hardyston, County of Sussex, State of New Jersey, duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the TOWNSHIP OF HARDYSTON.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the MAYOR is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

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

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D. 2016 Municipal Budget Public Hearing/Adoption

Township Manager gave a verbal and written presentation of the 2016 Municipal Budget. 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 the 2016 Municipal Budget as presented, seconded by Miller. All in favor with Cicerale voting "No". Motion carried.

E. Correspondence

1. Town of Newton
2. Sparta Township
3. Stillwater Township
4. Sandyston Township
5. County of Sussex
6. County of Sussex
7. County of Sussex
8. State of NJ
9. State of NJ
10. State of NJ

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 Verrilli to approve the bill list as presented, seconded by Hamilton. 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. A resident that was present commented that he feels that the way the taxes are managed are excellent. He stated that as a resident, he appreciates the minimal increases, compared to other towns. 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 April, 2016, 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.
 - (X) 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.
 - () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

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- () 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: Miller

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 Miller to come out of Executive Session, seconded by Verrilli. All in favor. Motion carried.

F. PBA Contract

Township Manager outlined some of the specifics of the PBA contract negotiations/renewal. A motion was made by Hamilton to approve the contract as presented, seconded by Miller. All in favor. Motion carried.

At this time, Councilman Cicerale inquired as to the status of the demolition of the Shauger Terrace property that was involved in the January 2016 house fire. Township Manager stated that the township will try and reach out to the bank for an update. Councilman Cicerale also wanted to follow up on the issue with regard to some newer homes on Wheatsworth Road not having access to cable. Township Attorney stated that he has reached out to Service Electric Cable TV, but has not received a response as of yet. The Council also asked the Township Attorney to follow up on some first aid squad issues.

Councilman Kula stated that the Miss Hardyston Pageant has been rescheduled to June 3, 2016. He stated that the Wallkill Valley Regional High School prom is being held on May 13, 2016, the original scheduled date of the pageant.

ADJOURNMENT: A motion was made by Verrilli to adjourn at approximately 8:25 p.m., seconded by Miller. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk