

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 13, 2016

The meeting was called to order by Mayor Hamilton at approximately 8:35 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 Kula, Councilman Miller, Councilman Cicerale by phone conference, Councilman Verrilli, 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 2016
2. Tax Collector Report – June 2016
3. Construction Certificate Activity Report – June 2016
4. Construction Permit Activity Report – Hardyston – June 2016
5. Construction Permit Activity Report – Hamburg – June 2016
6. Construction Permit Activity Report – Franklin – June 2016
7. Construction Permit Activity Report – Newton – June 2016
8. Construction Permit Activity Report – Sussex – June 2016
9. Construction Permit Activity Report – Wantage – June 2016
10. SCHD Report – May 2016
11. Littell Community Center Report – June 2016
12. Land Use Report – June 2016
13. Police Department Report – June 2016
14. Municipal Court Report – June 2016

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

ORDINANCES

1st READING: None

ORDINANCES

2nd READING: 2016-07

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY
AUTHORIZING THE CHIEF OF POLICE TO EXECUTE
AN APPLICATION FOR THE HARDYSTON FIRE DEPARTMENT
FOR A CHARITABLE SOLICITATION WITHIN THE
TOWNSHIP OF HARDYSTON**

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

SECTION 1. The Township of Hardyston hereby approves Hardyston Township Fire Department's request to hold a charitable solicitation at the intersection of New Jersey State Highway Route 94 and County Route 631. The dates and times approved for said solicitation are as follows: August 13 & 14, 2016; September 3 & 4, 2016; between the hours of 8:30 a.m. and 4:30 p.m.

SECTION 2. The approvals authorized herein are subject to and expressly conditioned upon the following:

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- a. The Hardyston Township Fire Department's compliance with all rules, regulations and guidelines promulgated by the NJDOT for charitable solicitations, including, but not limited to, the posting of any and all necessary warning signs; and
- b. The approval of the Sussex County Board of Chosen Freeholders and the NJDOT.

SECTION 3. The Chief of Police is hereby authorized and directed to execute the application for a Charitable Solicitation Permit for the Hardyston Township Fire Department provided the above-stated conditions are met. The Hardyston Township Police Department shall be responsible for supervising the solicitation and enforcing the terms of the Charitable Solicitation Permit issued by the NJDOT.

SECTION 4. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 5. This Ordinance may be renumbered for purposes of codification.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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 Kula to approve Ordinance 2016-07 on second reading, seconded by Verrilli. All in favor. Motion carried.

2016-08

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING
AND SUPPLEMENTING CHAPTER 88, FEES, SECTION 88-8,
MISCELLANEOUS FEES, OF THE REVISED GENERAL ORDINANCES**

BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 88, Fees, Section 88-8, Miscellaneous Fees, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 88-8. Miscellaneous fees.

[Amended 9-19-2000 by Ord. No. 2000-17; 4-2-2002 by Ord. No. 2002-6; 3-18-2003 by Ord. No. 2003-5; 3-18-2004 by Ord. No. 2004-3; 2-15-2005 by Ord. No. 2005-1; 10-30-2007 by Ord. No. 2007-16; 10-19-2010 by Ord. No. 2010-18]

- A. Copying; single copies: Copy rates shall be based upon those set forth pursuant to N.J.S.A. 47:1A-5(b) and any other applicable laws. In addition, pursuant to N.J.S.A. 39:4-131, an administrative fee of \$5.00 will be charged for each motor vehicle accident report requested by any means other than in person during regular business hours.
- B. Township Code books: \$189.80.
- C. (Reserved)
- D. Land Use Ordinance Book (map included): \$43.
[Amended 2-21-2012 by Ord. No. 2012-02]
- E. Yearly supplement to zoning book: no charge.
- F. Zoning Map: \$5.

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- G. (Reserved)
- H. Duplication of meeting compact discs: \$0.40.
- I. (Reserved)
- J. Returned check fee: Amount authorized by N.J.S.A. 40:5-18.
- K. (Reserved)
- L. (Reserved)
- M. Summer recreation day camp registration fee.
 - (1) First child for one session: \$60.
 - (2) Each additional child per session: \$50.
 - (3) First child for two sessions: \$115.
 - (4) Each additional child for two sessions: \$95.
- N. Master Plan (color copy): \$100.
- O. Master Plan (CD) (electronic version): \$0.40.

SECTION 2. 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 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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 Miller to approve Ordinance 2016-08 on second reading, seconded by Verrilli. All in favor. Motion carried.

2016-09

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF BLOCK 36, LOT 41 ON THE HARDYSTON TOWNSHIP MAP AND COMMONLY KNOWN AS 7 COLSON TERRACE. STOCKHOLM, NEW JERSEY

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; and

WHEREAS, the Hardyston Township Volunteer Fire Department (“HTVFD”) has had a long-standing working relationship wherein the Township of Hardyston, in consideration and appreciation of the volunteerism and fire protection services that have been provided, desires to work with the HTVFD and fund various capital improvements to HTVFD’s facility; and

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WHEREAS, in order to Township to assist in these capital improvements, it is necessary that the property is owned by the municipality; and

WHEREAS, the HTVFD has agreed to donate Block 36, Lot 41, commonly known as 7 Colson Terrace, Stockholm, NJ to the Township of Hardyston; and

WHEREAS, the Mayor and Township Council of the Township of Hardyston has determined that it is in the interest of the Township to acquire said property; and

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

SECTION 1. The Township of Hardyston hereby authorizes the acquisition of Block 36, Lots 41, known as 7 Colson Terrace, Stockholm for the public purpose of providing a suitable facility for the dedicated volunteers of the Hardyston Township Volunteer Fire Department.

SECTION 2. The said land to be conveyed to the Township of Hardyston is described on Schedule A which is on file in the Township Clerk's Office.

SECTION 3. The Mayor and Township Clerk 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, which may include but not be limited to a long-term lease with the Hardyston Township Volunteer Fire Department.

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 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 Miller to approve Ordinance 2016-09 on second reading, seconded by Kula. All in favor. Motion carried.

NEW BUSINESS:

- A. Proclamation celebrating the 17th Annual Original Tee Golf Classic Tournament and congratulating Smokey Robinson for receiving the OTGC True Original Award

PROCLAMATION

CELEBRATING THE 17TH ANNUAL ORIGINAL TEE GOLF CLASSIC TOURNAMENT AND CONGRATULATING SMOKEY ROBINSON FOR RECEIVING THE OTGC TRUE ORIGINAL AWARD

WHEREAS, on July 17, 2016, the Original Tee Golf Classic (OTGC), a premiere celebrity amateur golf tournament will hold its 17th consecutive tournament at the Wild Turkey Golf Club; and

WHEREAS, Original Tee Inc. was founded and launched in 1999 by entertainment marketing entrepreneur, Wendell J. Haskins (Founder/President). Since its inception, the Original Tee Golf Classic

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has developed into a golf culture love-fest, where celebrities, corporate, and entertainment VIPs come together to promote diversity and inclusion in golf while supporting worthy philanthropic causes; and

WHEREAS, a percentage of the proceeds will benefit PGA REACH and the PGA Junior League Golf League providing a structured league environment for diverse junior golfers to compete and have fun; and

WHEREAS, Smokey Robinson, an award winning singer, song writer and golfer is being honored with the OTGC True Original Award at this year’s tournament for his standard of commitment and excellence as a musical icon and a “True Original”.

THEREFORE, the Hardyston Township Mayor and Council, are proud to celebrate the 17th annual Original Tee Golf Classic and congratulate Smokey Robinson for receiving the OTGC True Original Award.

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

B. Resolution #43-16 – 2016 Salary Resolution Amendment

RESOLUTION #43-16

2016 SALARY & WAGES FOR TOWNSHIP OFFICIALS AND EMPLOYEES

BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages effective January 1, 2016 shall be paid as follows:

<u>Position</u>	<u>Hourly Salary</u>
Secretary/Clerical	\$8.38
Seasonal/Temporary/Clerical	\$8.38
Senior Clerk/Radio Dispatcher	\$8.38
Assistant to Recreation Director	\$8.38

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

C. Resolution #44-16 – Resolution authorizing the public display of fireworks at Hardyston Day on September 23, 2016 (Rain Date September 24th)

RESOLUTION #44-16

RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS AT HARDYSTON DAY ON SEPTEMBER 23, 2016 (RAIN DATE SEPTEMBER 24th)

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 23, 2016 (rain date - September 24, 2016) 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 23, 2016; and

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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.

- D. Resolution #45-16 – Shared Service Agreement with County of Sussex for road sign manufacturing services

RESOLUTION #45-16

**SHARED SERVICES AGREEMENT
BETWEEN THE COUNTY OF SUSSEX
AND THE TOWNSHIP OF HARDYSTON
FOR ROAD SIGN MANUFACTURING SERVICES**

The Agreement entered into on this 13th day of July, 2016 by and between the COUNTY OF SUSSEX, One Spring Street, Newton, NJ 07860 (hereinafter referred to as the “County” and the Township of Hardyston, 149 Wheatsworth Road, Suite A, Hardyston, NJ 07419, hereinafter referred to and the “Township”.

WHEREAS, the Shared Services Agreement between the County and the Township provides for the manufacturing of street and road signs and achieves economies and efficiencies.

WHEREAS, the County is prepared to accept the responsibility for the manufacturing of the Township’s street and road signs as per the agreed upon terms and conditions hereafter set forth.

WHEREAS, the State of New Jersey has defined the procedures for the execution of any Agreement, and the Agreement between the County and the Township shall be governed by the Shared Services Act, N.J.S.A. 40A:65-1 et seq. and the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

1. Services Provided by the County. During the term of this Agreement, the County will provide the Township with street and road sign manufacturing. The service to be provided by the County shall include all items listed on Section 6, Method of Charges and Manner of Payment.
2. Scheduling and Execution of Service. The County agrees to perform all services in a workmanlike manner. All services will be scheduled by the County Office of Bridge and Traffic Safety Supervisor, or his designee, in a manner which will provide efficiency and economy consistent with timelines. The Township recognizes that the County has finite personnel and resources to provide the agreed upon services and the County is entitled to provide the services according to the Traffic Safety and Sign Shop work load demands. The County makes no representation that it will provide the service within a given time frame, but will in all cases (and consistent with the foregoing) make its best effort to provide all services in a timely manner.)

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3. Liaison and Reporting. The Township agrees to appoint an official liaison and designated alternate to maintain contact with the County Office of Bridge and Traffic Safety Supervisor or his designee and to provide input concerning street and road sign manufacturing needs of the Township as determined by the Township's Council. The County will prepare and submit to the Township billing of the services provided the month following receipt of the signs by the Township.
4. Term Renewal or Amendment. This Agreement shall be effective June 1, 2016 through May 31, 2021, unless terminated by either party for any reason, in writing, at least sixty (60) days in advance of termination. Either party may request of the other an amendment of this Agreement subject to consent by the governing body. Upon expiration of the term, the parties may extend the term or enter into a new Agreement upon such terms and conditions as they agree and incorporate into a written Agreement.
5. Interpretation. Any questions regarding the proper interpretation of the terms of this Agreement shall be submitted to the Township Attorney and County Counsel respectfully. Absent a unanimous opinion on the matter, it shall be referred to a single arbitrator for binding arbitration. The parties will each pay one-half of the cost of the arbitration. The arbitrator will be chosen by the County and Township.
6. Method of Charges and Manner of Payment. The County shall charge the Township of the rates of:

Sign Fabrication Costs:

<u>Size</u>	<u>Type of Sign</u>	<u>High Intensity</u>
6 x 24	Street	\$22.48
9 x 24	Street	\$26.12
30 x 30	Warning	\$40.06
36 x 36	Warning	\$53.13
30 x 30	Stop	\$40.06
36 x 36	Stop	\$53.13
24 x 30	Speed	\$34.12
36 x 48	Speed	\$67.39

(The above reflects a representative sample of signs, actual costs will be determined based upon sign size ordered.)

Rates will be subject to modification to reflect actual charges in material, labor, and equipment costs for fabrication.

The County will charge the Township for "other" materials at the actual County purchase price, plus an administrative fee of five percent (5%). Fabrication material cost adjustments may be made throughout the course of the calendar year as materials are restocked. Payment for services provided for the Township shall be made the month after service has been rendered to the Township, as per invoices submitted by the County. In the event of any dispute as to the amount to be paid under the terms of the Agreement, the full amount to be paid in accordance with the schedule noted in this paragraph shall be paid. If through subsequent negotiation, litigation, or settlement, the amount due shall be determined, agreed to or adjudicated to be less than what was actually so paid, the County shall promptly refund the excess.

The fabrication schedule has been developed based upon actual material costs, labor rates with fringe benefits, fabrication times, and five (5%) percent shop equipment overhead. Costs for signs not contained within the table above shall be billed using the same base elements as described above as developed by the County.

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7. Applicable Standards. The County shall manufacture signs to the standards defined within the most recent release along with any revisions thereto of both "The Manual on Uniform Traffic Control Devices" and "Standard Highway Signs" both published by the Federal Highway Administration. All installations will be completed in consideration of the Sussex County Traffic Sign & Pavement Marking Field Guide, New Jersey Standard Details, and current Manual on Uniform Traffic Control Devices.
8. Status of Township. The County is performing its services under this Agreement as a public entity pursuant to the Shared Services Act, and not as a private independent contractor. The County and its employees, with respect to its services and other activities pursuant to this Agreement retain all privileges and immunities accorded to a public entity under the law, including all those afforded a public entity under the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, et seq.
9. Contracting with Private Parties. In the event that the County utilizes the services of a private contractor to act as a contractor who completes Township projects, the County shall be required to award the Contract in accordance with the Local Public Contracts Law (N.J.S.A.40A:11 et seq.).
10. Entire Agreement. This Agreement constitutes the entire Agreement between the parties and shall not be modified, except in writing and signed by both parties.

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

E. Tax Collector Resolution

1. Resolution #46-16 – Disabled Veteran Refund – Francis & Catherine Murch - 1 Partridge Road

RESOLUTION # 46-16

WHEREAS, Block 29 Lot 6 also known as 1 Partridge Road and owned by Francis & Catherine Murch, and

WHEREAS, on January 1, 2016 Mr. Murch was approved for a permanently disabled Veteran and has full exempt status, thru the Department of Veteran Affairs, and

WHEREAS, Scott Holzhauer Tax Assessor for Hardyston Township has approved this exemption for 2016 with refunding the May 1, 2016 tax payment.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Francis Murch the amount of \$ 1,120.18 for the 2nd quarterly tax that was paid on 5/5/16.

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

2. Resolution #47-16 – Stipulation of Settlement Refund – David Hook & Bohdan Senyszyn – 2 Davon Lane

RESOLUTION # 47-16

WHEREAS, Block 68 Lot 16 also known as 2 Davon Lane, Hardyston Township and owned by David Hook & Bohdan Senyszyn, and

WHEREAS, the Tax Collector has received a Stipulation of Settlement for the Tax Years 2014 and 2015 on the above parcel, and

WHEREAS, a refund in the amount of \$ 2,209.28 is now due on this settlement.

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NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund David Hook & Bohdan Senyszyn for 2014 Taxes in the amount of \$ 561.60 and for 2015 Taxes \$ 1,467.68 for a total of \$ 2,029.28.

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

- F. Resolution #48-16 – Resolution authorizing the execution of an amendment to the Hardyston Township Emergency Management Plan

RESOLUTION #48-16

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

- 1. Amendment to the Hardyston Township Emergency Management Plan

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

G. Correspondence

- 1. Andover Township
- 2. Franklin Borough
- 3. State of NJ
- 4. State of NJ
- 5. State of NJ
- 6. State of NJ

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

BILLS TO BE PAID: A motion was made by Kula 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. 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 13th day of July, 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.
 - () 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.

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- (X) 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: Miller
 Seconded by: Kula

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

ADJOURNMENT: A motion was made by Kula to adjourn at approximately 9:15 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
 Municipal Clerk