

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
SEPTEMBER 14, 2016**

The meeting was called to order by Mayor Hamilton at approximately 8:30 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, 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.**

**Agreements/Applications/Licenses:**

1. Raffle License – Department for Persons with Disabilities
2. Raffle License – Wyckoff PTO Coordinating Council, Inc.
3. Raffle License – Ellie Reynolds ALS Foundation
4. Raffle License – Make-A-Wish Foundation NJ
5. Raffle License – St. Joseph’s Wayne Hospital Foundation
6. Raffle License – Vernon Youth Football & Cheerleading, Inc.

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

**ORDINANCES**

**1st READING: None**

**ORDINANCES**

**2nd READING: 2016-10**

AN ORDINANCE TO AMEND THE ESTABLISHED MINIMUM AND MAXIMUM SALARIES FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HARDYSTON TO PROVIDE THE METHOD FOR THE PAYMENT OF ANNUAL SALARY INCREMENTS AT THE DISCRETION OF THE TOWNSHIP COUNCIL

BE IT ORDAINED by the Township Council of the Township of Hardyston that Section 2 be amended as follows:

Section 2. The minimum and maximum rates of compensation for each employee or class of employees who are employed on an hourly basis shall be and are hereby fixed as follows:

<u>POSITION</u>	<u>MINIMUM HOURLY</u>	<u>MAXIMUM HOURLY</u>
Utility Billing Specialist	\$10.00	\$27.00

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 2016-10 on second reading, seconded by Cicerale. All in favor. Motion carried.

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**NEW BUSINESS:**

- A. Resolution #52-16 – North Jersey Municipal Employee Health Benefits Fund Resolution to Renew

**RESOLUTION # 52-16**

**NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND  
RESOLUTION to RENEW**

**WHEREAS**, a number of public entities in the State of New Jersey have joined together to form the **North Jersey Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

**WHEREAS**, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

**WHEREAS**, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

**WHEREAS**, the governing body of Hardyston Township, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
  - a.) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

**BE IT FURTHER RESOLVED** that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

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

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B. Resolution #53-16 - 2016 Salary Resolution Amendment

**RESOLUTION #53-16**

2016 SALARY & WAGES FOR TOWNSHIP OFFICIALS AND EMPLOYEES

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

<u>Position</u>	<u>Hourly Salary</u>
Utility Billing Specialist	\$25.24

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

C. Resolution #54-16 - Amendment to HTMUA Secretarial/Billing Services Agreement

**RESOLUTION #54-16**

**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. Amendment - Secretarial/Billing Services – HTMUA

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

D. Resolution #55-16 – Resolution authorizing the sale of certain property known as 6 Woodland Trail, Block 10, Lot 6, Hardyston, NJ which is no longer needed for public use by the Township

**RESOLUTION #55-16**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY KNOWN AS 6 WOODLAND TRAIL, BLOCK 10, LOT 6, HARDYSTON, NJ WHICH IS NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP**

**WHEREAS**, Hardyston Township is the owner of certain property known as 6 Woodland Trail, Block 10, Lot 6, Hardyston, NJ; and

**WHEREAS**, the Mayor and Township Council of Hardyston Township does hereby determine that said property is no longer needed for public use; and

**WHEREAS**, Hardyston Township desires to sell said property to an adjacent property owner pursuant to N.J.S.A. 40A:12-13.2.

**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. Hardyston Township hereby declares that the property known as 6 Woodland Trail, Block 10, Lot 6 is no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.

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2. The Township Council of Hardyston Township hereby authorizes the sale of said property to Curtis and Deborah Carosella, (“Purchasers”) an adjacent property owner, for the sum of \$5,000.
3. The Township makes no representation as to the title or any other aspects of the property to be sold.
4. The acceptance of a deed by the purchasers from the Township shall extinguish any claims the said purchasers may have against Hardyston Township in connection with the quality of title conveyed.
5. The conveyance by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchasers is forwarded to the Township prior to the conveyance and discloses that the Township holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor’s Acts will be the form of conveyance. The Township will include with its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchasers.
6. If the property being sold is an under-sized lot, the under-sized property shall merge into the purchasers’ current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the Purchasers as to her current residence, not for subdivision purposes.
7. The resolution shall take effect immediately.

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

- E. Resolution #56-16 – Resolution authorizing the Township Staff to process an involuntary disability retirement application

**RESOLUTION #56-16**

**AUTHORIZATION FOR THE TOWNSHIP STAFF TO PROCESS AN INVOLUNTARY  
DISABILITY RETIREMENT APPLICATION**

**WHEREAS**, the Township of Hardyston has employed a Police Officer/Sergeant within its Police Department; and

**WHEREAS**, the Police Officer/Sergeant is an active members of the PFRS; and

**WHEREAS**, the Police Officer/Sergeant has 16 years and 6 months of PFRS Service Credit, meeting the minimum service credit requirement of at least 4 years for PFRS and SPRS members; and

**WHEREAS**, the Township staff is of the opinion that the Police Officer/Sergeant is totally and permanently disabled and no longer can perform his or her assigned duties based on the documentation supplied by professionals; and

**WHEREAS**, the Township of Hardyston is unable to provide an alternative to the PFRS covered position with duties capable of being performed by said Police Officer/Sergeant; and

**WHEREAS**, the Hardyston Township Chief of Police has consented to the processing of the Involuntary Disability Retirement application;

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NOW, THEREFORE, BE IT RESOLVED by the Governing Body of this location that the Township Manager of Hardyston Township process an Involuntary Disability Retirement application for the Police Officer/Sergeant within the Hardyston Township Police Department.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to all parties involved in the administration of this action.

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

**BILLS TO BE PAID:** A motion was made by Verrilli 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. 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 14th day of September, 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.
  - ( ) 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: Cicerale  
Seconded by: Kula

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<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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 8:50 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk