

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON SEPTEMBER 28, 2016**

The meeting was called to order by Mayor Hamilton 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: Deputy Mayor Kula, Councilman Miller by phone conference, 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.**

### **Monthly Reports:**

1. Municipal Clerk Report – August 2016
2. Tax Collector Report – July 2016
3. Tax Collector Report – August 2016
4. Construction Certificate Activity Report – August 2016
5. Construction Permit Activity Report – Hardyston – August 2016
6. Construction Permit Activity Report – Hamburg – August 2016
7. Construction Permit Activity Report – Franklin – August 2016
8. Construction Permit Activity Report – Newton – August 2016
9. Construction Permit Activity Report – Sussex – August 2016
10. Construction Permit Activity Report – Wantage – August 2016
11. SCHED Report – July 2016
12. SCHED Report – August 2016
13. Littell Community Center Report – August 2016
14. Land Use Report – August 2016
15. Police Department Report – August 2016
16. Municipal Court Report – August 2016

### **Minutes:**

1. Workshop Minutes of 5/25/16
2. Regular Minutes of 5/25/16
3. Workshop Minutes of 6/22/16
4. Regular Minutes of 6/22/16
5. Workshop Minutes of 7/13/16
6. Regular Minutes of 7/13/16
7. Executive Minutes of 7/13/16
8. Special Meeting Minutes of 7/21/16
9. Workshop Minutes of 8/10/16
10. Regular Minutes of 8/10/16
11. Workshop Minutes of 9/14/16
12. Regular Minutes of 9/14/16
13. Executive Minutes of 9/14/16
14. Special Joint Council and Planning Board Minutes of 9/14/16
15. Special Joint Council and Planning Board Executive Minutes of 9/14/16

### **Agreements/Applications/Licenses:**

1. Raffle License – Wallkill Valley Booster Club
2. Raffle License – Knights of Columbus #5563 Gen Judson Kilpatrick Council
3. Raffle License – UNICO Rockaway Township

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
SEPTEMBER 28, 2016**

**ORDINANCES**

**1st READING:** None

**ORDINANCES**

**2nd READING:** None

**NEW BUSINESS:**

- A. Resolution #57-16 - Resolution authorizing execution of agreement between the Hardyston/Franklin Municipal Alliance and the Sussex County Board of Chosen Freeholders

**RESOLUTION #57-16**

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING CONTRACTS/ LEASES/  
SHARED SERVICE AGREEMENTS/AGREEMENTS**

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

1. Hardyston/Franklin Municipal Alliance – Sussex County Board of Chosen Freeholders

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

- B. Resolution #58-16 – Governing Body Certification of the Annual Audit

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT  
FORM OF RESOLUTION #58-16**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
SEPTEMBER 28, 2016**

NOW, THEREFORE BE IT RESOLVED, That the *Township Council* of the Township of Hardyston, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

C. Correspondence

1. Wantage Township
2. Lafayette Township
3. Lafayette Township
4. County of Sussex
5. State of NJ
6. Jersey Central Power & Light

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

D. Emergency Medical Services

Vito Cicchetti from St. Clare's Emergency Medical Services stated that they feel things are going well with the services being provided by them to the Township. Deputy Mayor Kula stated that he has heard nothing but good things with regard to the services being provided to the residents and that he hasn't heard any complaints. Council stated that they are confident of the services they are receiving from St. Clare's. Police Chief Bret Aley stated that it has been a good relationship so far and he hopes that it continues. He stated that he has checked with his department and has not heard any complaints from any members of his department or the public. Hardyston Township Fire Department member Bill Hickerson stated that from the Fire Department standpoint it has been working out very well. He stated that when St. Clare's is at a scene, they act professionally and get along very well with the firefighters.

In view of constraining factors, a motion was made by Cicerale to suspend the Township's efforts to create a new volunteer first aid squad within the Township, and to continue to have St. Clare's provide full-time 24/7 emergency medical coverage township-wide, seconded by Kula. All in favor. Motion carried.

E. Resolution #59-16 – Summit Lake Dam Special Assessment Payment Plan Request

**RESOLUTION #59-16**

**WHEREAS**, the Tax Collector has advised that special assessment payments associated with Block 79, Lot 31, also known as 57 East Shore Trail, Hardyston, NJ, are in arrears for the years 2015 and 2016 totaling \$911.60 plus interest; and

**WHEREAS**, said delinquency has triggered the property to be included within the proposed 2016 tax sale scheduled for October 12, 2016; and

**WHEREAS**, the Township Council received a written request from Robert and Dagney Koleser, owners of said property, outlining the specific hardships that have prevented them from making timely payment of their Summit Lake Dam special assessment in 2015 and 2016; and

**WHEREAS**, the Township has deliberated and considered the special circumstances associated with the Koleser's inability to make the timely payment; and

**WHEREAS**, the Council further considered the fact that this request was associated with a special assessment and not relating to traditional tax payments, making this a unique and isolated request for consideration;

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
SEPTEMBER 28, 2016**

**NOW THEREFORE BE IT RESOLVED**, that the Township Council of the Township of Hardyston resolves to grant relief to the delinquency associated specifically as it relates to the special assessment placed upon Block 79, Lot 31 as follows:

1. The property will be removed from the proposed tax sale subject to the following conditions:
  - a. The yet to be billed payment for the amount owed for 2017 associated with the Summit Lake Dam special assessment will be made in a timely manner in full;
  - b. A payment plan of \$100/month will be established for the arrears associated with the delinquent 2015 and 2016 payments plus interest only;
  - c. Payments made according to the payment plan will be applied first to interest accrued each month and the balance of the \$100 payment thereafter will be applied to the principle amount due, until such time as the full principle amount of the delinquency has been satisfied;
  - d. Monthly payments will be due and payable no later than the 30<sup>th</sup> or 31<sup>st</sup> (where applicable) of each month;
  - e. If the property owner fails to make timely payments as outlined in this payment plan, the special consideration shall immediately terminate and the property will be included in the next scheduled tax sale and no further payment plan will be offered in association with the special assessment due for this particular property.

A motion was made by Kula to approve the resolution as presented, seconded by Cicerale. 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. Resident Marty Schweighardt inquired as to the status of the installation of a street light at the entrance to the municipal building. Township Manager and Council stated that the project has been completed. Mr. Schweighardt also stated that he visited the fire house on Colson Terrace to see how that project was progressing. He asked if there were any plans to renovate the Department of Public Works building. Township Manager stated that the fire house renovation needs to be completed before the Council can begin any conversations regarding the DPW building. 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 Kula to cancel the Council meeting of October 12, 2016 and to add a workshop meeting to the previously noticed meeting of October 26, 2016, seconded by Verrilli. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Kula to adjourn at approximately 7:35 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk