

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 26, 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, Councilman Cicerale, Councilman Verrilli, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau.

SALUTE THE FLAG

SWEARING IN CEREMONY: Promotion to Sergeant – George Geuther – Mayor Hamilton administered the Oath of Office.

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

Agreements/Applications/Licenses:

1. Fire Department New Member Applications – Justin Walters; Greg Stiansen; Brandon Kopf; Cameron Blake; Nicholas Martucci

A motion was made by Cicerale 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 #60-16 – 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

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RESOLUTION #60-16

**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 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, 2017; 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, 2017.
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 Verrilli to approve the resolution as presented, seconded by Kula. All in favor. Motion carried.

- B. Resolution #61-16 – Resolution authorizing the participation in a Sussex County contract award for road salt and grit

RESOLUTION #61-16

**Resolution Authorizing the Participation in a Sussex County
Contract Award for Road Salt and Grit**

WHEREAS, Hardyston Township has the desire and need to participate in the recently awarded Sussex County Contracts for Road Salt and Grit supplies adopted on 09/14/16; and,

WHEREAS, the Township Manager and Public Works Director hereby recommend that the township participate in the contract awards to the following vendors at the per tonnage cost listed next to the respective vendor;

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Rock Salt

Cargill Inc. \$58.72 per ton
24950 County Club BLD.
North Olmsted, OH 44070

Snow Grit

284 Aggregates LLC \$10.75 per ton
10 Route 284,
Sussex, NJ 07461

North Church Gravel, Inc. \$11.05 per ton
216 North Church Road
Franklin, NJ 07416

WHEREAS; the Chief Financial Officer has certified that the funds are available in the award of all contracts stated above, not to exceed \$150,000 for the period ending May 31, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Hardyston Township that the Mayor and Municipal Clerk are hereby authorized to execute the necessary documents for contracting with the above vendors for the purpose of purchasing salt and grit pursuant to the County of Sussex bid specifications and contract award.

BE IT FURTHER RESOLVED; that the Municipal Clerk shall provide a copy of this resolution to the Superintendent of DPW, the County Purchasing Agent and all vendors listed above.

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

C. Tax Collector Resolution

1. Resolution #62-16 – Refund Resolution – Farm Assoc c/o Moses Marx – Block 67, Lot 21 – 83-111 Beaver Run Road

RESOLUTION #62-16

WHEREAS, Scott Holzhauser, Tax Assessor for Hardyston Township has deleted the following Block 67 Lot 21 and owned by Farm Assoc C/O Moses Marx for property located at 83-111 Beaver Run Road, and

WHEREAS, the property is now classified as Farmland Assessed for 55.460 acres and as the taxpayer had paid the February 1, 2016 taxes now there is a refund due to them,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Farm Assoc C/O Moses Marx the amount of \$ 3,155.92 for payments made towards Feb/May quarterly payments for 2016.

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

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- D. Resolution #63-16 – NJDEP Treatment Works Application – Consent By Governing Body – Sewage Holding Tank – 253 Ash Trail – Lake Gerard

RESOLUTION #63-16

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

- NJDEP Treatment Works Application – Consent By Governing Body – Lake Gerard Co., LLC – 253 Ash Trail — Septic Holding Tank System

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

- E. Resolution #64-16 – Resolution authorizing the award of non-fair and open contracts for professional services

#64-16

**RESOLUTION AUTHORIZING THE AWARD OF NON-FAIR AND OPEN
CONTRACTS FOR PROFESSIONAL SERVICES**

WHEREAS, Hardyston Township has a need to acquire professional services to be provided under non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Hardyston Township has determined that the anticipated value of each contract will exceed \$17,500.00; and

WHEREAS, each of the following individuals and/or business entities has submitted a proposal indicating a willingness to provide professional services as described below and for the price stated; and

WHEREAS, each individual/business entity named herein has completed and submitted a Business Entity Disclosure Certification which certifies that no reportable contributions have been made to a political or candidate committee in the Township of Hardyston in the previous one year, and that the contract will prohibit the individual/business entity from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer of the Township of Hardyston has certified that funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection.

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

1. The Township of Hardyston is authorized to engage Charles Schaffer Assoc., LLC for architectural services for the Hardyston Township Colson Terrace Firehouse Expansion Project at a rate not to exceed \$30,000.00;

BE IT FURTHER RESOLVED that these appointments are awarded without competitive bidding as “professional services” under the provisions of the Local Public Contracts Law because these services are rendered by members of recognized professions; and

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and the Determination of Value for each of the individual/business entities named herein shall be placed on file with this Resolution; and

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BE IT FURTHER RESOLVED that a copy of this Resolution shall be published in the New Jersey Herald by the Township Clerk as required by law. This Resolution and each referenced contract are on file and available for public inspection in the office of the Hardyston Township Clerk.

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

- F. Resolution #65-16 - Resolution authorizing the submission of the CY2016/SFY 2017 Best Practices Inventory

RESOLUTION #65-16

**RESOLUTION AUTHORIZING THE SUBMISSION OF THE CY2016/SFY 2017
BEST PRACTICES INVENTORY**

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

1. CY 2016/SFY 2017 Best Practices Inventory

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

- G. Resolution #66-16 - Resolution authorizing the sale of certain lands and properties which are no longer needed for public use by the Township

RESOLUTION #66-16

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF
CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC
USE BY THE TOWNSHIP**

WHEREAS, the Township of Hardyston is the owner of certain lands and premises within the Township of Hardyston; and

WHEREAS, the Mayor and Township Council of the Township of Hardyston do hereby determine that the lands and properties set forth in Schedule A are no longer needed for public use; and

WHEREAS, the Township of Hardyston desires to make available for public sale said lands, with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

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

1. The Township of Hardyston hereby declares that the lands and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Township Council of the Township of Hardyston hereby authorizes the Township Manager to offer for sale to the highest bidder by open public sale at auction the property set forth in Schedule A below and made a part hereof.
3. The public sale shall take place at the Hardyston Township Municipal Building, 149 Wheatsworth Road, Hardyston, NJ on November 30, 2016, at 10:00 a.m. or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.

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5. The successful bidder at the time of the sale must present cash or a certified check or money order, payable to the Township of Hardyston, in an amount that equals 10% of the assessor's suggested minimum sales price. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Township no later than sixty (60) days following the acceptance by the Township and the tender of marketable title to the purchaser and submitted to the Township. The purchaser shall be entitled to possession immediately following closing of title.
6. The Township makes no representation as to the title or any other aspects of the land to be sold, including utility, sewer or environmental conditions.
7. At closing of title, purchaser shall also pay to the Township a buyer's premium in the amount of ten (10%) percent of the bid amount.
8. The Township reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder. Such decision will be made by the Township Council at a Public Meeting within 30 days from the date of such sale.
9. In the event the Township of Hardyston is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Township shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims the said purchaser may have against the Township of Hardyston in connection with the quality of title conveyed.
10. All conveyances by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser 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 within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
11. The Township Council of the Township of Hardyston reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Township.
12. In those cases where the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid.
13. A public notice of sale shall be published in the Township's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).
14. In the event the successful bidder fails to close on the property, he/she shall forfeit ten percent (10%) of the purchase price.

The resolution shall take effect immediately.

SCHEDULE A

#	BLOCK	LOT	APPROX ACREAGE	ZONE	LOCATION	TAX ASSESSOR SUGGESTED MINIMUM BID	NOTES
1	15	15.01	0.180	MIDD-5	1 Ash St	\$15,000	
2	33	9.06	0.345	R-3	48 Deer Tr	\$35,000	
3	36	5	0.413	MIDD-10	135 Stockholm-Vernon Rd	\$7,500	
4	49	1	0.344	R-3	96 Lakeside Ave	\$15,000	combined for purpose of sale
	49	3	0.516	R-3	92 Lakeside Ave		
5	63	24.07	5.637	MIDD-5	210 Wheatsworth Rd	\$15,000	
6	63	24.11	2.900	MIDD-5	208 Wheatsworth Rd	\$15,000	
7	63	24.13	2.912	R-C/MIDD-5	204 Wheatsworth Rd	\$25,000	
8	68	6	9.180	MIDD-5	160-178 Beaver Run Rd	\$25,000	
9	75	17.03	0.326	B-1	179 North Church Rd	\$4,000	
10	75	17.05	4.370	B-1/MIDD-5	183 North Church Rd	\$20,000	
11	79	2	0.147	R-3	1 East Shore Tr	\$7,500	combined for purpose of sale
	79	5	0.135	R-3	3 East Shore Tr		
12	79	44	0.275	R-3	38 East Shore Tr	\$25,000	
13	79	90	0.168	R-3	57 West Shore Tr	\$25,000	combined for purpose of sale
	79	91	0.169	R-3	59 West Shore Tr		
14	82	10	0.459	R-3	Beach Plaza Rear	\$2,000	
15	13	6	0.256	R-3	12 Greenhill Road	\$20,000	combined for purpose of sale
	13	7	0.166	R-3	10 Greenhill Road		
16	36	18.02	0.850	MIDD-10	80 Silver Grove Road	\$25,000	
17	38	3.02	1.015	MIDD-10	8 Old Rt 23 E	\$15,000	
18	60	18	0.265	B-1	3013 Rt 23	\$1,500	
19	60	41	0.187	MIDD-3	11 Laceytown Road	\$25,000	
20	83	27.01	0.918	MIDD-10	2875 Rt 23	\$2,500	
21	83	27.02	1.700	MIDD-10/R-3	2871 Rt 23	\$5,000	
22	91	20	0.229	R-3	107 Silver Fox Tr	\$6,000	

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

H. Correspondence

1. Lafayette Township
2. Chester Borough

A motion was made by Kula to approve the correspondence 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 asked if something could be done to show appreciation for the Township Police and Fire Department. It was the consensus of the Council to discuss some ideas at a future meeting. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Miller to adjourn at approximately 7:45 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk