

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL REORGANIZATION MEETING
HELD ON JANUARY 5, 2017**

The meeting was called to order by Mayor Hamilton at 6:00 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:

STATEMENT OF DETERMINATION: Municipal Clerk Jane Bakalarczyk read the statement of determination for Councilman Stanley J. Kula and Councilman Santo Verrilli.

OATH OF OFFICE: Township Attorney Fred Semrau issued the Oath of Office to Councilman Kula and Councilman Verrilli.

2017 APPOINTMENTS - ALL ONE YEAR TERMS UNLESS SPECIFIED OTHERWISE:

MAYOR - A motion was made by Hamilton to appoint Stanley Kula, seconded by Miller. All in favor with Verrilli abstaining. Motion carried.

DEPUTY MAYOR - A motion was made by Hamilton to appoint Carl Miller, seconded by Kula. All in favor. Motion carried.

ATTORNEY - A motion was made by Miller to appoint Fred Semrau, seconded by Verrilli. All in favor. Motion carried.

PROSECUTOR - A motion was made by Miller to appoint Anthony Den Uyl, seconded by Verrilli. All in favor. Motion carried.

PUBLIC DEFENDER - A motion was made by Miller to appoint James Sloan, seconded by Verrilli. All in favor. Motion carried.

AUDITOR - A motion was made by Miller to appoint Charles Ferraioli, seconded by Verrilli. All in favor. Motion carried.

CONTINUING DISCLOSURE AGENT & INDEPENDENT REGISTERED MUNICIPAL ADVISOR – A motion was made by Miller to appoint Phoenix Advisors, LLC, seconded by Verrilli. All in favor. Motion carried.

MUNICIPAL CLERK – A motion was made by Miller to appoint Jane Bakalarczyk to a **three-year term**, seconded by Verrilli. All in favor. Motion carried.

DEPUTY MUNICIPAL CLERK – A motion was made by Miller to appoint Marianne Smith, seconded by Verrilli. All in favor. Motion carried.

REGISTRAR - A motion was made by Miller to appoint Jane Bakalarczyk to a **three-year term**, seconded by Verrilli. All in favor. Motion carried.

DEPUTY REGISTRAR - A motion was made by Miller to appoint Patricia Egan, seconded by Verrilli. All in favor. Motion carried.

ELECTRICAL SUBCODE OFFICIAL – A motion was made by Miller to appoint Robert Schultz to a **four-year term**, seconded by Verrilli. All in favor. Motion carried.

ASSESSMENT SEARCH OFFICER - A motion was made by Miller to appoint Jane Bakalarczyk, seconded by Verrilli. All in favor. Motion carried.

9-1-1 COORDINATOR – A motion was made by Miller to appoint William Hickerson, seconded by Verrilli. All in favor. Motion carried.

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TOWNSHIP PHYSICIAN - A motion was made by Miller to appoint Dennis Fielding, seconded by Verrilli. All in favor. Motion carried.

SWCF COMMISSIONER - A motion was made by Miller to appoint Marianne Smith, seconded by Verrilli. All in favor. Motion carried.

RISK MANAGEMENT CONSULTANT - A motion was made by Miller to appoint the Morville Agency, A Division of Gallagher/Bollinger, Inc., seconded by Verrilli. All in favor. Motion carried.

SENIOR CITIZEN COORDINATOR - A motion was made by Miller to appoint June Eisenecker, seconded by Verrilli. All in favor. Motion carried.

PUBLIC AGENCY COMPLIANCE OFFICER - A motion was made by Miller to appoint Grant Rome, seconded by Verrilli. All in favor. Motion carried.

208 REPRESENTATIVE (PAC) - A motion was made by Miller to appoint Carrine Kaufer, seconded by Verrilli. All in favor. Motion carried.

ALTERNATE 208 REPRESENTATIVE (PAC) –A motion was made by Miller to appoint Robert F. Schultz, seconded by Verrilli. All in favor. Motion carried.

SC SOLID WASTE ADVISORY COMMITTEE (SWAC) – A motion was made by Miller to appoint Robert F. Schultz, seconded by Verrilli. All in favor. Motion carried.

SWCF SAFETY LOSS PREVENTION REPRESENTATIVE - A motion was made by Miller to appoint Jane Bakalarczyk, seconded by Verrilli. All in favor. Motion carried.

OATH OF OFFICE – Fire Department 2017 Officers were sworn in by Mayor Kula.

SERVICE AWARD PRESENTATION:

Mayor Kula and Deputy Mayor Miller presented the following service awards:

1. **Terry Johnson – Economic Development Commission – 7 Years**
2. **Jessica Graves – Dispatch – 10 Years**
3. **William Hickerson – OEM – 10 Years**
4. **Ron Schneider – Water/Sewer Operator – 10 Years**
5. **Robert F. Schultz – Planning Board – 10 Years**
6. **Kathleen Judd – Recreation – 10 Years**
7. **Mike Reffi – Fire Department – 10 Years**
8. **Karl Miller – Fire Department – 20 Years**
9. **Wayne Dunn – Dispatch – 20 Years**

Resolution #01-17 - Resolution authorizing the award of non-fair and open contracts for professional services: Attorney, Engineer, Prosecutor, Auditor, Bond Counsel, Public Defender and Risk Management Consultant

#01-17

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, the anticipated term of each contract is one (1) year; and

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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 Fred Semrau as municipal attorney for the year 2017 at the rate of \$156.00 per hour not to exceed \$100,000.00;
2. The Township of Hardyston is authorized to engage Robert P. Guerin as municipal engineer for the year 2017 at the rate of \$125.00 per hour not to exceed \$200,000.00;
3. The Township of Hardyston is authorized to engage Anthony DenUyl as municipal prosecutor for the year 2017 at the rate of \$17,783.76 not to exceed \$20,000.00;
4. The Township of Hardyston is authorized to engage Charles Ferraioli as municipal auditor for the year 2017 at a rate ranging from \$60.00 to \$170.00 per hour not to exceed \$35,000.00;
5. The Township of Hardyston is authorized to engage Phoenix Advisors, LLC as Continuing Disclosure Agent and Independent Registered Municipal Advisor for the year 2017 at a rate not to exceed \$2,500.00.
6. The Township of Hardyston is authorized to engage James Sloan as public defender for the year 2017 at the rate of \$200.00 per case not to exceed \$20,000.00;
7. The Township of Hardyston is authorized to engage The Morville Agency, a division of Gallagher/Bollinger, Inc., as municipal risk management consultant for the year 2017 at the rate specified in the 2017 Fund Year Statewide Insurance Fund Risk Management Consultant's Agreement;

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

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 within ten (10) days of its passage. 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 Miller to approve the resolution as presented, seconded by Cicerale. All in favor. Motion carried.

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Resolution #02-17 - Tax Assessor and Municipal Attorney resolution for Sussex County Board of Taxation and Tax Court of the State of New Jersey

RESOLUTION #02-17

BE IT RESOLVED by the governing body of the Township of Hardyston that the Municipal Assessor and Municipal Attorney be and they are hereby authorized to defend before the Sussex County Board of Taxation and Tax Court of the State of New Jersey all contested appeals and to initiate municipal appeals to correct the Township of Hardyston tax list including but not limited to rollback complaints, added and omitted assessment complaints and such other appeals as are necessary to correct the assessments for the Township of Hardyston; and

BE IT FURTHER RESOLVED that the Municipal Assessor and Municipal Attorney be and are hereby designated as the agents of the Township of Hardyston for the purpose of signing settlements of the foregoing matters by stipulation, providing that all settlements are approved by the Township Manager.

BE IT FURTHER RESOLVED that governing body authorization shall be required for stipulation resulting in the reduction of annual taxes by \$10,000 or more or for stipulations resulting in a 50% or greater reduction in assessed value.

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

Resolution #03-17 - Resolution authorizing the Tax Collector to cancel of record any overpayment or underpayment of taxes in the amount of \$10.00 or less for the calendar year 2016

**RESOLUTION
#03-17**

BE IT RESOLVED by the Mayor and Council of the Township of Hardyston, County of Sussex and State of New Jersey, to authorize the tax collector to cancel of record any overpayment or underpayment of taxes in the amount of \$10.00 (ten dollars) or less for the calendar year 2016, in accordance with the provisions of N.J.S.A. 54:4-99.

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

Resolution #04-17 - Resolution setting interest rate for non-payment of taxes

**RESOLUTION
#04-17**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, that the rate of interest to be charged for non-payment of taxes on or before the date that they would become delinquent shall be set at the rate of 8% per annum on the first \$1500 of the delinquency, and 18% per annum on any amount in excess of \$1500, and

BE IT FURTHER RESOLVED, that in accordance with the provisions of N.J.S.A. 54:4-67, a six percent (6%) penalty shall be charged to a taxpayer with a delinquency in excess of Ten Thousand and no/100 Dollars (\$10,000) who fails to pay the delinquency prior to the end of the calendar year. Delinquency in this instance means the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or tax years.

BE IT FURTHER RESOLVED, that no interest shall be charged if payment of any installation is made within ten days after the date which same became payable.

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BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

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

Resolution #05-17 designating official depositories:

RESOLUTION #05-17

WHEREAS, Title 40A:5-14 requires that the governing bodies shall designate official depositories for its monies and:

WHEREAS, the Township Council of the Township of Hardyston wishes to designate the following banks for said purposes:

NOW THEREFORE BE IT RESOLVED by the Township Council that the following depositories be designated as official depositories for the Township of Hardyston:

Sussex Bank
Wells Fargo Bank
Lakeland Bank
NJ Cash Management Fund
Valley National Bank
TD Bank

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

OFFICIAL NEWSPAPERS - A motion was made by Cicerale to appoint the New Jersey Herald and New Jersey Sunday Herald as Official Newspapers of the Township of Hardyston and the Star Ledger, and Advertiser News as Alternates, seconded by Hamilton. All in favor with Verrilli voting "No". Motion carried.

OFFICIAL HOLIDAYS - A motion was made by Hamilton to approve the following holidays:

New Year's Day	Independence Day	Day After Thanksgiving
Martin Luther King Day	Labor Day	Christmas Eve Day
Presidents' Day	Columbus Day	Christmas Day
Good Friday	Veterans' Day	
Memorial Day	Thanksgiving Day	

seconded by Miller. All in favor. Motion carried.

2017 HARDYSTON TOWNSHIP COUNCIL MEETING DATES:

REGULAR MEETINGS

January 11, 2017
January 25, 2017
February 8, 2017
February 22, 2017
March 8, 2017
March 22, 2017
April 12, 2017
April 26, 2017
May 10, 2017

WORKSHOP MEETINGS

January 11, 2017
February 8, 2017
March 8, 2017
April 12, 2017
May 10, 2017

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May 24, 2017	
June 14, 2017	June 14, 2017
June 28, 2017	
July 12, 2017	July 12, 2017
July 26, 2017	
August 9, 2017	August 9, 2017
August 23, 2017	
September 13, 2017	September 13, 2017
September 27, 2017	
October 11, 2017	October 11, 2017
October 25, 2017	
November 8, 2017	November 8, 2017
November 27, 2017	
December 13, 2017	December 13, 2017
December 27, 2017	

REORGANIZATION MEETING – THURSDAY, JANUARY 4, 2018 – 6:00 PM

A motion was made by Verrilli to approve the above Hardyston Township Council meeting dates, seconded by Hamilton. All in favor. Motion carried.

PLANNING BOARD - The following appointments were made:

MAYOR - CLASS I - A motion was made by Verrilli to appoint Carl Miller, seconded by Cicerale. All in favor. Motion carried.

CLASS II - A motion was made by Verrilli to appoint Robert F. Schultz, seconded by Cicerale. All in favor. Motion carried.

CLASS III - A motion was made by Verrilli to appoint Leslie Hamilton, seconded by Cicerale. All in favor. Motion carried.

CLASS IV – A motion was made by Verrilli to appoint Robert Neubig to a **four-year term**, seconded by Cicerale. All in favor. Motion carried.

ZONING BOARD - The following appointments were made:

FULL MEMBER - A motion was made by Verrilli to appoint James Homa to a **four-year term**, seconded by Cicerale. All in favor. Motion carried.

ALTERNATE 2 - A motion was made by Verrilli to appoint Robert T. Cook to a **two-year term**, seconded by Cicerale. All in favor. Motion carried.

RECREATION COMMITTEE: A motion was made by Verrilli to appoint:

Robert Califano
Stanley J. Kula
MaryAnn Murphy
Jodi Mix
Kathleen Judd
David Van Ginneken
Michael Restel
Mary Purcell
Heidi Coscia

seconded by Cicerale. All in favor. Motion carried.

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ECONOMIC DEVELOPMENT COMMISSION: A motion was made by Verrilli to appoint:

Carl Miller
Stanley Kula
Bill Repasy
Gil Roessner

seconded by Cicerale. All in favor. Motion carried.

MUNICIPAL DRUG ALLIANCE COMMITTEE: A motion was made by Verrilli to appoint:

Robert Zicarelli
Elaine Tizzano
Jill Helmstetter
Becky Westra
Kristen Tamke
April Oleksy

seconded by Cicerale. All in favor. Motion carried.

EMERGENCY MANAGEMENT COUNCIL - A motion was made by Verrilli to make the following appointments:

Council	Carl Miller
Council	Leslie Hamilton
Council	Santo Verrilli
Council	Frank Cicerale
Council	Stan Kula
Manager	Marianne Smith
Police Chief	Bret Alemy
Police Liaison	Scott Lobban
Construction Official	Joe Butto
DPW	Bob F. Schultz
DPW	Jeff VanAcker
Fire Chief	John Giannone
Asst. Fire Chief Co. 2	Tony Ceglia
Deputy Coordinator	Ray Marion
Fire Dept. Liaison	Frank Lacatena
Chaplain/Mental Health	Robert Meeker
School Nurse	Elizabeth Burdzy

seconded by Cicerale. All in favor. Motion carried.

Resolution #06-17 - 2017 TEMPORARY MUNICIPAL BUDGET

**RESOLUTION #06-17
TOWNSHIP OF HARDYSTON 2017 TEMPORARY BUDGET**

WHEREAS, 40A:4-19 Local Budget Act provides that (where any contracts, commitments or payments are to be made prior to the final adoption of the 2017 budget) temporary appropriations be made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of 2017; and

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WHEREAS, the total appropriations in the 2016 budget, less appropriations made for capital improvement fund, debt service and relief of the poor (public assistance) are as follows:

General 9,323,528

WHEREAS, 26.25 percent of the total appropriations in the 2016 budget less appropriations for capital improvement fund, debt service and relief of the poor (public assistance) in said 2016 budget is as follows:

General 2,447,889

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston, County of Sussex that the above temporary appropriations are made and that a certified copy of this resolution is transmitted to the Chief Financial Officer for his records.

A motion was made by Miller to approve the 2017 Temporary Municipal Budget, seconded by Hamilton. All in favor. Motion carried.

Resolution #07-17 – Resolution appointing Risk Management Consultant

**RESOLUTION #07-17
RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT**

WHEREAS, Hardyston Township (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Sussex and State of New Jersey, as follows:

1. Hardyston Township hereby appoints George Morville, ASVP of Arthur J Gallagher Risk Management Services Inc. its local Risk Management Consultant.
2. The Administrator (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2017 in the form attached hereto.

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

Resolution #08-17 – Resolution to Join (Renew) the Fund (Statewide Insurance Fund)

**STATEWIDE INSURANCE FUND
RESOLUTION #08-17
RESOLUTION TO JOIN (RENEW) THE FUND**

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

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WHEREAS, Hardyston Township ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2017** terminating on **January 1, 2020** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked "Yes":

	<u>YES</u>	<u>NO</u>
Workers' Compensation & Employer's Liability Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General, Liability, Auto Liability, Auto Physical Damages, Pollution Liability and Professional Liability	<input checked="" type="checkbox"/>	<input type="checkbox"/>

BE IT FURTHER RESOLVED that Marianne Smith, Administrator is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

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

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Resolution #09-17 – Resolution appointing Statewide Insurance Fund Commissioner

**STATEWIDE INSURANCE FUND
RESOLUTION #09-17
RESOLUTION APPOINTING FUND COMMISSIONER**

WHEREAS, Hardyston Township (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Hardyston, that Marianne Smith is hereby appointed as the Fund Commissioner for the Local Unit for the year 2017; and

BE IT FURTHER RESOLVED that N/A is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2017; and

BE IT FURTHER RESOLVED that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

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

PUBLIC PARTICIPATION - The Council opened the meeting to the public. No public comment. The Council closed the meeting to the public.

ADJOURN - A motion was made by Hamilton at approximately 6:45 p.m. to adjourn, seconded by Cicerale. All in favor. Motion carried.

Attest _____
Jane Bakalarczyk, Municipal Clerk