

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING HELD ON NOVEMBER 27, 2017

The meeting was called to order by Mayor Kula via phone conference at approximately 11:30 a.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 Miller, Councilwoman Hamilton, Councilman Cicerale, Councilman Verrilli, Manager Marianne Smith and Clerk Jane Bakalarczyk

SALUTE THE FLAG

NEW BUSINESS:

- A. Resolution #64-17 – Appointment – Alternate Municipal Court Judge

RESOLUTION 64-17

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING THE APPOINTMENT OF PARIS ELIADES, ESQ. AS ALTERNATE MUNICIPAL COURT JUDGE TO THE HARDYSTON TOWNSHIP MUNICIPAL COURT FROM NOVEMBER 28, 2017 THROUGH DECEMBER 31, 2017

WHEREAS, the current Township of Hardyston Municipal Court Judge, the Honorable John E. Mulhern, who has been providing service as the long-time Municipal Court Judge for the Municipal Court of the Township of Hardyston, has advised that he is unable to attend the upcoming court sessions for the end of November 2017 and in December 2017 prior to completion of his term on December 31, 2017; and

WHEREAS, the Township desires to appoint Paris Eliades, Esq. as the Alternate Municipal Court Judge from November 28, 2017 through December 31, 2017 in order to effectuate an efficient transition and to support the completion of the term of the current Municipal Court Judge;

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. Paris Eliades, Esq. is hereby appointed as Alternate Municipal Court Judge from November 28, 2017 through December 31, 2017; and
2. All other terms of the current Municipal Court Judge assignment shall continue as previously approved through December 31, 2017.

This Resolution shall take effect immediately upon adoption.

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

- A. Resolution #65-17 – Resolution Authorizing Calling Upon Certain Performance Security Associated With SMS Hardyston, LLC and Phase 7A of the Ridgefield Commons Project

RESOLUTION 65-17

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING ANY AND ALL NECESSARY ACTION TO DRAW UPON THE PERFORMANCE GUARANTEE IN THE FORM OF IRREVOCABLE STANDBY LETTER OF CREDIT #141 RELATING TO RIDGEFIELD COMMONS, PHASE 7A AS A RESULT OF A DEFAULT BY THE DEVELOPER, SMS HARDYSTON, LLC

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WHEREAS, the Planning Board of the Township of Hardyston approved of a subdivision and site plan with respect to the Development known as Ridgefield Commons, Phase 7A ("the Development"), which approval was obtained by SMS Hardyston, LLC; and

WHEREAS, as a condition of approval received from the Township the Developer was required to post a performance security bond to ensure that the construction of the Development would be completed in accordance with Township approvals; and

WHEREAS, the Developer provided Irrevocable Standby Letter of Credit #141 ("LOC") from Two River Community Bank in the fulfillment of its obligation to provide performance security; and

WHEREAS, the Township received notification from Two River Community Bank dated September 15, 2017, that the LOC would expire on December 31, 2017; and

WHEREAS, the Developer will not be providing replacement security to take the place of the LOC prior to its expiration; and

WHEREAS, the Developer's obligations with respect to the Development remain incomplete; and

WHEREAS, the Township desires to call the LOC in the amount of \$209,746.80 and, if necessary, undertake the work required to complete the Developer's uncompleted obligations with respect to the Development; and

WHEREAS, completing the public improvements is necessary to ensure the health, safety and welfare of the residents of Ridgefield Commons; and

WHEREAS, the Township desires to call upon the LOC in order to address the costs of the public improvements;

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. That the Township Engineer is hereby authorized and directed to develop a complete scope of activities that must be completed in order to properly address the Developer's uncompleted obligations with respect to the Development; and

2. That the Township Council is hereby authorized and directed to call the LOC in the amount of \$209,746.80 prior to its expiration.

This Resolution shall take effect immediately upon adoption.

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

B. Resolution #69-17 – Salary Amendment Resolution

RESOLUTION #69-17

2017 SALARY & WAGES FOR TOWNSHIP OFFICIALS AND EMPLOYEES

BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages effective November 28, 2017 shall be paid as follows:

<u>Position</u>	<u>Annual Salary</u>
Municipal Court Magistrate	\$33,272.00

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

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BILLS TO BE PAID: A motion was made by Verrilli to approve the bill list as presented, seconded by Hamilton. 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.

ADJOURNMENT: A motion was made by Miller to adjourn at approximately 11:40 a.m., seconded by Cicerale. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk