

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON DECEMBER 13, 2017**

The meeting was called to order by Mayor Kula 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 Miller, Councilwoman Hamilton, Councilman Verrilli, Councilman Cicerale, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau and Leslie Phiefer 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 – October 2017
2. Municipal Clerk Report – November 2017
3. Tax Collector Report – October 2017
4. Tax Collector Report – November 2017
5. Construction Certificate Activity Report – October 2017
6. Construction Certificate Activity Report – November 2017
7. Construction Permit Activity Report – Hardyston – October 2017
8. Construction Permit Activity Report – Hamburg – October 2017
9. Construction Permit Activity Report – Franklin – October 2017
10. Construction Permit Activity Report – Newton – October 2017
11. Construction Permit Activity Report – Sussex – October 2017
12. Construction Permit Activity Report – Wantage – October 2017
13. Construction Permit Activity Report – Hardyston – November 2017
14. Construction Permit Activity Report – Hamburg – November 2017
15. Construction Permit Activity Report – Franklin – November 2017
16. Construction Permit Activity Report – Newton – November 2017
17. Construction Permit Activity Report – Sussex – November 2017
18. Construction Permit Activity Report – Wantage – November 2017
19. Sussex County Health Department Report – October 2017
20. Municipal Court Report – October 2017
21. Police Department Report – October 2017
22. Land Use Report – October 2017
23. Land Use Report – November 2017
24. Police Department Report – November 2017
25. Littell Community Center Report – October 2017
26. Littell Community Center Report – November 2017
27. Municipal Court Report – November 2017

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

1. Raffle License – Wallkill Valley Booster Club (2)
2. Raffle License – St. Jude the Apostle Church

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

At this time, the Council had an informal interview with Douglas Grayson. Mr. Grayson submitted a Citizen Leadership Form to the Township expressing interest in joining either the Zoning Board or the Recreation Committee. Council stated that they will consider his application and a decision will be made at the January reorganization meeting.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
DECEMBER 13, 2017**

**ORDINANCES**

**1st READING:**

None

**ORDINANCES**

**2nd READING:**

**2017 - 10**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY  
OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE  
ACQUISITION OF REAL PROPERTY FOR THE PURPOSE  
OF ACQUIRING UNITS AS PART OF THE TOWNSHIP'S  
AFFORDABLE HOUSING PROGRAM**

**WHEREAS**, the Township desires to acquire single-family properties to be resold as affordable housing units pursuant to the Township's Housing Element and Fair Share Plan and the New Jersey Council on affordable Housing's Substantive Rules (N.J.A.C. 5:97); and

**WHEREAS**, the property designated as Lot 51.12 in Block 67 ("the property") on the Hardyston Township Tax Map, and known as 3 Meadow Lane was purchased as an affordable housing unit in 2015, and

**WHEREAS**, the owner of the property notified the Township of their intent to resell the unit pursuant to the restrictions in the recorded deed; and

**WHEREAS**, the unit has been actively marketed by the Township for more than 90 days and a qualified purchaser has not been contracted to purchase the unit; and

**WHEREAS**, the owner has been granted a hardship waiver to sell the unit has a market rate unit and or sell the unit back to the Township for the purposes of affordable housing; and

**WHEREAS**, the Township Council has determined that it should acquire the said property in order for the unit to remain an affordable unit for the purpose of addressing the Township's Affordable Housing obligation; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for these acquisitions.

**NOW, THEREFORE, BE IT ORDAINED**, by the Hardyston Township Council as follows:

**SECTION 1.** The Township shall acquire the real property designated as Lot 51.12 in Block 67, 3 Meadow Lane by purchasing same from the record owners in consideration of \$100,180.00 and the Clerk, Manager, Mayor, Housing Liaison and Township Attorney are authorized and directed to take all steps necessary to execute all documents required for these purchases.

**SECTION 2.** All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 4.** This Ordinance may be renumbered for purposes of codification.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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 Hamilton to approve Ordinance 2017-10 on second reading, seconded by Miller. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
DECEMBER 13, 2017**

**NEW BUSINESS:**

A. Tax Collector Resolutions

1. Resolution #66-17 – Refund to various homeowners for overpayment of taxes

**RESOLUTION # 66-17**

**WHEREAS**, the following properties have been paid twice in error by the homeowners and the Mortgage and or Title Company which has created over payments on the November 1, 2017 tax quarters.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund the homeowners for the overpayment of taxes.

<b>NAME</b>	<b>BLOCK/LOT</b>	<b>ADDRESS</b>	<b>AMOUNT</b>
Linda Schmidt	67.11 / 22	23 Spruce Run	\$ 1,154.45
Stern & Eisenberg	67.09 / 1.25	74 Indian Field Drive	\$ 1,521.52
Blue Apple Real Estate	67 / 25.06	90 Bunn Road	\$ 2,824.64
Eileen Dalton	67.16 / 8	16 Druid Lane	\$ 1,240.51

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

2. Resolution #67-17 – Veteran deduction refund – Block 16.05, Lot 15 – 21 Cypress Lane – Jason Lowenfeld

**RESOLUTION # 67-17**

**WHEREAS**, Block 16.05 Lot 15 also known as 21 Cypress Lane, Hardyston and owned by Jason Lowenfeld as of 2001, and

**WHEREAS**, in tax year 2013 a deed correction was made to correct the spelling of Mr. Lowenfeld's name and at that time the Veteran Deduction was removed from the account in error.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Hardyston that Mr. Lowenfeld is entitled to a refund of \$ 1,000.00 for tax years 2014, 2015, 2016 and 2017 when the Veteran Deduction was omitted in error.

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

3. Resolution #68-17 – Refund – Overpayment of taxes – Block 31, Lot 1.03 – 36 Deer Trail – Deer Trail Lake Country Club

**RESOLUTION # 68-17**

**WHEREAS**, Block 31 Lot 1.03, 36 Deer Trail Stockholm, and owned by Deer Trail Lake Country Club, and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
DECEMBER 13, 2017**

**WHEREAS**, for 2017 Scott Holzauer has lowered the Assessment value for this property due to a pre-appeal review which has lowered the assessment value from 72,700 to 13,400 and now are entitled to a refund for overpayment of taxes,

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund to the Deer Trail Lake Country Club the amount of \$ 601.45 for overpayment of taxes.

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

4. Resolution #70-17 – Veteran deduction refund – Block 71, Lot 9.06 – 2 Wilkey Way – Richard R. Clawson

**RESOLUTION # 70-17**

**WHEREAS**, Block 71 Lot 9.06 also known as 2 Wilkey Way and owned by Richard R Clawson, and

**WHEREAS**, Mr. Clawson was approved for a Veteran Deduction for the tax year 2017 and

**WHEREAS**, the 2017 taxes had been paid in full,

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Mr. Clawson the amount of his Veteran Deduction \$ 250.00.

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

5. Resolution #71-17 – Discharge of Tax Sale Certificate #79-11

**RESOLUTION # 71-17**

**WHEREAS**, a request for a lien redemption on a Township Held Lien # 79-11 in the amount of \$ 1,644.90 dated October 2, 1979 for property located at Route 94, Hardyston Block 64 Lot 4B, (now known as Block 64 Lot 5) and

**WHEREAS**, this parcel has been sold and the certificate needs to be cancelled from record. The Tax Collector has researched the archives and is unable to locate any paper work or the original tax sale certificate to determine the discharge, and

**WHEREAS**, the Tax Collector needs to prepare a Discharge of Certificate of Sale for Unpaid Municipal Liens to be filed with the Sussex County Clerk's Office to discharge Tax Title Lien # 79-11.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to prepare and file the proper discharge for Tax Sale Certificate # 79-11 in the amount of \$ 1,644.90.

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
DECEMBER 13, 2017**

B. Resolution #72-17 - Resolution authorizing disposal of surplus property

**Resolution #72-17**

**Authorizing Disposal of Surplus Property**

---

WHEREAS, the Hardyston Township is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Hardyston Township Council is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE, be it RESOLVED by the Hardyston Township Council, as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from Hardyston Township.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is as follows:

2014 Ford Explorer Vin# 1FM5K8AR2EGB54781

2007 Dodge Durango Vin# 1D8HB38P97F584150

International 4900 Vin# 1HTSHAAR1YH238038

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) Hardyston Township reserves the right to accept or reject any bid submitted.

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
DECEMBER 13, 2017**

C. Resolution #73-17 – Resolution Appointing Statewide Insurance Fund  
Commissioner

**STATEWIDE INSURANCE FUND  
RESOLUTION #73-17  
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 2018; and

**BE IT FURTHER RESOLVED** that N/A is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2018; 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 Miller. All in favor. Motion carried.

D. Resolution #74-17 – Resolution Appointing Risk Management Consultant

**RESOLUTION #74-17  
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 2018 in the form attached hereto.

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
DECEMBER 13, 2017**

E. Resolution #75-17 – Tax Collector Resolution - Overpayment Refund – Block 67,  
Lot 51.12 – 3 Meadow Lane – Mary Jones

**RESOLUTION #75-17**

**WHEREAS**, Block 67 Lot 51.12 for 3 Meadow Lane and owned by Mary Jones, and

**WHEREAS**, Ms. Jones made a payment in November of 2015 without the property being billed yet as it was owned by the Township of Hardyston,

**NOW THEREFORE BE IT RESOLVED** that the Tax Collector be authorized to refund Ms. Jones the amount of \$ 242.17 for an overpayment of taxes for 2015.

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

F. Resolution #76-17 – 2017 Budget Transfer Resolution

<b>Township of Hardyston</b>			
<b>Resolution #76-17</b>			
Now, Therefore be it resolved by the Township Council of the Township of Hardyston, State of New Jersey, That the following 2017 Budget Appropriation Payable transfers be authorized:			
<b>From:</b>	<b>Amount</b>	<b>To</b>	<b>Amount</b>
Planning S&W	\$ 34,500.00	Administration S&W	\$ 34,500.00
Insurance Other Ins. Premiums	\$ 7,207.00	Administration S&W	\$ 7,207.00
Waiver Health Insurance	\$ 800.00	Administration S&W	\$ 800.00
Police Uniforms OE	\$ 3,000.00	Administration OE	\$ 3,000.00
Municipal Court	\$ 3,500.00	Tax Assessment S&W	\$ 3,500.00
Disability Insurance	\$ 2,765.00	Tax Assessment S&W	\$ 2,765.00
Waiver Health Insurance	\$ 1,000.00	Tax Assessment S&W	\$ 1,000.00
Utility & Bulk Expenses Diesel	\$ 2,000.00	Tax Assessment OE	\$ 2,000.00
Police S&W	\$ 5,000.00	Communications S&W	\$ 5,000.00
Waiver Health Insurance	\$ 1,525.00	Finance S&W	\$ 1,525.00
Planning OE	\$ 8,250.00	Streets & Roads S&W	\$ 8,250.00
Police S&W	\$ 10,000.00	Streets & Roads S&W	\$ 10,000.00
Public Health Service OE HEP B	\$ 500.00	Streets & Roads S&W	\$ 500.00
Police S&W	\$ 7,000.00	Social Security	\$ 7,000.00
Waiver Health Insurance	\$ 8,500.00	Legal OE	\$ 8,500.00
Senior Bus Service	\$ 8,500.00	Legal OE	\$ 8,500.00
Utility & Bulk Expenses Gasoline	\$ 13,500.00	Construction OE	\$ 13,500.00
Utility & Bulk Expenses Diesel	\$ 13,500.00	Computer Maintenance	\$ 13,500.00
Utility & Bulk Expenses Gasoline	\$ 19,000.00	Public Employment Retirement System	\$ 19,000.00
Engineering OE	\$ 5,000.00	Buildings & Grounds OE	\$ 5,000.00
Engineering OE	\$ 80.00	Engineering Retainer	\$ 80.00
Zoning Board OE	\$ 2,000.00	Municipal Court OE	\$ 2,000.00
Solid Waste Collection OE	\$ 7,200.00	Streets & Roads OE	\$ 7,200.00
Totals	\$ 164,327.00		\$ 164,327.00

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
DECEMBER 13, 2017**

G. Correspondence

1. Mount Olive Township
2. Green Township
3. West Milford Township
4. Township of Blaiirstown
5. State of NJ
6. State of NJ
7. State of NJ
8. State of NJ
9. State of NJ
10. M. Richard Valenti, Esq.
11. Roux Associates, Inc.
12. EnviroTrac
13. Wantage Township
14. PK Environmental
15. Lan Associates

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

**BILLS TO BE PAID:** A motion was made by Hamilton 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. Mr. Bohdan Senyszyn stated that he wanted to follow up with the Council on the Brecia Farms matter to see if Mr. Hook has complied with all of the conditions of the resolution to extend the Brecia Farms developer's agreement. Township Attorney stated that he believed Mr. Hook was in compliance, but would reach out to the Township Engineer again to confirm. Mr. Hook was also present and stated that he would do whatever was necessary to be in compliance. 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 13th day of December, 2017, 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. (Beaver Run Shopping Center)



**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
DECEMBER 13, 2017**

( ) 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: Verrilli  
Seconded by: Cicerale

<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 Hamilton to come out of Executive Session, seconded by Miller. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Cicerale to adjourn at approximately 9:00 p.m., seconded by Miller. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk