

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 17, 2012**

The meeting was called to order by Mayor Miller 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 Hamilton, Councilman Ross, Councilman Cicerale, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Jane Coviello of Dorsey & Semrau. Councilman Kula was absent from this meeting.

**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 – June 2012
2. Tax Collector Report – June 2012
3. Construction Certificate Activity Report – June 2012
4. Construction Permit Activity Report – Hardyston – June 2012
5. Construction Permit Activity Report – Hamburg – June 2012
6. Construction Permit Activity Report – Franklin – June 2012
7. Construction Permit Activity Report – Newton – June 2012
8. Construction Permit Activity Report – Sussex – June 2012
9. Sussex County Health Department Report – June 2012
10. Municipal Court Report – June 2012
11. Police Department Report – June 2012

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

**ORDINANCES:**

**1st READING:** None

**ORDINANCES:**

**2<sup>nd</sup> READING:** None

**NEW BUSINESS:**

- A. Resolution #37-12 – Resolution accepting a performance bond in the amount of \$55,512.00 and a cash bond in the amount of \$6,168.00 from Shotland Bauer, LLC for site improvements relating to Cloverdale West – Phase 1C (Shotmeyer Section)

**WHEREAS**, the Hardyston Township Planning Board granted preliminary and final subdivision approval to Shotland Bauer, LLC for the Shotmeyer Tract Subdivision of which Cloverdale West – Phase 1C is a part of; and

**WHEREAS**, as a condition of said approval, Shotland Bauer, LLC was required to post a performance guarantee with the Township of Hardyston for site improvements associated with any phase which are not complete at the time of filing the final subdivision plat for that phase; and

**WHEREAS**, the Township Engineer has determined that a performance bond in the amount of \$61,680.00 should be posted for site improvements in this phase which are not yet complete; and

**WHEREAS**, Shotland Bauer, LLC has submitted to the Municipal Clerk a performance bond in the amount of \$55,512.00, and a cash bond in the amount of \$6,168.00; and

## MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 17, 2012

**WHEREAS**, the performance bond has been reviewed and approved as to form by the Township Planning Board Attorney and Township Engineer.

**NOW THEREFORE BE IT RESOLVED** by the Township Council of the Township of Hardyston that it hereby accepts the above stated bonds from Shotland Bauer, LLC for site improvements relating to Cloverdale West – Phase 1C, as performance securities required by the Hardyston Township Planning Board.

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

- B. 2012 Soil Removal License Renewal – Block 14, Lots 22.01, 24.01, 24.02 & 24.04 – Crystal Springs North

Township Manager stated that the applicant does not intend to remove soil during 2012, but in order to insure that the permit does not lapse, has filed for a minor soil removal license for the current year. Upon the recommendation of the Township Engineer, a motion was made by Hamilton to approve the renewal, but that no work can commence until the restoration bond required based on conditions of the permit has been posted with the municipality, seconded by Ross. All in favor. Motion carried.

- C. Correspondence

1. Township of West Milford
2. Borough of Franklin
3. Borough of Franklin
4. County of Sussex
5. County of Sussex
6. State of NJ
7. State of NJ
8. State of NJ
9. State of NJ
10. State of NJ
11. State of NJ
12. State of NJ
13. State of NJ
14. Nicholson & Askin, LLC

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

### MANAGERS REPORT:

- **Route 515 Facility/Communications Upgrade:** Township Manager and William Hickerson, OEM Coordinator updated the Council on the status of the project. Township Manager stated that work on the former municipal building site is nearing completion. She stated that interior work is progressing on the small sub-station portion of the building, which will include a small office and bathroom facility. She stated that electricity has been restored to the building and Royal Communications has been able to finish the remaining work required to complete the communications upgrades the Township had contracted for them to do. She stated that the radio project has dramatically improved communication opportunities for police, fire and first aid; however, it is recommended that a few more tests be conducted to make sure that the system is running at its top performance level.
- **Affordable Housing:** Township Manager stated that the Township has successfully closed on 5 units over the past several weeks for inclusion in their “Write-Down, Buy-Down Program”. She stated that the Township has successfully spent all monies that would have been subject to seizure by the State, if they were not spent within the prescribed 4 year time period from which they were collected.

## MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 17, 2012

- **Estimated Tax Bills:** Township Manager stated that estimated tax bills were timely mailed and third quarter taxes are to be paid utilizing the estimated tax bill and are due on August 1, 2012.
- **Final Tax Rate:** Township Manager stated that the Township has received its final tax rate for 2012. She stated that final bills will be sent to property owners later in the summer; however, the estimated bills will be utilized for third quarter payments.
- **Solar Renewable Energy Credits:** Township Manager stated that the Township has been advised that it would be wise to sell our accumulated 2012 energy year SREC's as soon as possible. She stated that legislation that would provide more stability in the SREC market has passed both the Senate and the Assembly and is awaiting the Governor's signature. She stated that it is expected that SREC's produced in the 2013 energy year, which began on June 1, 2012, will fetch a higher price than those generated in 2012. She stated that in an effort to secure the highest price for the 2012 set of SREC's, they will be sold sometime this week. The balance of the SREC's generated between June 1, 2012 through October 31, 2012 will be sold in the late fall of 2012, prior to the year's end.
- **Verizon vs. Hopewell:** Township Manager stated that this case has created a situation whereby if a utility services less than 51% of a municipality, they do not have to pay a tax associated with utilities based on an assessed value. There are less than 100 municipalities who have this scenario in their community. Hardyston does fall into this category with Verizon. She stated that having anticipated the potential impact of this case, our assessor had already reduced their assessment relating to Verizon to \$100, so the case will not have any impact on Hardyston's financial condition. The changes were made already in a prior year and are already incorporated into our overall municipal assessed value. The League of Municipalities has offered to appeal the decision on behalf of the affected communities, if there is 100% participation by the affected communities with a monetary contribution of \$220. She stated that the Township has advised the League that Hardyston would participate. Should the legal action be successful, the Township could restore the assessment at that time, increasing its ratable base.
- **Construction Contracts:** Township Manager stated that in view of proposed staffing changes within the joint construction office, all shared service contracts relative to construction are being reviewed and analyzed. Further discussion on this topic is recommended in executive session for the purposes of contract negotiations.
- **Tax Sale:** Township Manager stated that while the tax sale is still several months away, there are several properties whose 2011 taxes remain delinquent. She stated that based on our revenue projection within the budget for 2012, should the Township either receive the taxes owed or sell all of the liens listed, approximately \$150,000 of the revenue generated from these delinquencies will help to replenish surplus.
- **Hardyston Day:** Township Manager stated that a lot of work is going into creating a special Hardyston Day for the Township's 250<sup>th</sup> anniversary. She stated that presently the day is scheduled to be rain or shine; however, the Township is considering what the cost would be to include a Sunday rain date, in view of the variety of activities, including live music and fireworks.

**BILLS TO BE PAID:** A motion was made by Ross to approve the bill list subject to withholding \$20,000 from Royal Communications until the project has been satisfactorily completed and inspected by the Township, 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.

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**EXECUTIVE SESSION:**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston on the 17th day of July, 2012, 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.
  - ( ) 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: Ross  
 Seconded by: Hamilton

<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Ross	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Kula	<u>      </u>	<u>      </u>	<u>      </u>	<u>  x  </u>
Hamilton	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Miller	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Cicerale	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>

Motion carried.

A motion was made by Ross to come out of Executive Session, seconded by Hamilton. All in favor. Motion carried.

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

Jane Bakalarczyk, RMC/CMC  
 Municipal Clerk