

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON SEPTEMBER 9, 2015**

The meeting was called to order by Mayor Miller at approximately 8:15 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 Cicerale, Councilman Verrilli, Councilman Kula, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau and Tracy Schnurr of Dorsey & Semrau. Councilwoman Hamilton 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 – July 2015
2. Tax Collector Report – July 2015
3. Construction Certificate Activity Report – July 2015
4. Construction Permit Activity Report – Hardyston – July 2015
5. Construction Permit Activity Report – Hamburg – July 2015
6. Construction Permit Activity Report – Franklin – July 2015
7. Construction Permit Activity Report – Newton – July 2015
8. Construction Permit Activity Report – Sussex – July 2015
9. Construction Permit Activity Report – Wantage – July 2015
10. Land Use Report – July/August 2015
11. Police Department Report – July 2015
12. Municipal Court Report – July 2015
13. SCHED Report – May 2015
14. SCHED Report – June 2015
15. Shelter/Pound Annual Report – CY 2014
16. Littell Community Center Report – July 2015

### **Minutes:**

1. Workshop Minutes of 5/27/15
2. Regular Minutes of 5/27/15
3. Executive Minutes of 5/27/15
4. Workshop Minutes of 6/10/15
5. Regular Minutes of 6/10/15
6. Executive Minutes of 6/10/15
7. Regular Minutes of 7/8/15
8. Executive Minutes of 7/8/15
9. Regular Minutes of 7/22/15
10. Workshop Minutes of 8/12/15
11. Regular Minutes of 8/12/15
12. Executive Minutes of 8/12/15

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

1. Raffle License – St. Jude the Apostle Church
2. Raffle License – St. Monica's R.C. Church
3. Raffle License – Department for Persons with Disabilities
4. Raffle License – The Land Conservancy of NJ
5. Raffle License – Ellie Reynolds ALS Foundation

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

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**ORDINANCES**

**1<sup>st</sup> READING:**

**2015-15**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON,  
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO  
ACQUIRE BLOCK 63, LOT 27.06 FROM CJS INVESTMENTS**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 *et seq.*, provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1 *et seq.*; and

**WHEREAS**, CJS Investments agreed to convey Block 63, Lot 27.06, consisting of approximately 0.98 acres of land, located in the Township in consideration of the payment of \$90,000.00; and

**WHEREAS**, the Mayor and Council have determined that it is in the interest of the Township to acquire the said property for future public use; and

**WHEREAS**, funds are available for this purpose.

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

**SECTION 1.** The Township of Hardyston hereby authorizes the acquisition of Block 63, Lot 27.06 for the total sum of \$90,000.00.

**SECTION 2.** The said land to be conveyed to the Township of Hardyston is shown on Schedule A which is attached hereto and made a part hereof.

**SECTION 3.** The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

**SECTION 4.** No debt is to be authorized by the enactment and passage of this ordinance.

**SECTION 5.** 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 6.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

**SECTION 7.** This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

A motion was made by Kula to approve Ordinance 2015-15 on first reading, seconded by Miller. All in favor. Motion carried.

**ORDINANCES**

**2<sup>nd</sup> READING:**

**None**

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**NEW BUSINESS:**

A. Tax Collector Resolutions

1. Resolution #56-15 – Overpayment Refund – Indian Fields Homeowners Association

**RESOLUTION # 56-15**

**WHEREAS**, Block 67.07 Lot 1.74 also known as 4 Wind Meadow Trail, and owned by Karen Killingback, and

**WHEREAS**, Indian Field Homeowners Association has paid the Feb and May quarters as well as the mortgage company Corelogic, and

**WHEREAS**, a refund is due to the Indian Field Homeowners Association for paying the taxes in error as the mortgage company has priority in payments,

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Indian Fields Homeowners Association the amount of \$ 2,422.16 for an erroneous payment made.

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

B. Resolution #57-15 – Chapter 159 - Hazard Mitigation Grant

**RESOLUTION #57-15**

**STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY HAZARD MITIGATION GRANT PROGRAM ENERGY ALLOCATION INITIATIVE**

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION I.

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2015, in the sum of \$112,122.00, which is, now available as a revenue from State of New Jersey Department of Law and Public Safety Hazard Mitigation Grant pursuant to the provision of Statute, and

SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$112,122.00 and the name is hereby appropriated under the caption State of New Jersey Department of Law and Public Safety Hazard Mitigation Grant, Other Expenses \$112,122.00.

SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of State of New Jersey Department of Law and Public Safety Hazard Mitigation Grant and /or/ has been anticipated as a revenue from the State of New Jersey Department of Law and Public Safety Hazard Mitigation Grant, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

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- C. Resolution #58-15 – Resolution authorizing the execution of a loan agreement between the NJDEP, Lake Gerard, LLC and Hardyston Township and a co-borrower agreement between Lake Gerard, LLC and Hardyston Township

**RESOLUTION #58-15**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING  
THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION, LAKE GERARD, LLC AND  
THE TOWNSHIP AND A CO-BORROWER AGREEMENT BETWEEN LAKE  
GERARD, LLC AND THE TOWNSHIP**

**WHEREAS**, the Lake Gerard Dam was in serious need of rehabilitation, including Main Dam, Principal Spillway and Dike B; and

**WHEREAS**, the project shall include completion of engineering investigations and design necessary to complete plans and specifications, construction of the project as well as construction inspection services; and

**WHEREAS**, Lake Gerard LLC timely applied for a loan pursuant to the 1992 Dam Restoration and Inland Waters Projects Loan Program (“Loan Program”); and

**WHEREAS**, the application for the loan was approved by the New Jersey Department of Environmental Protection; and

**WHEREAS**, pursuant to the Loan Program terms Lake Gerard LLC is required to have the Township act as a co-borrower; and

**WHEREAS**, Lake Gerard LLC and the Township have agreed to the terms of a co-borrower agreement to be incorporated into the loan agreement; and

**WHEREAS**, as a condition of entering into the co-borrower agreement, the Township required that Lake Gerard LLC establish an escrow account in the amount of \$200,000 as a form of collateral in the event of Lake Gerard LLC’s default on repayment of the loan agreement; and

**WHEREAS**, the Mayor and Township Council believe it is in the best interests of the Township and the Lake Gerard community to enter into these agreements in order to ensure completion of the dam rehabilitation project.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Hardyston, County of Sussex, State of New Jersey that the Township shall execute and enter into the loan agreement with Lake Gerard LLC and the NJDEP

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for an amount not to exceed \$1,746,323.00 for the restoration of the Lake Gerard Dam;  
and

**BE IF FURTHER RESOLVED** that the Township shall execute and enter into the required co-borrower agreement with Lake Gerard LLC for an amount not to exceed \$1,746,323.00 for the restoration of the Lake Gerard Dam.

This Resolution shall take effect immediately.

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

- D. Resolution #59-15 - Resolution authorizing release of restoration bond to Crystal Springs Builders, LLC, for the Crystal Springs North soil removal site restoration located on Lots 22.01, 24.01, 24.02 & 24.04 in Block 14

**RESOLUTION #59-15**

**RESOLUTION AUTHORIZING RELEASE OF RESTORATION BOND TO  
CRYSTAL SPRINGS BUILDERS, LLC FOR THE CRYSTAL SPRINGS NORTH SOIL  
REMOVAL SITE RESTORATION LOCATED ON LOTS 22.01, 24.01, 24.02 & 24.04 IN  
BLOCK 14**

**WHEREAS**, the Hardyston Township Board of Adjustment recommended issuance of a soil removal license to Crystal Springs Builders, LLC for the Crystal Springs North Soil Removal operation on Lots 22.01, 24.01, 24.02 and 24.04 in Block 14 to the Township Council;  
and

**WHEREAS**, The Township Council issued a soil removal license for the above properties to Crystal Springs Builders, LLC based and that recommendation; and

**WHEREAS**, Crystal Springs Builders, LLC has discontinued the soil removal operation on this property; and

**WHEREAS**, Crystal Springs Builders, LLC was required to post a restoration bond with the Township of Hardyston for site in the amount of \$21,000.00 in accordance with the requirements of the soil removal ordinance; and

**WHEREAS**, Crystal Springs Builders, LLC has requested a release of this bond due to completion of site restoration; and

**WHEREAS**, the Township Engineer has reviewed the request of Crystal Springs Builders, LLC and after inspection of the site, observed that the site has been adequately restored.

**NOW THEREFORE BE IT RESOLVED** by the Hardyston Township Council that the restoration bond in the amount of \$21,000.00 be released to Crystal Springs Builders, LLC in accordance with the recommendation of the Township Engineer.

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

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E. Correspondence

1. Lafayette Township
2. Byram Township
3. Sparta Township
4. Sandyston Township
5. Hampton Township
6. Lafayette Township
7. Lafayette Township
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. JCP&L
15. Dr. Pravinbhai C. Patel
16. Beattie Padovano, LLC

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. 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 Kula to adjourn at approximately 8:30 p.m., seconded by Cicerale. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk