

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 24, 2023

The meeting was called to order by Mayor Kaminski 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 Verrilli, Councilman Kula, Councilman Cicerale, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk, Township Attorney Fred Semrau and Township Attorney Robert Rossmeissl of Dorsey & Semrau. Councilman Miller 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 – April 2023
2. Tax Collector Report – April 2023
3. Construction Certificate Activity Report – April 2023
4. Construction Permit Activity Report – Hardyston – April 2023
5. Construction Permit Activity Report – Hamburg – April 2023
6. Construction Permit Activity Report – Franklin – April 2023
7. Construction Permit Activity Report – Newton – April 2023
8. Construction Permit Activity Report – Sussex – April 2023
9. Construction Permit Activity Report – Wantage – April 2023
10. Municipal Court Report – April 2023
11. Police Department Report – April 2023
12. Land Use Report – April 2023
13. Department of Public Works Report - April 2023
14. Sussex County Health Department Report – March 2023
15. Sussex County Health Department Report – April 2023

Minutes:

1. Regular Minutes of 4/26/23

Agreements/Applications/Licenses:

1. Raffle License – The Craig School
2. Kennel License Renewal – The Pet Spa & Resort
3. Real Auction.com, LLC – Agreement for Services

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

MANAGERS REPORT:

Township Manager gave the Council updates on the status of the following:

HTMUA Bids
Solar Project Bid Update
BPU Tourism Grant
COPS Grant and School Violence Grant
Municipal Property Auction Update
Bond Sale
Miss Hardyston Pageant
Township Calendars

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ORDINANCES

1ST READING:

2023-09

ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AMENDING THE TOWNSHIP MUNICIPAL CODE AT CHAPTER 107, JUNK DEALERS AND AUTOMOBILE AUCTIONS, SECTION 107-5, RENEWAL OF LICENSE

WHEREAS, the Mayor and Township Council seek to entertain renewal applications that do not become dormant or “pocket auction licenses” and in fact are active, current and compliant license renewal applications.

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

SECTION 1. Chapter 107, Junk Dealers and Automobile Auctions, Section 107-5, Renewal of License, shall be amended to include the following provision to read as follows:

107-5. Renewal of License.

A license may be renewed for each subsequent year upon application to the Township Clerk for renewal without filing a complete application as required for the original license, provided that:

A. The application for renewal is accompanied by the annual license fee as established in Chapter 88, Fees.

B. No changes have been made in the licensed premises, in the methods of operation or in the equipment or materials used in the business, and an affidavit to that effect is filed. If there has been any change, a complete statement of the changes made shall accompany the application for renewal.

C. Notice of application is published at least once in a newspaper published and circulating in the county as least 10 days prior to the date when consideration of the renewal application is scheduled and proof of publication is submitted to the Township Clerk prior to the date when the renewal application is considered.

D. Objections.

(1) Objections may be filed with the Township Council by any resident or taxpayer of the Township to the renewal of the license, or by the Township Engineer, based upon knowledge and/or information that any law or provision of this chapter has been violated.

(2) All objections must be in writing with specific details regarding all allegations. All objections shall be reviewed by the Township Engineer and municipal personnel.

(3) Based upon this review and recommendation, the Township Council may conduct a bearing with at least 10 days' public notice.

E. A determination and findings of the Township Council with respect to the application shall be made by the Township Council within 15 days following the hearing, and notice of the determination shall be submitted in writing to the applicant together with the conclusions of the Township Council. If the time required to reach a determination with respect to a renewal application continues beyond the first of any year, the applicant may be permitted to operate his or her business until such time as the application has been acted upon, paying a charge prorated by the month or any portion thereof covering the temporary period. If the license is renewed, credit shall be given to the applicant for the temporary fee paid; if the renewal license is denied, only the remaining prorated and unused annual fee shall be returned to the applicant.

F. No renewal application shall be considered by the Township Council or any renewal license issued after the lapse of one month from the termination of any license period unless the lapse is the result of a hearing or other action of the Township Council under this section.

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G. Providing that a license applicant has conducted an auction in accordance with the Township Code within thirty-six (36) months prior to the date of the renewal application, a licensee may seek a renewal of the auction license under this Section of the Township's Code.

H. The applicant shall pay the Township for review of applications, review and preparation of documents, inspections, and other costs in connection with the application. A deposit shall be placed in escrow as determined by the Township Engineer.

SECTION 2. This Ordinance may be renumbered for purposes of codification.

SECTION 3. All ordinances of the Township of Hardyston that are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. 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 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made by Cicerale to approve Ordinance 2023-09 on first reading, seconded by Verrilli. All in favor. Motion carried.

ORDINANCES

2ND READING:

2023-05

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$623,674 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Township of Hardyston, County of Sussex, New Jersey, as follows:

Section 1: The sum of Six Hundred Twenty-Three Thousand Six Hundred and Seventy-Four Dollars (\$623,674) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purpose:

For Various Capital Improvements or Purposes for the Township of Hardyston.

Section 2: In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 and Section 2 hereof is not a Current Expense and is an improvement, which the Township of Hardyston may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed on to the extent of their inconsistency:

Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

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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 Kula to approve Ordinance 2023-05 on second reading, seconded by Verrilli. All in favor. Motion carried.

2023-06

ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53

WHEREAS, the Board of Taxation of the County of Sussex has ('Board of Taxation'), by Order dated February 15, 2023 ('Order'), mandated that the Township of Hardyston ('Township') implement a municipal-wide reassessment to be completed by October 1, 2023, to be effective for the 2024 tax year; and

WHEREAS, the Order requires that the Township submit a proposed plan within sixty (60) days for compliance with the order to the Board of Taxation; and

WHEREAS, N.J.S.A. 40A:4-53 provides that a municipality may adopt an ordinance providing for a special emergency appropriation for the preparation and execution of a mandatory complete program of revaluation of real property for the use of the local assessor; and

WHEREAS, the Township Council, accordingly, finds it necessary to take action to adopt the instant ordinance, providing for a special emergency appropriation for the preparation and execution of a mandatory complete program of revaluation of real property for the use of the Township Assessor.

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:

1. Pursuant to N.J.S.A. 40A:4-53, the sum of \$250,000 is hereby appropriated for the engagement of special consultants for Revaluation of Real Property and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.
2. The Mayor, Township Manager, Township Attorney, Township Clerk, and/or such other Township Officials as the law may provide, are hereby authorized to prepare and execute such documents as may be required to effectuate this Ordinance.
3. If any article, 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, and they shall remain in full force and effect.
4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hardyston, the provisions hereof shall be determined to govern.
5. This Ordinance shall take effect immediately upon final passage and publication according to 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 Kula to approve Ordinance 2023-06 on second reading, seconded by Verrilli. All in favor. Motion carried.

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2023-07

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY,
AUTHORIZING THE CONVEYANCE OF THE TOWNSHIP'S 2017
FORD EXPLORER POLICE INTERCEPTOR TO THE TOWNSHIP OF
WANTAGE FOR CONSIDERATION OF \$4,000**

WHEREAS, the Township of Hardyston ('Township') is the fee simple owner of 2017 Ford Explorer Police Interceptor, previously utilized by the Township Police Department and currently not in use ('Property'); and

WHEREAS, the Mayor and Township Council of the Township of Hardyston have, after careful consideration and due and diligent study, made a determination that the Property is not now needed for the Township's public purposes and should be conveyed to the Township of Wantage for public purposes; and

WHEREAS, the Township is authorized to convey the Property to the Township of Wantage pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, et seq.; and

WHEREAS, the Township negotiated with the Township of Wantage to convey the Property for public purposes ('Agreement'), which Agreement is subject to the approval and ratification of the Hardyston Township Council; and

WHEREAS, the Agreement sets forth the terms and conditions of the conveyance of the Property by the Township to the Township of Wantage, and calls for a sale price of four-thousand dollars (\$4,000), to be paid to the Township of Hardyston; and

WHEREAS, the Township Council desires hereby to authorize and approve the execution of the Agreement by the Hardyston Township Mayor and Clerk, and further desires to authorize the Township Manager and Township Attorney to take all required actions to arrange to close this transaction on behalf of the Township at the earliest possible time; and

WHEREAS, the Township Council has determined that such a conveyance of the Property to the Township of Wantage shall serve the general health and welfare of the residents of Hardyston Township.

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:

1. The Township Council hereby declares that the Township's 2017 Ford Explorer Police Interceptor ('Property') is neither used presently nor needed in the future for the Township's public purposes.
2. The Township Council does hereby, pursuant to N.J.S.A. 40A:12-13(b)(1), authorize a private sale of the Property, for the consideration of \$4,000, to the Township of Wantage.
3. The Mayor, Township Manager, Township Attorney, Township Clerk, and/or such other Township Officials as the law may provide, are hereby authorized to prepare and execute such documents as may be required to effectuate the private sale authorized by this Ordinance and the transfer of title to the Property to the Township of Wantage, which documents shall be subject to the review and approval by the Township Attorney.
4. The conveyance of the Property is strictly 'as is.' No representation is made by the Township as to the utility, usability or, generally, the condition of the Property.
5. If any article, 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, and they shall remain in full force and effect.

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6. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hardyston, the provisions hereof shall be determined to govern.
7. This Ordinance shall take effect immediately upon final passage and publication according to 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 Kula to approve Ordinance 2023-07 on second reading, seconded by Cicerale. All in favor. Motion carried.

2023-08

ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN PROPERTY NOT NEEDED FOR PUBLIC PURPOSES

WHEREAS, the Township of Hardyston ('Township') is the owner of the property located at Lot 44, Block 79 on the Township tax map ('Subject Property'); and

WHEREAS, the Subject Property is an undersized parcel which is adjacent to the property located at Lot 45, Block 79 on the Township tax map ('Lot 45'); and

WHEREAS, a request has been made of the Township, by RGA 1, LLC, owner of Lot 45, to acquire the Subject Property; and

WHEREAS, the Township wishes to convey the Subject Property to RGA 1, LLC, by private sale; and

WHEREAS, the Township has contacted all other owners of property contiguous to the Subject Property, none of which is interested in bidding on the Subject Property; and

WHEREAS, RGA 1, LLC has agreed to a sale price for the Subject Property of eleven-thousand dollars (\$11,000), which price has been deemed by the Township Assessor to be not less than the fair market value of the property, and which price the Township Council deems to be the minimum acceptable price for the Subject Property; and

WHEREAS, the Township has complied and will comply with all other relevant provisions of N.J.S.A. 40A:12-13(b)(5) in connection with the sale of the Subject Property; and

WHEREAS, the Township, accordingly, has reached an agreement with RGA 1, LLC for the sale of the Subject Property ('Agreement'), which Agreement is subject to the approval and ratification of the Hardyston Township Council; and

WHEREAS, the Agreement sets forth the terms and conditions of the conveyance of the Subject Property by the Township to RGA 1, LLC, and calls for a sale price of eleven-thousand dollars (\$11,000), to be paid to the Township of Hardyston; and

WHEREAS, the Township Council desires hereby to authorize and approve the execution of the Agreement by the Hardyston Township Mayor and Clerk, and further desires to authorize the Township Manager and Township Attorney to take all required actions to arrange to close this transaction on behalf of the Township at the earliest possible time; and

WHEREAS, the Township Council has determined that such a conveyance of the Subject Property to RGA 1, LLC shall serve the general health and welfare of the residents of Hardyston Township.

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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:

1. The Township Council hereby declares that the property located at Lot 44, Block 79 on the Township tax map ('Subject Property') is neither used presently nor needed in the future for the Township's public purposes.
2. The Township Council does hereby, pursuant to N.J.S.A. 40A:12-13(b)(5), authorize a private sale of the Subject Property, for the consideration of \$11,000, to RGA 1, LLC.
3. The Mayor, Township Manager, Township Attorney, Township Clerk, and/or such other Township Officials as the law may provide, are hereby authorized to prepare and execute such documents as may be required to effectuate the private sale authorized by this Ordinance and the transfer of title to the Subject Property to RGA 1, LLC, which documents shall be subject to the review and approval by the Township Attorney.
4. The conveyance of the Subject Property is strictly 'as is.' No representation is made by the Township as to the utility, usability or, generally, the condition of the Property.
5. If any article, 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, and they shall remain in full force and effect.
6. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hardyston, the provisions hereof shall be determined to govern.
7. This Ordinance shall take effect immediately upon final passage and publication according to 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 Verrillito approve Ordinance 2023-08 on second reading, seconded by Cicerale. All in favor. Motion carried.

OLD BUSINESS:

NEW BUSINESS:

- A. Tax Collector Resolutions
 1. Resolution #33-23 – Lien Redemption – Block 72, Lot 8.03 – O'Neill Real Estate Partnership

RESOLUTION #33-23

WHEREAS, at the Municipal Tax Sale held on October 22, 2020, a lien was sold on Block 72 Lot 8.03, also known as Oxbow Lane for 2019 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate #2020-012, was sold to M&V Liens, for a 18% redemption fee and,

WHEREAS, O'Neill Real Estate Partnership, the owner, has effected redemption for Certificate #2020-012 in the amount of \$13,207.71.

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NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Treasurer be authorized to issue a check in the amount of \$13,207.71 payable to M & V Liens for the redemption of Tax Sale Certificate #2020-012.

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

2. Resolution #34-23 – Estimated Tax Bills

RESOLUTION #34 -23

WHEREAS, N.J.S.A 54:4-66.2 allows for a governing body of a municipality operating on the calendar fiscal year to use an estimated 3rd quarter tax bill if it is determined that the tax collector will be unable to complete the mailing or delivery of tax bills by June 14 provided that the estimated and reconciled tax bills shall be mailed by June 30 and September 30 respectively, and

WHEREAS, it is anticipated that the Township Tax Collector will not be in receipt of a certified tax rate in enough time to be able to complete the mailing and delivery of real property tax bills by June 14, 2023 as is required by law; and

WHEREAS, the Tax Collector and the Chief Financial Officer have requested that the Council provide them with the latitude to submit estimated 3rd quarter real property tax bills in the event that they do not timely receive a certified tax rate, which would allow the Tax Collector to complete the mailing and delivery of real property tax bills by June 30, 2023; and

WHEREAS, the Chief Financial Officer, in consultation with the Tax Collector has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and they have both signed a certification showing the tax levy for the previous year, and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Tax Collector requests the Council approve the estimated tax levy of \$32,947,097.44 at a tax rate of 3.021; and

WHEREAS, the above levy and rate have been calculated on a worksheet that is attached hereto and made a part hereof by reference; and

WHEREAS, the above levy amount falls between the mandated estimated range required by N.J.S.A. 54:4-66.3(a)(1) and approval will enable the Township to meet its financial obligations; maintain the tax collection rate; provide uniformity for tax payments; and save the unnecessary cost of interest expenses on borrowing.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston, as follows:

1. The Tax Collector of the Township of Hardyston is hereby authorized and directed to prepare and issue estimated tax bills for the Township of Hardyston for the third installment of 2023.
2. The entire estimated tax levy for 2023 is hereby set \$32,947,097.44. The estimated tax rate for 2022 is hereby set at \$ 3.021.
3. In accordance with applicable law, the third quarter installment of 2023 taxes (whether estimated or not) shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated bills were mailed.

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

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B. Resolution #35-23 – Governor’s Council on Alcoholism and Drug Abuse – DMHAS Youth Leadership Grant

RESOLUTION #35-23

Governor’s Council on Alcoholism and Drug Abuse

FORM 1B – DMHAS Youth Leadership Grant

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

WHEREAS, The Township Council of the Township of Hardyston, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding for DMHAS Youth Leadership funding through the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Hardyston, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of an application for DMHAS Grant funding for the Wallkill Valley Municipal Alliance for Grant Term Two, 9/1/23 – 9/30/25, in the total amount of:

DMHAS Grant Funding \$2,547.00

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

C. Resolution #36-23 – Authorization for Participation in County of Sussex Volunteer Fire and Emergency Medical Services Grant Program Funded by the American Rescue Plan Act’s (ARPA) Coronavirus State and Local Fiscal Recovery Funds (CSLFRF), Assistance Listing #21.027

RESOLUTION #36-23

RESOLUTION RE: AUTHORIZATION FOR PARTICIPATION IN COUNTY OF SUSSEX VOLUNTEER FIRE AND EMERGENCY MEDICAL SERVICES GRANT PROGRAM FUNDED BY THE AMERICAN RESCUE PLAN ACT’S (ARPA) CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS (CSLFRF), ASSISTANCE LISTING #21.027

WHEREAS, the U.S. Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds (CSLFRF), Assistance Listing #21.027, was established by the American Rescue Plan Act of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial, and tribal governments; and WHEREAS, local governments are permitted to direct these CSLFRF dollars under eligible category 2.34 Negative Economic Impacts, Assistance to Impacted Non-Profit Organizations so that they may use the grant funds to recover from the economic impacts of COVID-19; and

WHEREAS, the County of Sussex has created a Volunteer Fire and Emergency Medical Services Grant Program, directing up to \$410,000.00 in total for the program; and

WHEREAS, distribution of this grant will use American Rescue Plan Act of 2021 (ARPA) funding, and as such has been determined to be included within one (1) of the four (4) statutory categories, and is compliant with 31 CFR Part 35; and

WHEREAS, the Board of County Commissioners approved Resolution 213-2023 authorizing the use of funds received under the American Rescue Plan Act for the Volunteer Fire and Emergency Medical Services Grant Program allowing up to \$10,000 per volunteer organization; and WHEREAS, the County requests authorization by the municipality to participate in the grant program and requests identification of the Volunteer Fire Companies and Emergency Medical Service Organizations that serve each municipality

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Hardyston in the County of Sussex, State of New Jersey does hereby authorize participation in the Volunteer Fire and Emergency Medical Services Grant Program; and

BE IT FURTHER RESOLVED that the governing body of the Township of Hardyston recognizes the following volunteer organizations that serve this municipality: Hardyston Township Volunteer Fire Department; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the County CFO/Treasurer and the County Qualified Purchasing Agent.

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

D. Tax Collector Resolution

1. Resolution #37-23 – Overpayment Refund – Guardian Title Services, LLC – Block 16.12, Lot 2 – 32 Witherwood Drive

RESOLUTION #37-23

WHEREAS, Block 16.12 Lot 2 also known as 32 Witherwood Drive owned by Mark T Daniels Living Trust, and

WHEREAS, Mr. Daniels' property is 100% tax exempt due to a Veteran Exemption retroactive to May 10, 2023 and Guardian Title Services, LLC paid the May 2023 tax quarter to Block 16.12 lot 2, and

WHEREAS, Guardian Title Services, LLC paid the May quarter and is due a refund in the amount of \$1469.15.

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be authorized to refund Guardian Title Services, LLC in the amount of \$1469.15

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

- E. Resolution #38-23 – Resolution in Support of School Safety and Protecting the Students and Staff of the Hardyston Township School District

RESOLUTION #38-23

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY IN SUPPORT
OF SCHOOL SAFETY AND PROTECTING THE STUDENTS AND STAFF OF THE
HARDYSTON TOWNSHIP SCHOOL DISTRICT**

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WHEREAS, the Mayor and Township Council of the Township of Hardyston believe and support the Hardyston Township Board of Education and their efforts to provide a safe environment for the Township's students, teachers, and staff; and

WHEREAS, the Board of Education has approached the Township, seeking support for a greater security presence within the schools of the Hardyston Township School District; and

WHEREAS, the Mayor and Township Council believe that keeping students, teachers, and staff safe from the threat of violence is the responsibility of all adult stakeholders in Hardyston Township; and

WHEREAS, the Township has an important role to play in helping to ensure the safety and security of the schools of the Hardyston Township School District, as this objective entails general emergency preparedness and the potential procurement of grant money that can be used for same; and

WHEREAS, school safety has been and continues to be a top priority for the Mayor and Township Council; and

WHEREAS, the Mayor and Township Council wish to do everything possible to ensure that the schools of the Hardyston Township School District remain safe havens for students, teachers, and staff; and

WHEREAS, in conjunction with the Chief of Police and the Administration of the Township of Hardyston, the Mayor and Township Council are committed to supporting the efforts of the Board of Education to provide for heightened security in the schools of the Hardyston Township School District; and

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

1. The Mayor and Township Council of the Township of Hardyston hereby pledge their support in coordinating additional safety measures to protect the students, teachers, and staff of the schools of the Hardyston Township School District;

2. The Mayor and the Township Council authorize all Township Officials to work with the Board of Education of the Hardyston Township School District in coordinating safety measures to protect the students, teachers, and staff of the schools of the Hardyston Township School District;

3. The Mayor and the Township Council authorize all Township Officials to pursue available financial grants which can be utilized to assist in the protection of the students, teachers, and staff of the schools of the Hardyston Township School District;

4. Any proposals of the Board of Education for such security measures will be reviewed and considered by the Mayor and Township Council, the Township Administration, and the Chief of Police.

This Resolution shall take effect immediately.

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

F. Resolution #39-23 – Chapter 159 – American Rescue Plan Firefighter Grant

RESOLUTION #39-23

TOWNSHIP OF HARDYSTON STATE OF NEW JERSEY

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 FOR A GRANT FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

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 **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 24, 2023**

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 2023, in the sum of 29,000, which is, know available as a revenue from the State of New Jersey, Department of Community Affairs, American Rescue Plan Firefighter Grant, pursuant to the provision of Statute, and

SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$29,000.00 and the name is hereby appropriated under the State of New Jersey, Department of Community Affairs, American Rescue Plan Firefighter Grant, and

SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of a Grant award from the State of New Jersey, Department of Community Affairs has been anticipated as a revenue from the State of New Jersey, Department of Community Affairs 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 Kula to approve the resolution as presented, seconded by Verrilli. All in favor. Motion carried.

G. Resolution #40-23 – Special Emergency Appropriation – Property Reassessment

RESOLUTION #40-23

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 AND PROVIDING FOR THE FINANCING THEREOF

WHEREAS, the Board of Taxation of the County of Sussex has ('Board of Taxation'), by Order dated February 15, 2023 ('Order'), mandated that the Township of Hardyston ('Township') implement a municipal-wide reassessment to be completed by October 1, 2023, to be effective for the 2024 tax year; and

WHEREAS, the Order requires that the Township submit a proposed plan within sixty (60) days for compliance with the Order of the Board of Taxation; and

WHEREAS, N.J.S.A. 40A:4-53 provides that a municipality may adopt an ordinance ('Ordinance') providing for a special emergency appropriation to update and make current any previous revaluation program when such is ordered by the county board of taxation ('Appropriation'); and

WHEREAS, final approval of the Appropriation requires, upon adoption of the Ordinance, that a municipality adopt a Resolution, pursuant to N.J.S.A. 40A:4-55, with not less than two-thirds of all governing body members affirmatively concurring, setting forth the amount appropriated and a provision for the borrowing of money if necessary; and

WHEREAS, the Township of Hardyston has approved Ordinance 2023-06, providing for the Appropriation; and

WHEREAS, the Mayor and Township Council wish to effectuate Ordinance 2023-06, setting forth herein that the amount appropriated therefor shall be \$250,000, and establishing herein that same shall be financed from available surplus, by appropriating not less than \$50,000 from each of the next five (5) annual budgets.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-55:

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 24, 2023

1. A special emergency appropriation of \$250,000 is hereby made ('Appropriation') to

update and make current the previous revaluation program as such has been ordered by the Sussex County Board of Taxation.

2. The Appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$50,000 in each budget.
3. The Appropriation shall be allocated from available surplus.
4. The statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.
5. Two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services.

This Resolution shall take effect immediately.

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

H. Resolution #41-23 – Professional Services Agreement – Appraisal Systems, Inc.

RESOLUTION #41-23

A RESOLUTION OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO APPRAISAL SYSTEMS, INC., TO PROVIDE A REASSESSMENT OF ALL REAL PROPERTY IN THE TOWNSHIP FOR TAX EQUALIZATION PURPOSES

WHEREAS, the Township of Hardyston has a need to retain the professional services of an expert in the appraisal of real property who can assist the Township by providing a reassessment of all real property therein for tax equalization purposes ('Reassessment'); and

WHEREAS, the Mayor and Township Council of the Township of Hardyston wish to retain the services of Ernest F. Del Guercio, Jr. of Appraisal Systems, Inc. for the purpose of assisting the Township of Hardyston with regard to such Reassessment; and

WHEREAS, the total amount of the contract shall not exceed \$450,000; and

WHEREAS, funds are available for this purpose; and

WHEREAS, Appraisal Systems, Inc. has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of Hardyston with the elected officials in the previous one year, and that the contract will prohibit Appraisal Systems, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a) et. seq.) requires that a resolution authorizing the award of contracts for "Extraordinary, Unspecifiable 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, County of Sussex and State of New Jersey as follows:

1. The Township of Hardyston hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Ernest F. Del Guercio, Jr. of Appraisal Systems, Inc., with offices located at 264 South Street, Building 2, Suite 1B, Morristown, NJ, 07960, to assist the Township by providing professional reassessment services in an amount not to exceed \$450,000.

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2. This contract is awarded without competitive bidding as an Extraordinary, Unspecifiable Service under the provisions of the Local Public Contracts Law

(40A:11-5(1)(a)(i)) because the services defined cannot reasonably be described by written specifications to assure that the qualitative and quantitative assessment of the problems involved, which require expertise, extensive training and proven reputation in the field of endeavor are obtained.

3. The total fee authorized for this contract shall not exceed \$450,000 without the prior written approval of the Township Council.

4. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

5. Notice of this action shall be published once in the Township's official newspaper as required by law.

6. A copy of this resolution shall be provided to the Township Treasurer, and to Ernest F. Del Guercio, Jr. of Appraisal Systems, Inc., 264 South Street, Building 2, Suite 1B, Morristown, NJ, 07960, for their information and guidance.

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

- I. Resolution #42-23 - Resolution Authorizing the Sale of Certain Real Property Owned by the Township of Hardyston Not Required For Public Purposes Pursuant to N.J.S.A. 40a:12-13, et seq.

RESOLUTION #42-23

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE TOWNSHIP OF HARDYSTON NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13, ET SEQ.

WHEREAS, the Township of Hardyston is the owner of real property, set forth in Schedule 'A,' which real property is not needed for public use ('Real Property'); and

WHEREAS, N.J.S.A. 40A:12-13(a) authorizes a municipality to sell any real property, capital improvements, or interest therein not needed for public use by open public sale at auction to the highest bidder after advertisement thereof; and

WHEREAS, the Township Council has determined that the sale of the Real Property is in the public interest, as it will generate miscellaneous revenue and return the Real Property to the tax rolls; and

WHEREAS, the Township is utilizing the services of Realauction.com, LLC, an auction company, in order to sell the Real Property at an online public auction, pursuant to N.J.S.A. 40A:12-13(a).

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

1. The Township Council of the Township of Hardyston does hereby authorize the sale by Realauction.com, LLC ('Auctioneer') of the real property identified in Schedule 'A,' by online public auction, and accordingly authorizes all Township Officials and employees to take any measures necessary to facilitate the online public auction at the minimum prices set forth in Schedule 'A,' as arrived at by the Township Assessor.

2. Open public bidding shall take place at the online public auction, commencing at 10:00 a.m. on September 21, 2023 at hardystonnj.realforeclose.com. The Township Council may accept or reject the bids received within thirty (30) days from the date of the auction ('Auction').

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 24, 2023

3. The properties to be sold at the Auction ('Properties') shall be sold and accepted in "as is" condition.

4. Potential bidders are responsible for performing due diligence before bidding. This should include a review of zoning ordinances, NJDEP requirements, and other applicable statutes,

regulations, and ordinances. Once the bidding is closed and the Township accepts the bids, the highest bidder will be required to enter into a contract which will not allow for cancellation of the sale.

5. The Properties shall be advertised for public sale pursuant to the requirements and procedures set forth in the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. Notice of the Auction shall be posted at a conspicuous location in the Township Municipal Building and advertised by two insertions at least once a week during two consecutive weeks in the official Township of Hardyston newspaper, the last publication to be not earlier than seven (7) days prior to the date of Auction set forth above.

6. Each bidder for the property contained must register at hardystonnj.realforeclose.com and submit a deposit in the amount of 10% of the minimum bid price for each property they intend to bid at the time of the auction as a counter payment in the form cash or certified check, or as electronic payment via ACH through Realauction.com. The balance shall be paid by the successful bidder at the closing and held 30 days after the Township Council's award of the contract of sale.

7. In addition to the sale proceeds, each successful bidder shall be required to pay an additional fee of \$300 for each successful bid, towards the Township's expense in the preparation and advertisement of this Resolution, the preparation and advertising of a Resolution authorizing the transfer of the Properties, and the preparation and recording of all Deeds. The \$300 shall be submitted to the Township with the final payment for the successful bid.

8. The Properties to be conveyed pursuant to the Auction hereby authorized shall be conveyed by the Township by way of Quitclaim Deed ('Deed of Conveyance'), without any representations as to the quality of title, except that the Township represents that to the best of its knowledge there are no judgments or liens against the municipality which would affect the quality of title.

9. No variances shall be requested and/or permitted pursuant to this Resolution.

10. The Properties shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, and such facts as an accurate survey would reveal, and any present or future assessments for the contrition of improvements benefiting said Properties.

11. In the event any of the Properties is less than the minimum size required for development under the Town of Hardyston zoning ordinances and is without any capital improvements, contiguous property owner(s) shall have the right of first refusal as provided for in N.J.S.A. 40A:12-13.2. In order to exercise the right of first refusal, the contiguous property owner(s) must appear at the public sale and exercise their right of first refusal by bidding on the property. For properties subject to N.J.S.A. 40A:12-13.2, a copy of this Resolution shall be mailed to the contiguous property owners at their last known address as reflected on the tax duplicates.

12. Failure of the purchasers to comply with any of the requirements set forth above, or to close within the time frame set forth by the Township in its Resolution awarding the bids shall entitle the Township of Hardyston to rescind prior bid approval, terminate any and all rights of the designated bidder in said property, and retain all monies held by the Township.

13. All bids shall be referred to the Township Council for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Township of Hardyston reserves the right to accept the highest bid or to reject any and all bids as described hereof; including the highest bid and shall make its decision known by Resolution within thirty (30) days after the bids are received.

14. Upon the close of bidding, the highest, qualified bidder, as designated by the Auctioneer, shall submit final payment as a counter payment in the form cash or certified check, or as electronic payment via ACH through Realauction.com as set forth more fully above and shall immediately execute an Offer to Purchase at their bid price, which offer shall include the terms and conditions specified herein. That offer shall be irrevocable for sixty (60) days from the date of the public sale.

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15. The Mayor, Clerk, Township Manager, Township Assessor, and such other municipal officials as are deemed necessary to effectuate the intent and purposes of this Resolution are hereby authorized to take any required actions for this purpose.

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

17. The Township Council shall have absolute discretion to determine whether to award the winning bids at Auction by adopting a Resolution within thirty (30) days of deciding to accept the bids.

18. This Resolution shall take effect immediately following adoption.

Schedule A
List of Properties

Property #	Block	Lot(s)	Property Location	Minimum Bid
1.	5	2	1 FOREST TR	\$30,000
2.	13	6 &7	10/12 GREENHILL RD	\$25,000
3.	15	15.01	1 ASH ST	\$5,000
4.	16	14.03	37 CRYSTAL SPRINGS RD	\$50,000
5.	21	2	1 DEER TR	\$350,000
6.	33	9.03	42 DEER TR	\$35,000
7.	33	9.06	48 DEER TR	\$35,000
8.	36	5	135 STOCKHOLM-VERNON RD	\$2,000
9.	36	9.06	4 BUCK HAVEN TR	\$35,000
10.	36	18.02	80 SILVER GROVE RD	\$10,000
11.	49	1	96 LAKESIDE AVE	\$3,500
12.	49	3	92 LAKESIDE AVE	\$5,000
13.	60	18	3013 RT 23	\$1,500
14.	60	41	11 LACEYTOWN RD	\$3,500
15.	62	21	88 NORTH CHURCH RD REAR	\$5,000
16.	62	29	140 WHEATSWORTH RD REAR	\$5,000
17.	62	31.02	103 WHEATSWORTH RD REAR	\$10,000
18.	72	8.02	3293 RT 94	\$65,000
19.	75	17.03	179 NORTH CHURCH RD	\$3,500
20.	75	17.05	183 NORTH CHURCH RD	\$20,000
21.	75	46.03	3208 RT 94	\$17,500
22.	79	2	1 E SHORE TR	\$1,500
23.	79	5	3 E SHORE TR	\$1,500
24.	79	63	5 W SHORE TR	\$1,500
25.	79	66	9 W SHORE TR	\$1,500
26.	79	90 & 91	57/59 W SHORE TR	\$25,000
27.	82	10	BEACH PLZ REAR	\$2,000
28.	83	27.01	2875 RT 23	\$2,500
29.	83	27.02	2871 RT 23	\$5,000
30.	91	20	107 SILVER FOX TR	\$2,500

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

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J. Correspondence

1. Hamburg Borough

2. County of Sussex
3. County of Sussex
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. Jersey Central Power & Light

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

COUNCIL COMMENTS: None

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. Resident William Walsh stated that his drainage issue still has not been corrected by the Township. Township Manager stated that she will follow up with the Township Engineer for suggestions as to how to get it completed. Residents Christine Gill, Robert Gill and Jaime Milette expressed their frustration with the Hardyston Township Fire Department siren. The Council stated that they will reach out to the Fire Department to see if they have made any progress finding other alternatives. Resident Savas Savidis thanked the Council for approving Resolution #38-23 in support of school safety. 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 24th day of May, 2023, 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.
 - (X) 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.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 24, 2023

- () 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: Kula

MOTION	YES	NO	ABSTAIN	ABSENT
Kula	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Miller	<u> </u>	<u> </u>	<u> </u>	<u> x </u>
Verrilli	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Kaminski	<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 Kula to come out of Executive Session, seconded by Cicerale. All in favor. Motion carried.

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

Jane Bakalarczyk, RMC/CMC
Municipal Clerk