

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 11, 2017**

The meeting was called to order by Mayor Kula at approximately 7:40 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 – September 2017
2. Tax Collector Report – September 2017
3. Construction Certificate Activity Report – September 2017
4. Construction Permit Activity Report – Hardyston – September 2017
5. Construction Permit Activity Report – Hamburg – September 2017
6. Construction Permit Activity Report – Franklin – September 2017
7. Construction Permit Activity Report – Newton – September 2017
8. Construction Permit Activity Report – Sussex – September 2017
9. Construction Permit Activity Report – Wantage – September 2017
10. Littell Community Center Report – September 2017
11. Land Use Report – September 2017

**Agreements/Applications/Licenses:**

1. Raffle License – Hamburg PTA

**Minutes:**

1. Workshop Minutes of 7/12/17
2. Regular Minutes of 7/12/17
3. Executive Minutes of 7/12/17

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

**ORDINANCES**

**1st READING: None**

**ORDINANCES**

**2nd READING: 2017 - 07**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON TO AMEND SECTION 147-8(O) OF  
CHAPTER 147 TO AMEND THE REQUIREMENTS FOR FIRE SUPPRESSION SYSTEM  
INSTALLATION AND MAINTENANCE**

BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 147, Site Plan and General Development Plan Review, Section 8, Design Standards and Required Site Improvements, Subsection (O) of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 11, 2017**

O. Fire protection facilities. The purpose of this subsection is to insure that adequate fire protection facilities are provided within residential developments. In the CR and R-4 Zones, a public potable and fire suppression water system shall be provided in accordance with the Residential Site Improvements Standards (RSIS), N.J.A.C. 5:21-1 et seq., for residential developments utilizing sewage collection and treatment. In all other zones, a fire suppression water system shall be provided for all residential preliminary major subdivisions and all major preliminary site plans for nonresidential developments proposing new construction in excess of 1,000 square feet or where a change of use from a non-life to a life hazard use as identified by the New Jersey Uniform Fire Code and the New Jersey Uniform Construction Code is to occur. The system shall be installed in accordance with the following standards:

(1) Where a public or private central water supply is available and has been approved by the Township of Hardyston, fire hydrants shall be installed to provide a source of water for firefighting. Where a public or private central water supply is not available for a residential subdivision, underground water storage tanks shall be located and installed within the development. The location of the tank shall be approved by the reviewing board with input from the Hardyston Fire Department. Any fire-suppression tank provided shall be located such that the distance from the proposed suction point for the tank to the required building setback line of each proposed lot shall not exceed 2,000 feet. This length shall be measured along the center line of the right-of-way. This distance shall also include the length of the driveway, measured along the driveway for flag lots and lots with common driveways. When more than one tank is required to meet this requirement, the spacing between tanks shall not exceed 3,000 feet. Each tank shall be located within the public right-of-way or an easement acceptable to the Township of Hardyston.

(a) Tanks constructed to service residential subdivisions that will not have a homeowners' association shall be dedicated to the Township. Regular, quarterly inspections shall be performed by the Township Fire Official pursuant to Chapter 94 of the Township Code to ensure operability.

[1] The maintenance for tanks constructed to service residential subdivisions in which the roads have not been dedicated to the Township will be the responsibility of the developer or the community association (whichever has majority interest in the property) until it is formally dedicated to the Township. Regular, quarterly inspections shall be performed by the Township Fire Official pursuant to Chapter 94 of the Township Code to ensure operability.

(b) For nonresidential sites, underground water tanks shall be installed in a location acceptable to the reviewing board with input from the Hardyston Fire Department.

[1] Regular maintenance and certifications shall remain the responsibility of the property owner. Regular, quarterly inspections shall be performed by the Township Fire Official pursuant to Chapter 94 of the Township Code to ensure operability.

(c) All tanks must have paved access within seven linear feet of its suction point. Alternate materials may be utilized to provide access to the tank after approval by the Township Engineer and Hardyston Fire Department. A protective barrier must be placed in front of the tank in order to prevent damage to the tank, subject to approval by the Township Engineer. A

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 11, 2017**

permanent sign, in accordance with the requirements of Chapter 94, § 94-15, of the Township Code, shall be installed at every tank location to show the existence and capacity of such tank. In addition, when tanks are located in the vicinity of a roadway or parking area, fire lanes shall be established and maintained pursuant to the requirements of Chapter 94 of the Township Code.

- (d) The minimum capacity of every underground storage tank within a residential subdivision shall be 20,000 gallons. Tank capacities for nonresidential developments shall be based on the highest degree of hazard of the principal structures to be protected but in no case shall the tank capacity be less than 20,000 gallons. The fire protection systems shall be approved by the reviewing board with input from the Hardyston Fire Department. Unless an equivalent alternate fire protection system in compliance with the Uniform Construction Code is authorized by the reviewing board, underground water storage tanks will be provided and shall be constructed and installed as follows. All underground water storage tanks shall be (minimum) single-walled fiberglass construction. The tank shall be installed in accordance with the manufacturer's recommendations and NFPA standards. Tanks shall, at a minimum, include the following features:

- [1] One flange with six-inch draw tube.
- [2] Four four-inch flanges.
- [3] Six-inch dry hydrant NST female connection; each connection must have internal conical strainer, snap ring, and yellow dust cap. PVC pipe must pass through all adapters into tank.
- [4] A functional and operational water level gauge of suitable design shall be provided. The gauge shall be of a size that insures it is legible from the street.
- [5] Four-inch fill connection with two two-and-one-half-inch NST female connections with dust caps.

- (e) This water supply is intended solely for minimal first-attack storage.

- (f) In all subdivisions where a fire protection system is required, no building permit shall be issued for a principal structure upon any lot within the subdivision or development until fire protection to the extent necessary for such structure is installed and its operability has been tested and approved by the Hardyston Township Volunteer Fire Department, and it meets the requirements of this subsection. In addition, all residential subdivision applicants shall submit to the Township, prior to the issuance of any building permit, an engineer's certification from the applicant's engineer that the fire suppression system is operational and meets the requirements of this subsection.

- (2) The hydrants, tank size, design and location in conjunction with a site plan application for a nonresidential structure shall be approved by the reviewing board with input from the Hardyston Fire Department.

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 11, 2017**

public. All in favor. Motion carried. A motion was made by Cicerale to approve Ordinance 2017-07 on second reading, seconded by Miller. All in favor. Motion carried.

**2017 – 08**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF  
NEW JERSEY AMENDING CERTAIN PORTIONS OF CHAPTER 185, ZONING, OF THE  
REVISED GENERAL ORDINANCES TO ADDRESS SIGN CONTROLS ON A TOWNSHIP  
WIDE BASIS AND STANDARDS FOR FENCES IN INDUSTRIAL ZONES**

It was the consensus of the Council to carry the second reading of this ordinance to the next meeting.

**2017-09**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,  
STATE OF NEW JERSEY AMENDING CERTAIN PROVISIONS OF CHAPTER 88,  
FEES, OF THE REVISED GENERAL ORDINANCES TO INCLUDE ANNUAL  
REGISTRATION FEES FOR NON-LIFE-HAZARD USES AND FIRE SUPPRESSION  
SYSTEMS**

**BE IT ORDAINED** by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey as follows:

**SECTION 1.** Chapter, 88 Fees, Section 88-2 Construction Code Fees, Subsection (D), of the aforesaid Revised General Ordinances is hereby amended to read as follows:

**§88-2. Construction code fees.**

D. Fire protection subcode fees are as follows:

(1) Wet or dry sprinkler suppression systems as per the following numbers of heads:

<b>Number of Heads</b>	<b>Fee</b>
1 to 20	\$100
21 to 100	\$150
101 to 400	\$300
401 to 1,000	\$600
Over 1,000	\$850

(2) Fee for each standpipe: \$200.

(3) Fee for each gas- or oil-fired appliance not connected to the plumbing system: \$55.

(4) Commercial kitchen exhaust system, each: \$100.

(5) Independent pre-engineered suppression systems, each: \$100.

(6) Fuel storage tanks (underground or aboveground, installation only) each:

<b>Capacity (gallons)</b>	<b>Fee</b>
1 to 1,000	\$55
1,001 to 4,000	\$100
Over 4,000	\$150

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 11, 2017**

(7) Smoke or heat detectors:

<b>Number of Detectors</b>	<b>Fee</b>
1 to 20	\$55
21 to 100	\$75
101 to 200	\$100
201 to 400	\$150
401 to 1,000	\$250
Over 1,000	\$350

(a) Each Supervisory, signaling & other devices: \$8.

(8) Manual or automatic alarm systems: \$75.

(9) Central control system: \$75.

(10) The fire protection subcode fee shall be a minimum of \$55 for single-family dwellings and \$75 for all other structures.

***(11) Non-life-hazard Uses (§94-10B).***  
***Annual Registration Fee: \$25.***  
***Late Fee: \$250.***

***(12) Fire suppression tanks (§94-10-C).***  
***Annual Registration Fee: \$25.***  
***Late Fee: \$50.***

**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 Cicerale to approve Ordinance 2017-09 on second reading, seconded by Hamilton. All in favor. Motion carried.

**NEW BUSINESS:**

A. Proclamation – Hardyston Township Seniors

Mayor Kula read a proclamation honoring and recognizing the Hardyston Township Seniors organization and its membership for their 50 years of dedicated service, leadership and history within our community and proclaiming October 19, 2017 as Hardyston Senior Citizen Day in the Township of Hardyston.

B. Board Appointments

1. Brian Kaminski – Full Member - HTMUA
2. Michael O’Grady – Alternate 1 - HTMUA
3. Michele Van Allen – Alternate 2 – HTMUA

A motion was made by Miller to approve the above board appointments, seconded by Verrilli. All in favor with Cicerale abstaining. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 11, 2017**

- C. Resolution #54-17 – AT & T Cellular Tower Lease Agreement Renewal – 29 Stockholm-Vernon Road – Block 41, Lot 11, Q:Cell3

**RESOLUTION #54-17**

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING CONTRACTS/AGREEMENTS

BE IT RESOLVED by the Township Council of the Township of Hardyston that the execution of the following contract/agreement is hereby authorized:

1. AT&T Cellular Tower Lease Agreement Renewal – 29 Stockholm-Vernon Road - Block 41, Lot 11, Q:Cell3

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

- D. Resolution #55-17 – Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Davis Road and Old Prospect School Road Resurfacing project

A motion was made by Cicerale to approve the resolution as presented, seconded by Hamilton with Verrilli abstaining. All in favor. Motion carried. A copy of the resolution is on file in the Clerk's office.

- E. Resolution #56-17 - Resolution authorizing the submission of the CY2016/SFY 2017 Best Practices Inventory

**RESOLUTION #56-17**

**RESOLUTION AUTHORIZING THE SUBMISSION OF THE CY2017/SFY 2018  
BEST PRACTICES INVENTORY**

BE IT RESOLVED by the Township Council of the Township of Hardyston that the submission of the following is hereby authorized:

1. CY 2017/SFY 2018 Best Practices Inventory

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

- F. Resolution #57-17 – Resolution authorizing the installation of a drain on Wits End Road

**RESOLUTION #57-17**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND  
STATE OF NEW JERSEY, AUTHORIZING THE INSTALLATION  
OF A DRAIN ON WITS END ROAD**

**WHEREAS**, the Township of Hardyston is presently paving Wits End Road; and

**WHEREAS**, Walden Village Property Owners Association has requested certain drainage improvements that relate to the construction on Wits End Road; and

**WHEREAS**, it is recommended by the Mayor and Council of the Township of Hardyston that these improvements be undertaken as long as an Easement and Hold Harmless Agreement is executed by Walden Village Property Owners Association and the Township Engineer is of the opinion that such improvements are in the best interest of the general public and will not exceed the sum of \$11,000.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 11, 2017**

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

1. The Manager is hereby authorized to permit construction of certain drainage improvements on property owned by the Walden Village Property Owners Association on Wits End Road as long as the following terms and conditions are met:
  - a. An Easement for access and an Indemnification and Hold Harmless Agreement are executed by Walden Village Property Owners Association;
  - b. The Township Engineer recommends and authorizes said improvements as such are a benefit to the Township and the general public; and
  - c. The Chief Financial Officer certifies that there are funds available for such project which shall not exceed \$11,000.

This Resolution shall take effect immediately upon adoption.

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

**G. Correspondence**

1. Hampton Township
2. Byram Township
3. State of NJ
4. New Jersey General Assembly

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

It was the consensus of the Council to cancel the meeting scheduled for October 25, 2017.

**BILLS TO BE PAID:** A motion was made by Hamilton to approve the bill list as presented, seconded by Miller. All in favor with Cicerale abstaining. Motion carried.

**PUBLIC PORTION:** A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Resident Michele Van Allen commented about the drainage issue on Wits End Road in Walden Village II. 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 11th day of October, 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.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 11, 2017**

- ( ) 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.
  - ( ) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
  - (X) b. (8) Personnel matters. (Interview prospective Judges)
  - ( ) 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: Cicerale  
Seconded by: Verrilli

<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 Verrilli to adjourn at approximately 9:10 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk