

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 25, 2020

The meeting was called to order via conference call by Mayor Kula at approximately 7:15 P.M. with the opening statement that the notice requirements of the Open Public Meetings Act were satisfied with respect to this meeting of the Mayor and Council of the Township of Hardyston which was held via conference call. Specifically, the time, date, and public call-in information were included in the meeting notice, posted in the Municipal Building, and sent the official newspapers of the Township, the NJ Herald and the NJ Sunday Herald. Additionally, the agenda and public call-in information for this meeting was posted in the Municipal Building and on the Township website, at least 48 hour preceding the start time of this meeting.

Also present via conference call were: Deputy Mayor Miller, Councilman Verrilli, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau. Councilwoman Hamilton and Councilman Kaminski were absent from this conference call 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 – February 2020
2. Tax Collector Report – February 2020
3. Construction Certificate Activity Report – February 2020
4. Construction Permit Activity Report – Hardyston – February 2020
5. Construction Permit Activity Report – Hamburg – February 2020
6. Construction Permit Activity Report – Franklin – February 2020
7. Construction Permit Activity Report – Newton – February 2020
8. Construction Permit Activity Report – Sussex – February 2020
9. Construction Permit Activity Report – Wantage – February 2020
10. Municipal Court Report – February 2020
11. Sussex County Health Department Report – February 2020
12. Police Department Report – February 2020
13. Zoning Board Annual Report 2019
14. Littell Community Center Report – February 2020

Agreements/Applications/Licenses:

1. Raffle License – Catholic Charities Diocese of Paterson
2. Fire Department – New Member Application – Michael Palmer
3. GTBM, Inc. – Info- Cop Software Agreement Renewal - Police Department

Minutes:

1. Regular Minutes of 2/26/20
2. Special Minutes of 3/11/20

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

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ORDINANCES

1st READING:

2020-03

CALENDAR YEAR 2020

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK**

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$77,470.14 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Hardyston, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Township of Hardyston shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$271,145.48, and that the CY 2020 municipal budget for the Township of Hardyston be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

A motion was made by Miller to approve Ordinance 2020-03 on first reading, seconded by Verrilli. All in favor. Motion carried.

ORDINANCES

2nd READING:

None

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NEW BUSINESS:

A. Proclamation – Child Abuse Prevention Month

PROCLAMATION

CHILD ABUSE PREVENTION MONTH

WHEREAS, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Sussex County; and

WHEREAS, every child is entitled to be loved, cared for, nurtured, feel secure and be free from verbal, sexual, emotional and physical abuse, and neglect; and

WHEREAS, child abuse and neglect not only directly harm children, but also increase the likelihood of criminal behavior, substance abuse, health problems, and risky behavior;

WHEREAS the effects of child abuse are felt by communities as a whole, and need to be addressed by the entire community;

WHEREAS, effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community;

NOW THEREFORE, be it resolved that the Township Council of the Township of Hardyston, Sussex County does proclaim April as Child Abuse Prevention Month, and calls upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

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

B. Resolution #24-20 - Resolution releasing the maintenance bond posted by G.S. Realty Corp. for work performed at the Estelle Manor Subdivision, Block 75, Lot 11

RESOLUTION #24-20

**RESOLUTION RELEASING THE MAINTENANCE BOND POSTED BY G.S. REALTY
CORP. FOR WORK PERFORMED AT THE ESTELLE MANOR SUBDIVISION,
BLOCK 75, LOT 11**

WHEREAS, the Hardyston Township Planning Board granted approvals to G.S. Realty Corp. for Estelle Manor Subdivision, Block 75, Lot 11; and

WHEREAS, as part of the Planning Board approval G.S. Realty Corp. was required to post a maintenance bond for public improvements; and

WHEREAS, G.S. Realty Corp. has posted a maintenance bond in the amount of \$69,282.00 in compliance with the Planning Board approval and upon the recommendation of the Township Engineer; and

WHEREAS, the Township Engineer has inspected the public improvements and has found the public improvements to be in good condition and acceptable to the Township; and

WHEREAS, the Township Engineer has therefore recommended that the maintenance bond should be released.

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NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that the maintenance bond for Estelle Manor Subdivision, Block 75, Lot 11 in the amount of \$69,282.00, be released in accordance with the recommendation of the Township Engineer.

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

- C. Resolution #25-20 – Resolution to authorize the payment of re-occurring expenditures by the Township Manager in the event of the cancellation of a regularly scheduled meeting

RESOLUTION #25-20

**A RESOLUTION BY THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND
STATE OF NEW JERSEY TO AUTHORIZE THE PAYMENT OF RE-OCCURRING
EXPENDITURES BY THE TOWNSHIP MANAGER IN THE EVENT OF THE
CANCELLATION OF A REGULARLY SCHEDULED MEETING**

WHEREAS, Governor Murphy, on March 9, 2020, issued Executive Order No. 103, declaring a State of Emergency pursuant to N.J.S.A. App.A.:9-33 et seq. and a Public Health Emergency as contemplated by N.J.S.A. 26:13-1 et seq., within the State of New Jersey, effective immediately until further notice by the Governor that an emergency no longer exists; and

WHEREAS, the Township of Hardyston is undertaking the necessary steps to insure the continued functioning of government and the allocation of resources on an emergent basis; and

WHEREAS, in the event the regularly scheduled meetings of the governing body are canceled, government must be prepared to continue to proceed with necessary services and payment of certain expenditures; and

WHEREAS, the Township Manager is the highest ranking full-time official of the Township and Chief Operating Officer of the municipality.

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

1. The Township Council hereby authorizes Carrine Piccolo-Kaufer, Township Manager to disburse and/or authorize payment, subject to the availability of funds, for re-occurring necessary expenses in the event that the Township Council cancels a regularly scheduled meeting of the governing body.
2. Those disbursements that are made by Ms. Piccolo-Kaufer will be placed on a subsequent meeting bill list for full disclosure to the public and the Township Council of the expenditures authorized by Ms. Piccolo-Kaufer under such circumstances.

This Resolution shall take effect immediately.

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

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- D. Resolution #26-20 – Resolution rescinding the award of MCCPC Contract #26 to J. Fletcher Creamer & Son and awarding the MCCPC Contract #26 to Road Safety System, LLC

RESOLUTION #26-20

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
DIVISION OF LOCAL AID
AND ECONOMIC DEVELOPMENT
RECOMMENDATION OF RESCINDING THE AWARD OF
MCCPC CONTRACT #26 TO J. FLETCHER CREAMER & SON AND
AWARDING THE MCCPC CONTRACT #26 TO ROAD SAFETY SYSTEMS, LLC**

BE IT RESOLVED that the Township Council of the Township of Hardyston, Sussex County, New Jersey hereby recommends to the New Jersey Department of Transportation that the contract for

Davis Road & Old Prospect School Road

in the Township of Hardyston, County of Sussex originally award to J. Fletcher Creamer & Sons, Inc. in the amount of \$8,010 be rescinded for being non-responsive, and

BE IT RESOLVED that the Township Council of the Township of Hardyston, Sussex County, New Jersey hereby recommends to the New Jersey Department of Transportation that the contract for Guide Rail Work associated with the Davis Road & Old Prospect School Road Project be awarded to:

Road Safety Systems, LLC (MCCPC Contract #26) in the amount of \$9,857.50
subject to the approval of the Department,

That the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in prescribed form for said construction.

That the clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

Approved by the Hardyston Township Council on March 25, 2020.

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

- E. Resolution #27-20 – Resolution awarding contract for Silver Grove Road and Park Drive Improvements to Morris County Cooperative Pricing Council Vendors

It was the consensus of the Council to table this item to a future meeting.

- F. Resolution #28-20 – Resolution authorizing an amendment to the Developer's Agreement for Emerald Estates dated July 1, 2008 to extend the time to complete the site improvements until June 30, 2023

RESOLUTION #28-20

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY,
AUTHORIZING AN AMENDMENT TO THE DEVELOPER'S AGREEMENT FOR
EMERALD ESTATES DATED JULY 1, 2008 TO EXTEND THE TIME TO
COMPLETE THE SITE IMPROVEMENTS UNTIL JUNE 30, 2023**

WHEREAS, Emerald Estates subdivision, located at Block 64, Lot 27, originally received approval to complete the project by June 30, 2011; and

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WHEREAS, on July 9, 2014, the Mayor and Township Council approved a second extension of time to complete the site improvements for this project, which would expire on July 1, 2017; and

WHEREAS, on February 8, 2017, the Mayor and Township Council approved a third extension of time to complete the site improvements for this project, which would expire on July 1, 2020; and

WHEREAS, the developer has now requested an additional extension of time to complete the improvements; and

WHEREAS, the Township Engineer has inspected the project and is of the opinion that the request for an extension to complete the improvements will not create any safety concerns to the general public; and

WHEREAS, the Township Engineer has reviewed the current performance bond associated with the site work and has updated the estimates and has advised the council that he believes that the current performance bond is sufficient to complete the remaining improvements if necessary. He also recommends an extension to complete this project for an additional three years, to June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, that the Township Manager is hereby authorized to extend the developer's agreement from July 1, 2020 to June 30, 2023

BE IT FURTHER RESOLVED, that the extension is subject to all other conditions of the current developer's agreement on file with the municipality.

This Resolution shall take effect immediately.

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

G. 2020 Municipal Budget Introduction

Township Manager gave an overview of the 2020 Municipal Budget. A motion was made by Miller to approve the 2020 Municipal Budget as introduced, seconded by Verrilli. All in favor. Motion carried. Public hearing and adoption of the budget is scheduled for April 22, 2020.

H. Correspondence

1. Hampton Township
2. Hamburg Borough
3. Lafayette Township
4. Franklin Borough
5. Sparta Township
6. Sparta Township
7. Sandyston Township
8. Byram Township
9. State of NJ
10. Dykstra Walker Design Group

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

BILLS TO BE PAID: A motion was made by Verrilli to approve the bill list as presented, seconded by Miller. 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. The Mayor ensured that the phone lines were available for public comment, they were opened up for public comment and no one from the public

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wished to be heard. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

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

Jane Bakalarczyk, RMC/CMC
Municipal Clerk