

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2020

The meeting was called to order via Zoom webinar by Mayor Kula at approximately 7:05 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 Zoom webinar. 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.

Also present via Zoom webinar were: Deputy Mayor Miller, Councilman Verrilli, Councilman Kaminski, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau. Councilwoman Hamilton joined the meeting at approximately 7:10 p.m.

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 2020
2. Tax Collector Report – April 2020
3. Construction Certificate Activity Report – April 2020
4. Construction Permit Activity Report – Hardyston – April 2020
5. Construction Permit Activity Report – Hamburg – April 2020
6. Construction Permit Activity Report – Franklin – April 2020
7. Construction Permit Activity Report – Newton – April 2020
8. Construction Permit Activity Report – Sussex – April 2020
9. Construction Permit Activity Report – Wantage – April 2020
10. Municipal Court Report – April 2020
11. Littell Community Center Report – April 2020
12. Land Use Report – April 2020
13. Police Department Report – April 2020

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

ORDINANCES

1st READING:

2020-05

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF DRAINAGE EASEMENTS IN FAVOR OF THE TOWNSHIP OF HARDYSTON FOR THE PROPERTY DESIGNATED AS BLOCK 84, LOTS 24 AND 26 ON THE HARDYSTON TOWNSHIP TAX MAP

WHEREAS, the Township Council of the Township of Hardyston, in the County of Sussex, State of New Jersey, wishes to accept Drainage Easements in favor of the Township of Hardyston for property located at Block 84, Lot 24 by William and Barbara Walsh and Block 84, Lot 26 by Kevin and Jill Lukas; and

WHEREAS, this conveyance is being made in connection with a drainage project on the properties; and

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WHEREAS, the Township Attorney reviewed the Drainage Easements and found same acceptable in all respects; and

WHEREAS, the Drainage Easements shall be recorded with the Sussex County Clerk's Office.

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

SECTION 1. The Township Council of the Township of Hardyston hereby authorizes acceptance of the Drainage Easements in favor of the Township of Hardyston for property located at Block 84, Lot 24 by William and Barbara Walsh and Block 84, Lot 26 by Kevin and Jill Lukas.

SECTION 2. 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 3. 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 4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion 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 Miller to approve Ordinance 2020-05 on first reading, seconded by Verrilli. All in favor. Motion carried.

ORDINANCES

2nd READING:

2020-04

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$345,200.00 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 Three Hundred Forty Five Thousand and Two Hundred Dollars (\$345,200.00) 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 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.

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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.

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 wished to be heard. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Kaminski to approve Ordinance 2020-04 on second reading, seconded by Miller. All in favor. Motion carried.

At this time, William Hickerson, OEM Coordinator updated the Council on the status of the COVID-19 cases within Sussex County. He stated that the number of cases in the County were dropping. Township Manager gave the Council an update on employee status and the municipal building procedures.

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #35-20 – Disabled Veteran Refund – Larry Decker – 25 Mountain Road

Resolution #35-20

WHEREAS, Block 67.03 Lot 1.25 also known as 25 Mountain Road, Hardyston and owned by Larry Decker, and

WHEREAS, Mr. Decker was approved for 100% Disabled Veteran effective July 23, 2019 and the mortgage company has paid the May 1st, 2020 taxes in error, and

WHEREAS, Mr. Decker is due a refund for these taxes in the amount of \$ 1,290.69.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Mr. Decker the amount of \$ 1,290.69 for a payment made in error.

2. Resolution #36-20 – Disabled Veteran Refund – Glenn R. Hooks – 36 Big Springs Road

Resolution # 36-20

WHEREAS, Block 72 Lot 3.05 also known as 36 Big Springs Road, Hardyston and owned by Glenn R Hooks, and

WHEREAS, on March 24, 2020 Mr. Hooks was approved for a permanently Disabled Veteran and has full exempt status, thru the Department of Veteran Affairs, and

WHEREAS, Mr. Scott Holzhauer, Tax Assessor for Hardyston Township has approved this exemption for 2020 effective March 24, 2020 when Mr. Hooks applied for the deduction, and therefore his payment for the February taxes have

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been adjusted in the amount of \$ 206.08 and the May 1 taxes for \$ 2,737.83 for a refund of \$ 2, 943.91.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund M. Hooks in the amount of \$ 2,943.91 representing the adjusted amount for February and May taxes.

A motion was made by Verrilli to approve the above resolutions as presented, seconded by Hamilton. All in favor. Motion carried.

B. Resolution #37-20 – Resolution authorizing disposal of surplus property

Resolution #37-20

Authorizing Disposal of Surplus Property

WHEREAS, the Hardyston Township is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Hardyston Township Council is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE, be it RESOLVED by the Hardyston Township Council, as follows:

(1) The sale of the surplus property shall be conducted through Municibid pursuant to State Contract T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with Municibid is available online at Municibid.com and also available from Hardyston Township.

(2) The sale will be conducted online and the address of the auction site is Municibid.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is as follows:

18 KW Kohler Generator Model # 20R0ZJ81 W/Transfer Switch

Stanley HP-1 Compact Hydraulic unit W/jackhammer

1-Mason Dump Body

2004 Sterling Single Axle Truck Vin # 2FZAAWBS74AM92199

2007 Road Force Trailer Vin # 1W4200F2X78011402

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Powertek Chipper Model #727

2007 Ford F-450 Vin # 1FDAF57P17EA01718

2-11 foot Gledhill plows

1995- Volvo Sanitation Truck Vin # 4V2JCBME8SR49348

2002 Subco Trailer Vin # 1S9BU061X2J713028

JCB Front Attached Loader Broom

5- 225/60/18 tires

2- 9 inch auger sanders

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) Hardyston Township reserves the right to accept or reject any bid submitted.

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

- C. Resolution #38-20 – Resolution authorizing the release of escrow in connection with the Lake Stockholm Country Club and Community Association Dam Restoration Loan

RESOLUTION #38-20

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF ESCROW IN CONNECTION WITH THE LAKE STOCKHOLM COUNTRY CLUB AND COMMUNITY ASSOCIATION DAM RESTORATION LOAN

WHEREAS, the Township of Hardyston, in accordance with the New Jersey Department of Environmental Protection Dam Restoration Program, cosigned a loan with the Lake Stockholm Country Club and Community Association for dam restoration in conjunction with Lake Stockholm; and

WHEREAS, the loan has been repaid in full and the repair work on the dam has been completed; and

WHEREAS, there are no costs or expenses that are outstanding with respect to this loan and the Township Manager and Municipal Attorney hereby recommend the release of the escrow, with the original amount of \$17,000 plus interest to be returned to the Association as a result of the successful completion of the loan and dam restoration project.

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 take all necessary action to close out this project including, but not limited to, the return of all escrow funds deposited by the Lake Stockholm Country Club and Community Association in conjunction with the dam restoration project on Lake Stockholm.

This Resolution shall take effect immediately upon adoption.

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

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- D. Resolution #39-20 – Resolution to authorize an agreement for temporary water services between the Township of Hardyston and Walkkill Group

RESOLUTION #39-20

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE AN AGREEMENT FOR TEMPORARY WATER SERVICES BETWEEN THE TOWNSHIP OF HARDYSTON AND WALLKILL GROUP

WHEREAS, the Township of Hardyston has reviewed the status of the Park Drive Firewater System Upgrades Project (“Project”) and determined that there is an additional need from a standpoint of health and public safety, for a temporary water storage tank on the site; and

WHEREAS, Walkkill Group has submitted a proposal to provide such services at a cost of \$6,211.38 per month; and

WHEREAS, the Administration of the Township in conjunction with the Township Engineer believe that the public’s health, safety and welfare are best protected by having the ability, if necessary, to utilize the services of Walkkill Group to provide for temporary water storage tank services on the site of the Project; and

WHEREAS, the cost for these services, if necessary, shall be assessed to the Project.

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 is hereby authorized to enter into an agreement with the Walkkill Group for temporary water storage tank services in conjunction with its proposal which is on file with the Clerk’s Office for a period of sixty (60) days for an amount not to exceed \$12,500.

This Resolution shall take effect immediately upon adoption.

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

- E. Resolution #40-20 – Resolution to temporarily amend certain outdoor dining requirements to enable local restaurants to implement social distancing and support the reopening process

RESOLUTION # 40-20

A RESOLUTION OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, TO TEMPORARILY AMEND CERTAIN OUTDOOR DINING REQUIREMENTS TO ENABLE LOCAL RESTAURANTS TO IMPLEMENT SOCIAL DISTANCING AND SUPPORT THE REOPENING PROCESS

WHEREAS, recent changes in the economy, including the COVID-19 public health emergency and resulting social distancing requirements, have led the Township to review its outdoor dining requirements; and

WHEREAS, the Governing Body desires to support the economic recovery of local restaurants by temporarily relaxing certain outdoor dining restrictions, as recommended by the Township Planner, so that restaurants are able to increase customer traffic while satisfying social distancing requirements; and

WHEREAS, the Township Planner and the Township Attorney has reviewed same and found the temporary relaxation satisfactory; and

WHEREAS, the Governing Body finds it in the best interest of the Township to temporarily relax certain restrictions.

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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. Outdoor seating will be temporarily permitted as an accessory use to any existing brewery, restaurant, or eating establishment as permitted by the Township Zoning Ordinance.
2. Restaurants must continue to follow all rules and regulations of the Health Department and Division of Alcoholic Beverage Control, as well as all applicable local, State and federal laws.
3. Temporary outdoor dining plans in accordance with this resolution shall require the approval of the Township Zoning Officer.
4. The Zoning Officer, Chief of Police and Township Manager reserve the right to deny the modification of the rules or put in place specific requirements or restrictions in order to protect the health, safety and welfare of the general public. Appeals of such requirements may be filed with the Township Council.
5. This Resolution does not permit the construction of or alteration to any building or structure. No changes may be made that alter the existing character of any building or structure.
6. This Resolution applies only to establishments already approved to operate as a restaurant as of this Resolution's date of adoption.
7. Outdoor restaurant seating will not require the filing of a Site Plan Application.
8. A Temporary Outdoor Restaurant Seating Application must be obtained prior to the creation of any outdoor seating. A drawing of the proposed outdoor restaurant seating area must accompany the Application. This drawing shall show the location and size of all proposed tables and chairs and distances to other tables and chairs and distances from any other structures such as a host podium and serving stations. All distance separations shall comply with all applicable Executive Orders issued by the Governor of the State of New Jersey, as well as any other requirements, conditions and/or limitations in any applicable Executive Orders. Where available, the sketch shall be superimposed upon an existing site plan drawing or survey.
9. The following standards are hereby created in connection with outdoor restaurant seating:
 - a. Outdoor restaurant seating areas can be located upon public sidewalks where adequate provision is made for the pedestrian public, on relatively level grass areas, and in parking lots where an adequate number of parking stalls remain in the opinion of the Township Zoning Officer. Preference should be given to creating outdoor restaurant seating on sidewalks and upon grass areas.
 - b. Where outdoor seating is proposed to be created in a parking lot, bollards or other protection structures shall be erected along the perimeters of the outdoor restaurant seating area in order to enhance public safety;
 - c. Restaurants may display one temporary sign to notify the public of in-house, take-out as well as outdoor dining options and any restrictions in place due to the COVID-19 public health emergency.

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- d. An awning or umbrellas may be utilized within an outdoor restaurant area, but tents shall not be permitted;
- e. Serving stations and a host podium may be located within an outdoor restaurant seating area provided a plexiglass or other similar partition is used;
- f. No change in grading will be permitted in order to create an outdoor restaurant seating area, and no temporary flooring or mats may be utilized;
- g. The proposed hours of operation of the outdoor restaurant seating area will be included in the Temporary Outdoor Restaurant Seating Application;
- h. No outdoor restaurant seating area may be located within an approved delivery area/loading zone;
- i. Restaurants with existing outdoor seating areas may seek to expand the existing area;
- j. The maximum number of people at a table; required minimum distances between tables; and standards for addressing patrons waiting to be seated will be formulated after the promulgation of the Governor's Executive Order permitting restaurants to reopen.

10. This Resolution shall be effective once the State of New Jersey, through the Governor's Office, has issued an executive order order permitting restaurants to serve customers on premises.

11. This Resolution shall remain in effect until the Governor ends the restrictions pertaining to restaurants and eating establishments to serve patrons at their place of business in accordance with the state of emergency.

12. The Township Council reserves the right to rescind or amend this Resolution for the health and safety of the public.

This Resolution will take effect immediately.

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

F. Correspondence

1. Hampton Township
2. Hopewell Township
3. Byram Township
4. County of Sussex
5. State of NJ
6. State of NJ

A motion was made by Miller to approve the correspondence as presented, seconded by Hamilton. Mayor Kula suggested supporting Item #2, Resolution #20-42 from Hopewell Township, regarding high speed internet and asked the Township Attorney and Township Manager to draft a similar resolution for the Council's consideration. Deputy Mayor Miller agreed. All in favor. Motion carried.

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BILLS TO BE PAID: A motion was made by Hamilton 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 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 Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk