

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 24, 2020

The meeting was called to order by Mayor Kula 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 Miller, Councilwoman Hamilton, Councilman Verrilli, Councilman Kaminski, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau via conference call.

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

Agreements/Applications/Licenses:

1. Amusement License – Anthony Pignataro (Tony’s Pizza – Rt 23)

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: 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 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 Miller to approve Ordinance 2020-05 on second reading, seconded by Verrilli. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution #41-20 – Shared Service Agreement for Street Sweeping – Hamburg Borough

RESOLUTION #41-20

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING
SHARED SERVICE AGREEMENT**

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

1. Street Sweeping – Hamburg Borough

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

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- B. Resolution #42-20 – Resolution authorizing the use of a Source Well National Contract for the Township of Hardyston, Department of Public Works, for the purchase of a 2016, or newer, Volvo SS25B Roller

Resolution # 42-20

A Resolution Authorizing the Use of a Source Well National Contract for the Township of Hardyston, Department of Public Works

WHEREAS, the Source Well National Contract advertised and received bids for the purchase of construction and agricultural equipment, contract number 032119-VCE and was awarded on May 10, 2019

WHEREAS, the bid proposal included an option for the bidder to provide goods and/or services to current and/or potential members including government, higher education, K 12 education, non-profits and all other public agencies located nationally without substitution or deviation from the bid specification; and

WHEREAS, Volvo Construction Equipment North America LLC., was awarded the contract with purchases authorized through their distributors and have extended their pricing to registered members of the NJPA, thereby affording the Township of Hardyston the opportunity of direct purchase through Hoffman Equipment, Inc., without competitive bidding.

NOW, THEREFORE, BE IT RESOLVED that the Township of Hardyston in the County of Sussex, State of New Jersey wishes to purchase a 2016, or newer, Volvo SS25B Roller and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute said contract and related contract documents; and

BE IT FURTHER RESOLVED that this contract will be in effect from the date of award until receipt of goods.

This Resolution shall take effect immediately.

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

- C. Resolution #43-20 – Resolution regarding high speed internet

RESOLUTION #43-20

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY REGARDING HIGH SPEED INTERNET

WHEREAS, rural areas of the State of New Jersey are serviced by service providers with respect to aerial line high-speed internet service; and

WHEREAS, having access to aerial line high-speed internet service is a necessary and vital part of living in today's society; and

WHEREAS, the recent pandemic of COVID-19 further illustrates just how vital access to aerial line high-speed internet has become to society, especially during times of crisis or emergencies and how not having access to aerial line high-speed internet has the potential to cripple a community, particularly a rural one, denying the community the capacity for remote student learning and remote working arrangements with a resident's employer;

AND FURTHERMORE, that during a time of crisis not having access to aerial line high-speed internet has the potential to shut down all functions of government by denying essential employees and elected officials the ability to work, communicate, distribute information, conduct meetings, and perform the other requirements of a functioning government through remote capabilities; and

WHEREAS, Hardyston Township believes that the service providers of aerial line high-speed internet in the State of New Jersey are more than capable of and

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financially sound enough to achieve a 100% rate of aerial line high-speed internet accessibility but choose not to pursue that goal unless forced to through regulation because the providers feel it is not profitable; and

WHEREAS, not having access to aerial line high-speed internet service is a plight on students, reducing their educational opportunities and ability to learn in a modern world; and

WHEREAS, not having access to aerial line high-speed internet service could potentially have life and death consequences for the elderly or those with various health complications; and

WHEREAS, not having access to aerial line high-speed internet service causes a great burden to businesses, places them at a disadvantage, and reduces chances for economic development in rural areas; and

WHEREAS, not having access to aerial line high-speed internet service can cause rural healthcare facilities to shut down because they cannot access required networks to function, thereby further creating negative impacts on New Jersey residents' health; and

WHEREAS, Hardyston Township's successful commitment to agricultural and farmland preservation has delivered to Hardyston Township the unintended penalty of being good stewards of the environment through agricultural and farmland preservation while preventing Hardyston Township from ever having the population density to cost-justify a telecommunications infrastructure build out in the Township; and

WHEREAS, Hardyston Township's good stewardship of the environment by according a high priority to farmland and open space preservation should be rewarded, not penalized, with some quid pro quo consideration requiring deployment of aerial line high-speed internet access to the farms, businesses and residents of Hardyston Township; and

WHEREAS, other rural municipalities experience this same burden due to their rural characteristics and environmental stewardship; and

WHEREAS, Hardyston Township is desirous of assisting and cooperating with other public entities and State officials to pursue a petition before the Board of Public Utilities to enact regulations requiring a 100% rate of aerial line high-speed internet accessibility in each individual municipality throughout the State of New Jersey; and

WHEREAS, unless the Board of Public Utilities requires service providers of aerial line high-speed internet to provide 100% aerial line high-speed internet access in Hardyston Township and all municipalities throughout New Jersey, the State will have unintentionally subverted the public's significant investment in farmland and open space preservation by not allowing those preserved farm businesses to be economically competitive and viable over the long term.

NOW, THEREFORE, BE IT RESOLVED BY THE Township Council of the Township of Hardyston in Sussex County that the Board of Public Utilities is requested to order all service providers of aerial line high-speed internet to provide aerial line high-speed internet service to all municipalities throughout the State with each municipality being afforded a 100% rate of aerial line high-speed internet accessibility; and

BE IT FURTHER RESOLVED, that our State representatives use their authority to require service providers of aerial line high-speed internet to achieve a 100% rate of high-speed internet access for each individual municipality throughout the State of New Jersey; and

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BE IT FURTHER RESOLVED, that the clerk for the Township of Hardyston be directed to send a copy of this resolution to the Governor of the State of New Jersey, the Senate President of the New Jersey State Senate, the Speaker of the Assembly of the State of New Jersey, the Sussex County Board of Chosen Freeholders, and the Board of Public Utilities; and

BE IT FURTHERMORE RESOLVED, that the clerk for the Township of Hardyston be directed to send a copy of this resolution to the clerks of all 565 municipalities in the State, encouraging them to pass similar resolutions so that during times of crisis and emergency all New Jersey residents have access to the vital resource of aerial line high-speed internet access thus allowing employees to work remotely, healthcare providers to function, governments to continue to function ensuring the health, safety, and welfare of residents, and also so that all children in the State of New Jersey have an equal opportunity to access information critical to furthering their educations.

This Resolution shall take effect immediately upon adoption.

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

D. Correspondence

2. Franklin Borough
3. State of NJ
4. State of NJ
5. PSE&G

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

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

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

At this time, William Hickerson, OEM Coordinator and the Council discussed the status of the COVID-19 cases within Sussex County. Township Manager gave the Council an update on plans for the reopening of the municipal building to the public, and an update on recreation events.

ADJOURNMENT: A motion was made by Miller to adjourn at approximately 7:25 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk