

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 26, 2020**

The meeting was called to order by Mayor Kula at approximately 9:00 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.

**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 – July 2020
2. Tax Collector Report – July 2020
3. Construction Certificate Activity Report – July 2020
4. Construction Permit Activity Report – Hardyston – July 2020
5. Construction Permit Activity Report – Hamburg – July 2020
6. Construction Permit Activity Report – Franklin – July 2020
7. Construction Permit Activity Report – Newton – July 2020
8. Construction Permit Activity Report – Sussex – July 2020
9. Construction Permit Activity Report – Wantage – July 2020
10. Municipal Court Report – July 2020
11. Land Use Report – July 2020
12. Police Department Report – July 2020
13. Sussex County Health Department Report – May 2020
14. Sussex County Health Department Report – June 2020
15. Sussex County Health Department Report – July 2020

**Agreements/Applications/Licenses:**

1. Raffle License – PBA Local 315 Civic Association, Inc. Chester Township
2. Raffle License – Northeast Regional Early Intervention Collaborative, Inc.
3. Raffle License – St. Jude the Apostle Church
4. Fire Department – New Member Applications – Daniel Tomzick, Travis Henderson, Thomas E. Kelly III

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

**ORDINANCES**

**1st READING:**

**2020-06**

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF  
NEW JERSEY AMENDING THE TOWNSHIP CODE  
BY ESTABLISHING CHAPTER 135 “NOISE”**

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

**ORDINANCES**

**2nd READING:**

**None**

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**NEW BUSINESS:**

- A. Resolution #55-20 – Amendment to the Hardyston Township Emergency Management Plan

**RESOLUTION #55-20**

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

1. Amendment to the Hardyston Township Emergency Management Plan

William Hickerson, Emergency Management Coordinator gave a short overview as to the changes. A motion was made by Miller to approve the resolution as presented, seconded by Kaminski. All in favor. Motion carried.

- B. Resolution #56-20 – Resolution authorizing the person-to-person/place-to-place (expansion of licensed premises) transfer of liquor license #1911-33-005-009 from Stone Hill Recreation Corp. to Stone Hill Recreation SPE LLC

**RESOLUTION #56-20**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE PERSON-TO-PERSON/PLACE-TO-PLACE (EXPANSION OF LICENSED PREMISES) TRANSFER OF LIQUOR LICENSE # 1911-33-005-009 FROM STONE HILL RECREATION CORP. TO STONE HILL RECREATION SPE LLC**

**WHEREAS**, an application has been filed for a Person-to-Person/Place-to-Place (expansion of licensed premises) Transfer of Plenary Retail Consumption License Number 1911-33-005-009, heretofore issued to Stone Hill Recreation Corp. or premises located at 105-137 Wheatsworth Road, Hardyston, New Jersey;

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

**WHEREAS**, the applicant is qualified to be licensed according to all standard established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, does hereby approve, effective September 1, 2020 the transfer of the aforesaid Plenary Retail Consumption License to Stone Hill Recreation SPE LLC, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to Stone Hill Recreation SPE LLC, effective September 1, 2020.”

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.

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- C. Resolution #57-20 – Resolution authorizing the person-to-person/place-to-place (expansion of licensed premises) transfer of liquor license #1911-33-006-11 from Stone Hill Recreation Corp. to Stone Hill Recreation SPE LLC

**RESOLUTION #57-20**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE PERSON-TO-PERSON/PLACE-TO-PLACE (EXPANSION OF LICENSED PREMISES) TRANSFER OF LIQUOR LICENSE # 1911-33-006-11 FROM STONE HILL RECREATION CORP. TO STONE HILL RECREATION SPE LLC**

**WHEREAS**, an application has been filed for a Person-to-Person/Place-to-Place (expansion of licensed premises) Transfer of Plenary Retail Consumption License Number 1911-33-006-11, heretofore issued to Stone Hill Recreation Corp. or premises located at One Wild Turkey Way, Hardyston, New Jersey;

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

**WHEREAS**, the applicant is qualified to be licensed according to all standard established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, does hereby approve, effective September 1, 2020 the transfer of the aforesaid Plenary Retail Consumption License to Stone Hill Recreation SPE LLC, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to Stone Hill Recreation SPE LLC, effective September 1, 2020.”

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.

- D. Resolution #58-20 – Resolution authorizing the person-to-person/place-to-place (expansion of licensed premises) transfer of liquor license #1911-36-007-003 from Stone Hill Recreation Corp. F/K/A Grand Cascades Lodge Liquor Limited Liability Company to Stone Hill Recreation SPE LLC

**RESOLUTION #58-20**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE PERSON-TO-PERSON/PLACE-TO-PLACE (EXPANSION OF LICENSED PREMISES) TRANSFER OF LIQUOR LICENSE # 1911-36-007-003 FROM STONE HILL RECREATION CORP. F/K/A GRAND CASCADES LODGE LIQUOR LIMITED LIABILITY COMPANY TO STONE HILL RECREATION SPE LLC**

**WHEREAS**, an application has been filed for a Person-to-Person/Place-to-Place (expansion of licensed premises) Transfer of Plenary Retail Consumption License Number 1911-36-007-003, heretofore issued to Stone Hill Recreation Corp f/k/a Grand Cascades

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Lodge Liquor Limited Liability Company or premises located at 3 Wild Turkey Way, Hardyston, New Jersey;

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

**WHEREAS**, the applicant is qualified to be licensed according to all standard established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, does hereby approve, effective September 1, 2020 the transfer of the aforesaid Plenary Retail Consumption License to Stone Hill Recreation SPE LLC, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Stone Hill Recreation SPE LLC, effective September 1, 2020."

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.

- E. Resolution #59-20 – Resolution authorizing the release of escrow in connection with the Rock Properties, Inc. dam, lake and stream restoration loan

**RESOLUTION #59-20**

**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 ROCK PROPERTIES, INC. DAM, LAKE & STREAM RESTORATION LOAN**

**WHEREAS**, the Township of Hardyston, in accordance with the New Jersey Department of Environmental Protection Dam Restoration Program, cosigned a loan with Rock Properties Inc. for dam restoration in conjunction with Rock Lodge Pond Dam; 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 \$10,000 plus \$453.01 in interest for a total of \$10,453.01 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 Rock Properties, Inc. in conjunction with the dam restoration project on Rock Lodge.

This Resolution shall take effect immediately upon adoption.

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

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F. Tax Collector Resolutions

1. Resolution #60-20 – Refund – United Telephone Co. c/o Embarq

**RESOLUTION #60-20**

**WHEREAS**, a refund is due to United Telephone Co c/o Embarq as per Scott Holzhauer, Tax Assessor for the Township of Hardyston, and

**WHEREAS**, he has informed the Tax Office that all United Telephone Properties in Sussex County are now carried at a zero value for the Tax Year 2020 based on the 51% land line threshold and the Hopewell vs Verizon tax appeal decision, and

**WHEREAS**, a refund is due to United Telephone Co c/o Embarq in the amount of \$ 25,874.10 for payments made on the February and May 1<sup>st</sup> taxes that were paid.

**NOW THEREFORE BE IT RESOLVED** BY THE Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund United Telephone Co C/O Embarq in the amount of \$ 25,874.10 for payments already made.

2. Resolution #61-20 – Overpayment Refund – Block 60, Lot 55 QFarm – 18 Ogden Way - Beth O’Leary

**RESOLUTION #61-20**

**WHEREAS**, Block 60 Lot 55 Qfarm is owned by Beth O’Leary of 18 Ogden Way, Ogdensburg, and

**WHEREAS**, the Tax Assessor Scott Holzhauer has deleted parcel Block 60 Lot 55 for 2020 and created Block 60 Lot 55 Qfarm and there were tax payments made on the original lot, and since it is now Farmland Assessed there is a refund due.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Beth O’Leary for overpayment of her Farmland Assessed Property in the amount of \$ 190.97.

A motion was made by Verrilli to approve Resolution #60-20 and Resolution #61-20 as presented, seconded by Hamilton. All in favor. Motion carried.

G. Resolution #62-20 – Resolution appointing Jeffrey Merkle as Municipal Physician

**RESOLUTION #62-20**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPOINTING JEFFREY MERKLE AS MUNICIPAL PHYSICIAN**

**WHEREAS**, the position of Municipal Physician will be vacant following the retirement of the current Municipal Physician, Dennis P. Fielding, at the end of August 2020 and the Township must fill the position; and  
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**WHEREAS**, the Township desires to appoint Jeffrey Merkle as Municipal Physician effective September 1, 2020.

**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) That Jeffrey Merkle is hereby appointed Municipal Physician effective September 1, 2020.

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.

H. Resolution #63-20 – Resolution authorizing the display of fireworks by Crystal Springs Resort on September 6, 2020

#### **RESOLUTION #63-20**

#### **RESOLUTION AUTHORIZING THE DISPLAY OF FIREWORKS BY CRYSTAL SPRINGS RESORT ON SEPTEMBER 6, 2020**

**WHEREAS**, Crystal Springs Resorts has submitted an application to the Hardyston Township Council for permission for the display of fireworks on September 6, 2020 in conjunction with the Labor Day weekend holiday celebration to be held at Crystal Springs Resort, Grand Cascades Lodge; and

**WHEREAS**, Garden State Firework Inc. will be the display company providing the fireworks; and

**WHEREAS**, Garden State Firework Inc. has also submitted proof of proper insurance coverage.

**NOW, THEREFORE, BE IT RESOLVED** by the Hardyston Township Council, in accordance with Chapter 94 of the Hardyston Township Code regarding “Fire Prevention” and the Uniform Fire Code, that permission is hereby granted to Crystal Springs Resort for the display of fireworks on September 6, 2020; and

**BE IT FURTHER RESOLVED** that Crystal Springs Resort must obtain a permit from the Hardyston Township Fire Official and comply with all requirements imposed by the Hardyston Township Fire Official. Failure to obtain a permit or adhere to all of the said requirements will render this permission null and void and subject Crystal Springs Resort to enforcement proceedings, fines and penalties as permitted by law. A certified copy of this Resolution shall be provided to the Hardyston Township Fire Official.

A motion was made by Miller to approve the resolution as presented, seconded by Hamilton. All in favor with Verrilli voting “No”. Motion carried.

I. Correspondence

1. Franklin Borough
2. Lafayette Township
3. Sparta Township
4. County of Sussex
5. State of NJ
6. State of NJ
7. State of NJ
8. Jersey Central Power and Light

9. Elizabethtown Gas

10. Gregory Eisenstark/Cozen O'Connor

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A motion was made by Miller to approve the correspondence as presented, seconded by Kaminski. 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.

**ADJOURNMENT:** A motion was made by Verrilli to adjourn at approximately 9:20 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk