

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 28, 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.

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

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

ORDINANCES

1st READING:

2020-07

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY
OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE
ACQUISITION OF REAL PROPERTY FOR THE PURPOSE
OF ACQUIRING UNITS AS PART OF THE TOWNSHIP'S
AFFORDABLE HOUSING PROGRAM**

WHEREAS, the Township desires to acquire single-family properties to be resold as affordable housing units pursuant to the Township's Housing Element and Fair Share Plan and the New Jersey Council on affordable Housing's Substantive Rules (N.J.A.C. 5:97); and

WHEREAS, the property designated as Lot 1.11 in Block 67.07 ("the property") on the Hardyston Township Tax Map, and known as 22 Sundance Terrace was purchased as an affordable housing unit in 2015, and

WHEREAS, the owner of the property notified the Township of their intent to resell the unit pursuant to the restrictions in the recorded deed; and

WHEREAS, the unit has been actively marketed by the Township for more than 90 days and a qualified purchaser has not been contracted to purchase the unit; and

WHEREAS, the owner has been granted a hardship waiver to sell the unit has a market rate unit and or sell the unit back to the Township for the purposes of affordable housing; and

WHEREAS, the Township Council has determined that it should acquire the said property in order for the unit to remain an affordable unit for the purpose of addressing the Township's Affordable Housing obligation; and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 28, 2020**

WHEREAS, the Chief Financial Officer has certified that funds are available for these acquisitions.

NOW, THEREFORE, BE IT ORDAINED, by the Hardyston Township Council as follows:

SECTION 1. The Township shall acquire the real property designated as Lot 1.11 in Block 6.07, 22 Sundance Terrace by purchasing same from the record owners in consideration of \$119,368 and the Clerk, Manager, Mayor, Housing Liaison and Township Attorney are authorized and directed to take all steps necessary to execute all documents required for these purchases.

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 by Miller to approve Ordinance 2020-07 on first reading, seconded by Verrilli. All in favor. Motion carried.

2020-08

**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 UPDATE CERTAIN
CONSTRUCTION CODE FEES, MUNICIPAL CLERK FEES AND BOARD OF
HEALTH FEES**

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

SECTION 1. Certain portions of Chapter, 88 Fees, Section 88-1 Fees Payable to Municipal Clerk, Subsection B of the aforesaid Revised General Ordinances are hereby amended to read as follows:

§ 88-1. Fees payable to Municipal Clerk.

B. Licenses.

(1) Alcoholic beverage licenses (Chapter 55).

(a) Plenary retail consumption license:

Effective January 1, 2021	\$700
Effective January 1, 2022	\$800
Effective January 1, 2023	\$920
Effective January 1, 2024	\$1065

(b) Plenary retail distribution license:

Effective January 1, 2021	\$500
Effective January 1, 2022	\$580
Effective January 1, 2023	\$675
Effective January 1, 2024	\$760

(c) Club license: \$90.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 28, 2020**

- (3) Dog license and/or renewal [§§ 60-4B, 60-6B and 60-23.1D(2)].
 - (a) Spayed/neutered: \$12.
 - (b) Nonspayed/nonneutered: \$15.
 - (c) Late penalty (per month): \$5.
 - (d) Replacement tag: \$1.
 - (e) The annual fee for licensing a potentially dangerous or vicious dog and each renewal thereof shall be \$500 per year.

- (7) Raffle: \$10 (Chapter 100)

- (8) Junkyard License: \$300 (Chapter 107)

SECTION 2. Certain portion of Chapter, 88 Fees, Section 88-2 Construction Code Fees, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 88-2. Construction code fees

- A. Construction permit fees. The fee for a construction permit shall be the sum of all subcode applications, plus all administrative and miscellaneous fees listed in Subsection F(1) through (11) below. All fees will be rounded to the nearest dollar and shall be paid before the permits are issued, unless otherwise stated. The minimum construction permit fee shall be \$65.

- B. Building subcode fees are as follows:
 - (1) For new construction for buildings of Use Groups F and S the fee shall be \$0.030 per cubic foot and \$0.040 per cubic foot for all other Use Groups provided that the minimum fee shall be \$65. The fee for new commercial farm structures as per N.J.A.C. 5:23-3.2(d) shall be \$0.0125 per cubic foot. For pre-manufactured construction, in addition to applicable cubic footage, fees shall be computed at a rate of \$35 per \$1,000 of the estimated cost of onsite construction associated with completion of the structure.

 - (2) Renovations, alterations, and repairs are based on the estimated cost of the work. The fee shall be \$35 per \$1,000 provided that the minimum fee shall be \$65.

 - (3) The fee for open decks, porches and raised platforms shall be based on the cost of construction as per Subsection B(2) above.

 - (4) Fees for combination renovations and additions shall be the sum of the fees computed separately in accordance with Subsection B(1), (2) and (3) above.

 - (5) The fee for a permit to re-roof or re-side an existing structure of use group R-3, R-4 or R-5 shall be \$75.

 - (6) Fees for retaining walls shall be as follows:
 - (a) The fee for a retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be \$200.

 - (b) The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall be \$100.

 - (c) The fee for a newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of the construction as Subsection B(2) above.

 - (7) The fee for temporary structures and structures for which volume cannot be computed, such as above-ground swimming pools and open structural towers, shall be \$150. The fee for an in-ground swimming pool shall be \$250. The fee for a storable pool shall be \$65. These fees shall include all required pool enclosures. The fee for inspection of preexisting pools requiring inspection for compliance with the barrier requirements as defined in the building subcode shall be \$65.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 28, 2020**

- (8) The fee for fencing exceeding six feet in height shall be \$55.
- (9) The fee for a permit to construct a ground or wall sign shall be \$2 per square foot computed on one side only for single or double-faced signs provided that the minimum fee shall be \$55. The fee for a pylon sign per square foot shall be \$4.
- (10) The fee for a demolition permit issued for the removal storage tanks for flammable and combustible liquids shall be as follows:
 - (a) Underground – unregulated: \$75 per tank
 - (b) Underground – regulated: \$150 per tank
 - (c) Aboveground - \$55 per tank
- (11) The fee for a permit to demolish a building or structure shall be as follows: Use Groups R-3 and R-5 shall be \$75; and all other Use Groups shall be \$200.
- (12) The fee for mechanical inspection in a Use Group R-3 or R-5 structure by a mechanical inspector shall be \$75 for the first device and \$25 for each additional device. No separate fee shall be charged for gas, fuel oil, or water piping connections associated with the mechanical equipment inspected.

C. Plumbing subcode fees are as follows:

- (1) The fee for each fixture, stack, appliance or residential backflow preventer connected to the plumbing system shall be \$20. The fee for oil or gas piping to a single fixture or appliance shall be \$20.
- (2) The fee for each special device including grease traps, oil separators, air conditioning or refrigeration units, water and sewer connections, flammable and combustible liquid storage tanks, commercial backflow preventers, steam or hot water boilers, gas or fuel oil piping (multiple fixtures or appliances), active solar systems, sewer pumps, and interceptors shall be \$55.
- (3) The minimum permit fee for work including the plumbing subcode shall be \$65.

D. Fire protection subcode fees are as follows:

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

Number of Heads Fee	
1 to 20	\$100
21 to 100	\$150
101 to 400	\$300
401 to 1,000	\$750
Over 1,000	\$1,000

- (2) Fee for each standpipe: \$300.
- (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 above ground, installation only) each:

Capacity (gallons) Fee	
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 28, 2020**

(7) Smoke or heat detectors:

Number of Detectors Fee	
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 and other devices: \$8.

(8) Manual or automatic alarm systems: \$100.

(9) Central control system: \$100.

(10) The fire protection subcode fee shall be a minimum of \$65 for single-family dwellings; and \$75 for all other structures.

(11) Non-life-hazard uses (§ 94-10B):

(a) Annual registration fee: \$25.

(b) Late fee: \$250.

(12) Fire suppression tanks (§ 94-10C):

(a) Annual registration fee: \$25.

(b) Late fee: \$50.

E. Electrical subcode fees are as follows:

(1) The fees for electrical receptacles, fixtures and devices are as follows:

(a) For the first block consisting of one to 50 receptacles, fixtures, or device: \$55.

(b) For each additional block consisting of up to 25 receptacles, fixtures, or devices: \$25.

(2) The fees for electrical devices/generators/transformers or solar photovoltaic systems, motors, air conditioner feeders and disconnects are as follows:

(a) For each electrical device/generator/transformer, solar photovoltaic system or motor rated up to 10 kw or 10 hp: \$55.

(b) For each electrical device/generator/transformer, or solar photovoltaic system rated over 10 kw to 45 kw: \$75.

For each motor rated over 10 hp to 50 hp; or

(c) For each electrical device/generator/transformer, or solar photovoltaic system rated over 45 kw to 112.5 kw; for each motor rated over 50 hp to 100 hp; or for each air conditioner feeder and disconnect, commercial 1:51 hp or over, plus unit: \$150.

(d) For each electrical device/generator/transformer or solar photovoltaic system rated over 112.5 kw: \$600.

(e) For each motor over 100 hp: \$600.

(3) The fees for service panels/service entrances/sub panels are as follows:

(a) For each service panel/service entrance/sub panel from 0 to 200 amps: \$55.

(b) For each service panel/service entrance/sub panel over 200 to 1,000 amps: \$100.

(c) For each service panel/service entrance/sub panel over 1,000 amps: \$450.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 28, 2020**

- (4) The fee charged for electrical work for each permanently installed private swimming pool, spa, hot tub or fountain as defined in the building subcode shall be a flat fee of \$65 which shall include any required bonding, and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles, and heaters, etc., excepting panel boards and underwater lighting fixtures. For public swimming pools, the fee shall be charged on the basis of number of electrical fixtures and rating of electrical devices involved in accordance with Subsection E(1) through (3) above. The fee for annual inspections for public swimming pools shall be \$55.
- (5) The fees for pool permit, with UW lights: \$10.
- (6) The fees for storable pool/spa/hot tub: \$65.
- (7) The fees for light standards: \$10.
- (8) The minimum permit fee for work including the electrical subcode shall be \$65.

F. Administrative and miscellaneous fees.

- (1) The fee for plan review shall be 20% of the amount to be charged for the construction permit and shall be paid before the plans are reviewed. This fee shall be credited toward the amount of the construction permit fee.
- (2) The fee to process an application for a variance pursuant to N.J.A.C. 5:23-2.10 shall be as follows:

Type of Structure	Application Fee	Resubmission Fee
Class I	\$150	\$50
Class II	\$100	\$25
Class III	\$50	\$25

- (3) An administrative surcharge fee of 15% shall be charged on each subcode application issued by any third-party agency contracted by the Township of Hardyston.
- (4) The fee for the reinstatement of a lapsed permit shall be 20% of the original fee calculated per subcode application; provided that the minimum fee shall be as per subcode.
- (5) The fee for each construction permit and certificate of occupancy issued for an asbestos hazard abatement project shall be as set forth in N.J.A.C. 5:23-8.9(a)1 and 2.
- (6) The fee for a permit for lead hazard abatement work and clearance certificate shall be as set forth in N.J.A.C. 5:23-4.20(c)3.ix.
- (7) The fees for certificates of occupancy are as follows:
 - (a) Certificate of occupancy for one- and two-family dwellings: \$50.
 - (b) Certificate of occupancy for accessory buildings to one- and two-family dwellings: \$25.
 - (c) Certificate of occupancy for buildings or structures of all other use groups: \$100.
 - (d) Certificate of occupancy for accessory buildings of all other use groups: \$35.
 - (e) Multiple certificates of occupancy for all use groups, per unit: \$50.
 - (f) Certificates of occupancy for change of use group only: \$100.
 - (g) Certificates of continued use or occupancy: \$150.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 28, 2020**

(h) The fee for first issuance or renewal of a temporary certificate of occupancy shall be: \$30.

(8) Certificates of compliance as required by N.J.A.C. 5:23-2.23(1) are as follows:

(a) High pressure boilers (12 months): \$50.

(b) Refrigeration systems (12 months): \$25.

(c) Pressure vessels (12 months): \$50.

(d) Cross connections and backflow preventers (12 months): \$50.

(9) State of New Jersey permit fee shall be in the amount of \$0.00371 per cubic foot of volume of all new construction and \$1.90 per \$1,000 of estimated cost for alterations and repairs or as currently posted in the regulations. These fees are set by and shall be accounted for and forwarded to the Bureau of Regulatory Affairs as per N.J.A.C. 5:23-4.19(C)1.

(10) The fee for a change of contractor shall be: \$25.

(11) The fee for a letter stating that no certificate of continued occupancy is required shall be \$25.

(12) The minimum fee for the review of any amendment or change to a plan that has already been released shall be the minimum fee for the applicable subcode. For all other purposes, the hourly cost of operations shall be certified by the Chief Financial Officer using a formula of total expenditures plus 12% for indirect costs divided by employees weekly hours.

(13) Unlisted fees: Construction fees not specifically listed in this schedule shall be as listed in N.J.A.C. 5:23-4.20.

SECTION 3. Chapter, 88 Fees, Section 88-9, Board of Health Fees, Subsection A, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 88-9. Board of Health fees.

A. Registrar - birth, death, marriage copies: \$10 each.

SECTION 4. All ordinances or parts of ordinances of the Township of Hardyston inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 5. 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 6. This ordinance may be renumbered as necessary.

SECTION 7. This law shall take effect on January 1, 2021 following final passage, approval and publication as required by law.

A motion was made by Miller to approve Ordinance 2020-08 on first reading, seconded by Kaminski. All in favor. Motion carried.

**ORDINANCES
2nd READING:**

None

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 28, 2020**

NEW BUSINESS:

- A. Hardyston Township Board of Education Update – Ron Hoffman, Board of Education President and Chief School Administrator, Mike Ryder

Council was given an update on the current situation of the school district during the pandemic.

- B. Hardyston Township Volunteer Fire Department – Fire Truck Purchase

Fire Department member and OEM Coordinator, William Hickerson, gave the Council an update regarding the purchase of the new fire truck.

- C. Tax Collector Resolutions

- 1. Resolution #74-20 – Overpayment Refund – Imperatore Sussex PT, LP c/o Edward G. Imperatore – Block 61, Lot 54 QFarm – Mountain Road Rear

RESOLUTION #74-20

WHEREAS, Block 61, Lot 54 Qfarm is owned by Imperatore Sussex PT, LP C/O Edward G. Imperatore of Hackensack, NJ for the property located at Mountain Road Rear in Hardyston, and

WHEREAS, an overpayment on 2020 property taxes in the amount of \$2268.71 has occurred.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Imperatore Sussex PT, LP for overpayment of his 2020 property taxes in the amount of \$2268.71.

- 2. Resolution #75-20 – Overpayment Refund – Lake Gerard Co.

RESOLUTION # 75-20

WHEREAS, Block 60 Lot 17.BF also known as 146 Holly Trail, Hardyston was deleted by the Tax Assessor for 2003, and

WHEREAS, there is an overpayment to be refunded in the amount of \$ 132.17 back to Lake Gerard,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Lake Gerard Co for an overpayment of taxes in the amount of \$ 132.17.

- 3. Resolution #76-20 – Cancellation of Various Overpayments

RESOLUTION #76-20

CANCELLATION OF OVERPAYMENTS FROM PREVIOUS YEARS WHERE PROPERTIES HAVE SOLD AND OWNERS HAVE MOVED AND UNABLE TO LOCATE, AND PROPERTIES THAT HAVE BEEN DELETED

WHEREAS, the following list of properties have overpayments from 2002-2010 that have been unable to be refunded due to properties selling and taxpayers moving out of the area. Also, some of these parcels have been deleted for numerous reasons. The monies will be cancelled as per the audit and placed in surplus.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 28, 2020

<u>Block</u>	<u>Lot</u>	<u>Qualif</u>	<u>Address</u>	<u>Amount</u>
13	7		10 Greenhill Road	\$ 61.75
14	30.04	QFARM	41-49 Orts Road	364.55
15	1.01	QFARM	40-64 ORTS ROAD	829.52
67	51.01		Rear Meadow Lane	1,062.41
67.07	1		Wind Meadow rear	3,302.73
81	12		28 West Shore Trail	317.35
90	22		21 Cottonwood Court	794.88
97	14		15 Beech Drive	870.36
67.07	1.51		26 Sweet Water Lane	20.80
16.14	10		22 Bracken Hill Road	1,368.99
16.15	1	C0303	48 Clubhouse Road	823.40
17.02	36		7 Hornbeam Way	1,432.02
75	17.01		195 North Church Road	7,230.80
67	16.04		Wind Meadow Rear	1,073.80
67	19		Post Road Rear	1,073.78
TOTAL				20,627.14

- Resolution #77-20 – Disabled Veteran Exemption – Block 67.19, Lot 31 – 2 Crestmont Court – Nancy Hartje

RESOLUTION # 77-20

WHEREAS, Block 67.19, Lot 31, also known as 2 Crestmont Court, Hardyston and owned by Nancy Hartje, and

WHEREAS, Scott Holzhauer has approved for this parcel to be fully tax exempt effective October 5, 2020 based upon an application for Property Tax Exemption as a Permanently Disabled Veteran, and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to approve this application effective October 5, 2020 that there will no longer be billed taxes for this parcel in the name of Nancy Hartje.

5. Resolution #78-20 – Disabled Veteran Exemption – Block 17.04, Lot 6 – 14 Briar Court – David Beverley

RESOLUTION # 78-20

WHEREAS, Block 17.04, Lot 6, also known as 14 Briar Court, Hardyston and owned by David Beverley, and

WHEREAS, Scott Holzhauer Tax Assessor has approved for this parcel to be fully tax exempt effective August 7, 2020 based upon an application for Property Tax Exemption as a Permanently Disabled Veteran, and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to approve this application effective August 7, 2020 that there will no longer be billed taxes for this parcel in the name of David Beverley.

6. Resolution #79-20 – Disabled Veteran Exemption Refund – Block 67, Lot 18.02 – 36 Post Road – Frank Cicerale

RESOLUTION # 79-20

WHEREAS, Block 67 Lot 18.02, also known as 36 Post Road Hardyston, and owned by Frank Cicerale, and

WHEREAS, on April 16, 2020 Mr. Cicerale 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 April 16, 2020 when Mr. Cicerale applied for the deduction, and therefore his tax payments for 2020 need to be refunded in the amount of \$ 4,045.60, and November 1, 2020 to be cancelled in the amount for \$ 2,275.97.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Mr. Cicerale the amount of 2020 taxes in the amount of \$ 4,045.60 and to cancel the November 1, 2020 taxes for \$ 2,275.97.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 28, 2020

7. Resolution #80-20 – Disabled Veteran Exemption Refund – Block 61, Lot 32 – 43 Silver Lake Road – Jeremy Curcio

RESOLUTION # 80-20

WHEREAS, Block 61, Lot 32, also known as 43 Silver Lake Road Hardyston, and owned by Jeremy Curcio, and

WHEREAS, on October 31, 2019 Mr. Curcio was approved for a permanently Disabled Veteran and has full exempt status, thru the Department of Veteran Affairs, and

WHEREAS, Mr. Scott Holzhauser, Tax Assessor for Hardyston Township has approved this exemption for 2020 effective March 24, 2020 when Mr. Curcio applied for the deduction, and therefore his tax payment for 2020 need to be refunded in the amount of \$ 3,526.80 and November 1, 2020 to be cancelled in the amount of \$ 1,753.30.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Mr. Curcio the amount of 2020 taxes in the amount of \$ 3,526.80 and to cancel the November 1, 2020 taxes for \$ 1,753.30.

8. Resolution #81-20 – Disabled Veteran Exemption Refund – Block 72, Lot 3.05 – 36 Big Spring Road – Glenn R. Hooks

RESOLUTION # 81-20

WHEREAS, Block 72, Lot 3.05, also known as 36 Big Spring 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, and

WHEREAS, Navy Federal Bank had paid the August 1, 2020 tax quarter in error in the amount of \$ 2,840.32,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Mr. Hooks in the amount of \$ 2,840.32 for the August 1, 2020 tax quarter and to cancel the November 1, 2020 tax quarter in the amount of \$ 2,878.98.

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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 28, 2020

- D. Resolution #82-20 – Resolution authorizing the submission of the CY2020/SFY 2021 Best Practices Inventory

RESOLUTION #82-20

RESOLUTION AUTHORIZING THE SUBMISSION OF THE CY2020/SFY 2021 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 2020/SFY 2021 Best Practices Inventory

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

- E. Resolution #83-20 – Resolution authorizing submission of a Strategic Plan for the Governor’s Council on Alcoholism and Drug Abuse for Fiscal Grant Cycle July 2021 - June 2025

RESOLUTION #83-20

**Governor’s Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle FY 2021**

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Hardyston, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Hardyston, County of Sussex, State of New Jersey hereby recognizes the following:

- 1. The Township Council does hereby authorize submission of a revised strategic plan for the Wallkill Valley Municipal Alliance grant for fiscal year 2021 in the amount of:
DEDR \$ 4,017.00
Cash Match \$ 1,004.00
In-Kind \$ 3,014.00
- 2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 28, 2020**

- F. Resolution #84-20 – Resolution accepting a performance cash bond in the amount of \$38,865.60 from Lam Development Group, LLC for Cloverdale East – Phase 2

RESOLUTION #84-20

RESOLUTION ACCEPTING A PERFORMANCE CASH BOND IN THE AMOUNT OF \$38,865.60 FROM LAM DEVELOPMENT GROUP, LLC FOR CLOVERDALE EAST – PHASE 2

WHEREAS, the Hardyston Township Planning Board granted approval to Lam Development Group, LLC for Cloverdale East – Phase 2; and

WHEREAS, as a condition of said approval of Cloverdale East – Phase 2, Lam Development Group, LLC was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of \$38,865.60 and;

WHEREAS, Lam Development Group, LLC has submitted to the Municipal Clerk a performance cash bond in the amount of \$38,865.60; and

WHEREAS, the performance cash bond has been reviewed and approved by the Township Attorney and Township Engineer.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby accepts the above stated bond from Lam Development Group, LLC for Cloverdale East – Phase 2 as performance securities required by the Hardyston Township Planning Board.

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

- G. Resolution #85-20 – Resolution authorizing the Tax Collector to reduce an outstanding lien for property located at 3036 Route 23

RESOLUTION #85-20

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE TAX COLLECTOR TO REDUCE AN OUTSTANDING LIEN FOR PROPERTY LOCATED AT 3036 ROUTE 23

WHEREAS, the estate of Thomas Manuel is the owner of property known as 3036 Route 23 within the Township of Hardyston; and

WHEREAS, the property has outstanding taxes due in the amount of \$13,898.69; and

WHEREAS, the estate has demonstrated that it has exhausted all funds and as a result of various legal proceedings involving the estate, it wishes to resolve this matter by reducing the amount from \$13,898.69 to \$13,148.69 which would account for a waiver of a portion of penalties charged against the outstanding taxes.

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 amount of outstanding taxes due with respect to the property known as 3036 Route 23, in the Township of Hardyston is hereby reduced to \$13,148.69 as long as payment of same is made within seven (7) days of the date of this Resolution.
2. There will be no other concessions, credits or refunds with respect to the outstanding taxes, interest and penalties with respect to the said property.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 28, 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 #86-20 – Resolution to establish remote meeting procedures applicable during a declared state of emergency

RESOLUTION #86-20

RESOLUTION OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, TO ESTABLISH REMOTE MEETING PROCEDURES APPLICABLE DURING A DECLARED STATE OF EMERGENCY

WHEREAS, on March 9, 2020 in response to COVID-19, Governor Phil Murphy issued Executive Order 103, which declared a state of emergency that has been extended by the Governor and remains in full force to this day; and

WHEREAS, by way of additional Executive Orders, the Governor has established extensive social distancing protocols to protect the health, safety and welfare of New Jersey citizens; and

WHEREAS, in accordance with the Executive Orders relating to COVID-19 and the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. (“OPMA”), local government units throughout the State have continued to hold public meetings via remote platforms to ensure the continued operation of local government with participation by the public, in a way that limits public health risk; and

WHEREAS, in March 2020, the New Jersey Department of Community Affairs, Division of Local Government Services (“DLGS”) issued “Local Operational Guidance – COVID-19: Guidance for Remote Public Meetings in New Jersey,” which provided specific guidance regarding holding remote public meetings under the OPMA; and

WHEREAS, on September 24, 2020, the DLGS issued Local Finance Notice 2020-21 (“LFN 2020-21”), which provided a synopsis of newly promulgated emergency regulations N.J.A.C. 5:39-1.1 through 1.7, which establish standard protocols for remote public meetings governed by the OPMA and held during a Governor-declared state of emergency; and

WHEREAS, LFN 2020-21 additionally stated that the emergency regulations presently in effect are proposed for permanent adoption in the October 19, 2020 New Jersey Register, with comments submitted no later than November 18, 2020; and

WHEREAS, under emergency regulation N.J.A.C. 5:39-1.4(h), a local government unit is required to adopt by resolution standard procedures and requirements for public comment made during remote public meetings, as well as for public comments submitted in writing ahead of the remote public meeting.

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 resolve and agree to adopt the following procedures regarding public comments during remote public meetings:

1. Public comments for a remote public meeting may be made during the designated public comment section of the meeting or submitted in writing to the Township Clerk no later than four (4) hours prior to published start time of the remote meeting. Written public comments must be emailed to the Clerk at: jbakalarczyk@hardyston.com or mailed to the attention of the Clerk at: 149 Wheatsworth Road, Hamburg, NJ 07419. Written public comments may not be submitted via any other form of electronic communication.
2. Written public comments submitted via email or mail must include the individual’s name, full address and contact information (telephone number and/or email address), as the Township reserves the right to verify the submitter’s identity. If the information is
MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 28, 2020

incomplete and the Township is unable to verify the individual’s identity, the written comment will not be read into the record.

3. There shall be a five (5) minute time limit for all public comments. Written public comments submitted in accordance with this resolution shall be read into the remote meeting record at the end of the last public comment section, subject to the five (5) minute time limit. Written public comments containing profanity or vulgarity will not be read into the record. The chair and/or presiding officer of the remote meeting reserves the right to read similar or duplicative comments into the record in a summary fashion and will do so uniformly for all similar/duplicative comments.
4. Members of the public who submit written public comments regarding a proposed ordinance for which a public hearing is scheduled to be held during the remote meeting should review the agenda and ordinance, available on the Township's website prior to the meeting, and designate the ordinance number and title to which their written public comments apply.
5. Written public comments received after the four (4) hour deadline set forth by this resolution will not be read into the record or become part of the meeting record.
6. The procedures and requirements for making public comments during a remote meeting, along with an explanation of the audio muting function of the electronic communications platform being used, shall be announced at the beginning of the remote public meeting.
7. With respect to public participation at a remote public meeting, the following procedures shall be incorporated:
 - a. A member of the public who has submitted written comments prior to the meeting in accordance with this resolution, attends the remote public meeting, and wishes to participate during the public comment portion, shall be considered as having been recognized for the purposes of public comment.
 - b. If a member of the public disrupts a remote public meeting, the chair and/or presiding officer of the remote public meeting shall facilitate a dialogue with that member of the public to the extent reasonably permitted by the electronic communications technology.
 - c. The chair and/or presiding officer of the meeting shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn them that continued disruption may result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption and use of profanity.
 - d. A member of the public who continues to act in a disruptive manner after receiving an initial warning shall be muted while other members of the public are allowed to proceed with their questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting.
 - e. The chair and/or presiding officer of the remote meeting shall reserve the right to take necessary action to protect the rights of the public to participate in the remote public meeting

This Resolution shall take effect immediately.

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 28, 2020**

- I. Resolution #87-20 – Resolution authorizing the use of a Source Well National Contract for the Township of Hardyston Department of Public Works

Resolution #87-20

**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 091319-CCS and was awarded on October 30, 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, ClearSpan Fabric Structures International, Inc., 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 ClearSpan Fabric Structures International, 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 and install a 56' x 70' truss and fabric building for the purpose of storing salt material for snow and ice removal; 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 Hamilton. All in favor. Motion carried.

- J. Resolution #88-20 – Resolution authorizing the Township Council to call the Irrevocable Standby Letter of Credit No. 630059643 on the Brechia Farms Subdivision Project

RESOLUTION #88-20

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING
THE TOWNSHIP COUNCIL TO CALL THE IRREVOCABLE STANDBY LETTER OF
CREDIT NO. 630059643 ON THE BRECHIA FARMS SUBDIVISION PROJECT**

WHEREAS, Aandrei J. Investors, LLC is in the process of construction of a major subdivision development project known as Brechia Farms Subdivision, Block 68, Lot 16; and

WHEREAS, in connection with the project, on March 11, 2008 Irrevocable Standby Letter of Credit No. 630059643 was issued by Lakeland Bank for the benefit of the Township; and

WHEREAS, said Irrevocable Standby Letter of Credit No. 630059643 has been amended four (4) times, which amendments were approved by the Township Council by four (4) separate resolutions; and

WHEREAS, said Irrevocable Standby Letter of Credit No. 630059643 has an initial expiration date of March 11, 2010 with annual one year renewal terms; and

WHEREAS, the fourth amendment to Irrevocable Standby Letter of Credit No. 630059643 was issued on November 30, 2017; and

WHEREAS, the Irrevocable Standby Letter of Credit has been renewed annually; and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 28, 2020**

WHEREAS, as of October 20, 2020 the project has not been completed and numerous deficiencies remained unabated; and

WHEREAS, by memorandum dated October 20, 2020, the Township Engineer provided the Township Manager with an itemized list of deficiencies for numerous areas throughout the Brecia Farms Subdivision with an estimated cost of construction calculated at over \$290,000; and

WHEREAS, by letter to its attorney, Aandrei J. Investors, LLC, and property owner David Hook will be informed that if the deficiencies were not abated within ten (10) days of the letter and Resolution, the bond represented by Irrevocable Standby Letter of Credit No. 630059643 will be called; and

WHEREAS, as of October 28, 2020, all deficiencies with the Brecia Farms Subdivision project remain unabated;

WHEREAS, the Developer's Agreement for the Brecia Farms Subdivision expires on December 1, 2020; and

WHEREAS, the developer, Aandrei J. Investors, LLC, and property owner are in default of the Developer's Agreement and their financial obligations; and

WHEREAS, the Township Council has determined that it is in the best interests of the Township to call Irrevocable Standby Letter of Credit No. 630059643 at this time.

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

- 1) Irrevocable Standby Letter of Credit No. 630059643 issued in favor of the Township of Hardyston on behalf of Aandrei J. Investors, LLC and David Hook will be called as of November 6, 2020, the Township attorney shall inform Lakeland Bank of the default and Irrevocable Standby Letter of Credit No. 630059643 being called; and
- 2) If Aandrei J. Investors, LLC and/or David Hook provide the Township Engineer with valid proof of correction of deficiencies before November 6, 2020, the Township Attorney will withdraw the proceedings to call the Irrevocable Letter of Credit.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Township Engineer, Aandrei J. Investors, LLC and David Hook.

This Resolution shall take effect immediately.

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

K. Correspondence

1. Franklin Borough
2. Franklin Borough
3. Sparta Township
4. Borough of Beach Haven
5. Vernon Township
6. Hampton Township
7. Hampton Township
8. Byram Township
9. Hamburg Borough
10. Fredon Township
11. Stillwater Township
12. State of NJ

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 28, 2020

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

BILLS TO BE PAID: A motion was made by Hamilton to approve the bill list as presented, seconded by Verrilli. 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. Resident Martin Schweighardt inquired as to whether tree trimming was being done in Hardyston. Township Manager stated that she was notified that it will be done within the next few weeks. Resident Christy Lavin stated that there was incorrect polling information on the Hardyston website for the upcoming General Election. Township Manager stated that it had been corrected. Ms. Lavin also wanted to follow up on her concerns with regard to speeding at the bus stops in Indian Fields. Township Manager stated that she will follow up with the Police Department. 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 28th day of October, 2020, 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.
 - () 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.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - () b. (8) Personnel matters.
 - () 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: Verrilli
Seconded by: Miller

MOTION	YES	NO	ABSTAIN	ABSENT
Hamilton	<u> x </u>	_____	_____	_____
Kula	<u> x </u>	_____	_____	_____
Miller	<u> x </u>	_____	_____	_____
Verrilli	<u> x </u>	_____	_____	_____
Kaminski	<u> x </u>	_____	_____	_____

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 28, 2020

Motion carried.

A motion was made by Hamilton to come out of Executive Session, seconded by Miller. All in favor. Motion carried.

- L. Resolution #89-20 – Resolution authorizing the continued appointment of Carrine Piccolo-Kaufer as the Township Manager and Planner for a term of five years

RESOLUTION #89-20

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
AUTHORIZING THE CONTINUED APPOINTMENT OF CARRINE
PICCOLO-KAUFER AS THE TOWNSHIP MANAGER AND PLANNER FOR A
TERM OF FIVE YEARS**

WHEREAS, Carrine Piccolo-Kaufer has served as Township Manager since July, 2019;
and

WHEREAS, the Mayor and Council of the Township of Hardyston have great appreciation for the success and work that she and her leadership has provided the Township;
and

WHEREAS, the Township recognizes that Ms. Piccolo-Kaufer's services have provided great savings to the Administration by reducing administrative costs of personnel and salary by over \$170,000 per year; and

WHEREAS, the Mayor and Township Council wish to continue the appointment of Ms. Piccolo-Kaufer to serve as Township Manager and Planner for a term of five years.

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 Carrine Piccolo-Kaufer is hereby reappointed to serve as Township Manager and Planner for a five-year term with a total salary of \$157,000 for 2021.

2) The remaining terms of the contract shall be subject to legal review and approval and kept on file in the Township Clerk's Office.

This Resolution shall take effect immediately upon adoption.

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

ADJOURNMENT: A motion was made by Miller to adjourn at approximately 8:50 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk