

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
NOVEMBER 18, 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, Councilman Verrilli, Councilman Kaminski, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau via Zoom. Councilwoman Hamilton was absent from this meeting.

SALUTE THE FLAG

CONSENT AGENDA: ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

Monthly Reports:

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

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

ORDINANCES

1st READING: **None**

ORDINANCES

2nd 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

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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

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 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 2020-07 on second reading, seconded by Kaminski. 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

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(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.

(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.

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(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.

(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.

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(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

(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.

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- (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.
- (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.

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- (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.
 - (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 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 Kaminski to approve Ordinance 2020-08 on second reading, seconded by Miller. All in favor. Motion carried.

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NEW BUSINESS:

- A. Wallkill Valley Future Business Leaders of America - Community Involvement Initiative

Mayor Kula recused himself from the discussion regarding this agenda item. Brian Hall and Madison Pellicier, students of Wallkill Valley Regional High School and members of the Wallkill Valley Future Business Leaders of America, discussed a project they would like to do honoring veterans residing in the Township. They asked if the Council would be interested in providing a donation to offset some of their costs. A motion was made by Verrilli to approve a donation for the project from the Township, seconded by Kaminski. All in favor with Mayor Kula abstaining. Motion carried.

- B. Request for Waiver from Septic Permit Renewal Fees for Emerald Estates – CJS Investments

Manager Carrine Piccolo-Kaufer stated that CJS Investments, the developer of the Emerald Estates project on Wheatsworth Road, has contacted the Township to request a waiver from the \$40.00 per septic system renewal fee required by the County Health Department. She stated that the County Health Department has advised them that the Township must grant the waiver from the renewal fees.

She stated that CJS Investments has requested a waiver from the same fees for the last nine years citing the economy and the status of the project as the need for the extension and waiver from the fees. She stated that there is a balance of 22 lots left in the project and the total waiver of fees would be \$880.00.

A motion was made by Miller to grant the waiver, seconded by Verrilli. All in favor. Motion carried.

- C. Tax Collector Resolutions

- 1. Resolution #90-20 – Overpayment Refund – 5 Woodcott Drive – Block 16.28, Lot 1.05 – Morris Home Abstract Co., Inc.

RESOLUTION #90-20

WHEREAS, Block 16.28, Lot 1.05, also known as 5 Woodcott Drive and owned by John R. Brandt, and

WHEREAS, the tax payment from the Title Company was inadvertently posted to Block 16.28 lot 1.05, and Morris Home Abstract Co., Inc. paid the November taxes, and

WHEREAS, Quicken Loans also paid the November quarter and is due a refund to Morris Home Abstract Co., Inc. in the amount of \$2900.33.

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be authorized to refund Morris Home Abstract Co., Inc. in the amount of \$2900.33.

- 2. Resolution #91-20 – Overpayment Refund – 57 E Shore Trail – Block 79, Lot 31 – Lorenzo Thompson

RESOLUTION #91-20

WHEREAS, Block 79, Lot 31, also known as 57 E Shore Trail and owned by Lorenzo Thompson, and

WHEREAS, the tax payment from the homeowner was inadvertently posted to Block 79 lot 31 and the mortgage company, Central Loan Administration paid the November taxes, and

WHEREAS, the homeowner, Lorenzo Thompson paid the November quarter and is due a refund in the amount of \$1634.18.

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be authorized to refund Lorenzo Thompson in the amount of \$1634.18.

3. Resolution #92-20 – Overpayment Refund – 14 Briar Court – Block 17.04, Lot 6 – Barbara and Patrick Reynolds

RESOLUTION # 92-20

WHEREAS, Barbara and Patrick Reynolds of 14 Briar Court, Block 17.04, Lot 6, in Hardyston sold their home on 7/28/2020, and

WHEREAS, The Reynolds had prepaid taxes thru the November 1, 2020 tax quarter, and

WHEREAS, at the time of the closing taxes were inadvertently not adjusted properly,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to reimburse the Reynolds for their overpayment of taxes in the amount of \$ 2,329.80 for November 1, 2020 taxes.

A motion was made by Miller to approve all of the above Tax Collector resolutions, seconded by Kaminski. All in favor. Motion carried.

- D. Resolution #93-20 – Resolution awarding a contract for the purchase of a Rosenbauer Commander Pump Truck (FS19ZE08) from Rosenbauer South Dakota through the Houston Galveston Area Council Purchasing Cooperative Contract #FS12-19

RESOLUTION #93-20

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARING A CONTRACT FOR THE PURCHASE OF A ROSENBAUER COMMANDER, PUMP TRUCK (FS19ZE08) FROM ROSENBAUER SOUTH DAKOTA THROUGH THE HOUSTON GALVESTON AREA COUNCIL PURCHASING COOPERATIVE CONTRACT #FS12-19

WHEREAS, the Township of Hardyston is in need of a new fire truck, which need was included as part of the 2018 capital plan and discussed by the Council during the October 28, 2020 public Council meeting; and

WHEREAS, the Township began participating in the Houston Galveston Area Council Purchasing Cooperative in September of 2015; and

WHEREAS, through its participation in the Houston Galveston Area Council Purchasing Cooperative, the Township has received a quote for the commander pumper truck that is within budget and acceptable to the Township; and

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WHEREAS, the purchase of goods and services through a State agency by local contracting units, without advertisement for bid, is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12 *et seq.*; and

WHEREAS, Rosenbauer South Dakota is an authorized vendor under the Houston Galveston Area Council Purchasing Cooperative contract #FS12-19; and

WHEREAS, the Township of Hardyston desires to purchase the Rosenbauer Commander, Pumper Truck (FS19ZE08) for a total purchase price of \$628,968; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$628,968 for this purpose, which funds were appropriated by bond ordinance #2018-13.

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

1. The purchase of the Rosenbauer Commander, Pumper Truck (FS19ZE08) from Rosenbauer South Dakota pursuant to its proposal, attached hereto, at a total price not to exceed \$628,968 is hereby approved under the Houston Galveston Area Council Purchasing Cooperative contract #FS12-19.
2. The Mayor and Township Manager are hereby authorized and directed on behalf of the Township to execute a purchase order to Rosenbauer South Dakota for the purchase of the pumper truck at a total price not to exceed \$628,968.

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.

E. Correspondence

1. County of Sussex
2. Roux Associates, Inc.
3. John M. Marmora, Esq.

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

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

At this time, Township Manager updated the Council on the status of tax collection, HTMUA terms of office, cannabis legislation and manpower and staffing for plowing/snow removal. She stated that an advertisement has been placed for a part-time seasonal snow plow driver. She suggested going out to bid for an outside contractor to supplement existing workforce and equipment. A motion was made by Miller to authorize the Township Manager to go out to bid, 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. Bohdan Senyszyn inquired as to the status of the Brecia Farms development. Township Attorney stated that the Township is proceeding with calling the Letter of Credit provided by the developer due to the fact that certain improvements have not yet been completed. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

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EXECUTIVE SESSION:

BE IT RESOLVED by the Township Council of the Township of Hardyston on the 18th day of November, 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: Miller
 Seconded by: Kaminski

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

Motion carried.

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

ADJOURNMENT: A motion was made by Verrilli to adjourn at approximately 8:05 p.m., seconded by Miller. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
 Municipal Clerk