

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
FEBRUARY 24, 2021**

The meeting was called to order by Mayor Kaminski at approximately 7:00 P.M. with the opening statement that *the notice requirements of the Open Public Meetings Act were satisfied with respect to this meeting of the Mayor and Council of the Township of Hardyston which was held both in person and via Zoom webinar. Specifically, the time, date, and public call-in information were included in the meeting notice, posted in the Municipal Building, and on the Township webpage. Additionally, the agenda and public call-in information for this meeting was posted in the Municipal Building and on the Township website.* Also present were: Deputy Mayor Cicerale, Councilman Kula, Councilman Miller, Councilman Verrilli, Manager Carrine Piccolo-Kaufer, and Clerk Jane Bakalarczyk. Township Attorney Fred Semrau of Dorsey & Semrau was present via Zoom.

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 – January 2021
2. Tax Collector Report – January 2021
3. Construction Certificate Activity Report – January 2021
4. Construction Permit Activity Report – Hardyston – January 2021
5. Construction Permit Activity Report – Hamburg – January 2021
6. Construction Permit Activity Report – Franklin – January 2021
7. Construction Permit Activity Report – Newton – January 2021
8. Construction Permit Activity Report – Sussex – January 2021
9. Construction Permit Activity Report – Wantage – January 2021
10. Land Use Report – January 2021
11. Municipal Court Report – January 2021
12. Police Department Report – January 2021

Agreements/Applications/Licenses:

1. R & R Radar, Inc. – Traffic Radar Maintenance Agreement - Police Department

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

ORDINANCES

1st READING: None

ORDINANCES

2nd READING: None

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #14-21 – Disabled Veteran Refund – PNC Bank – Block 67, Lot 18.02 – 36 Post Road – Cicerale, Frank

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
FEBRUARY 24, 2021**

RESOLUTION # 14-21

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

WHEREAS, Mr. Cicerale was approved for a permanently Disabled Veteran and has full exempt status, and

WHEREAS, PNC Bank has paid the November 1, 2020 property taxes in error and therefore there is a refund due to them.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund PNC Bank in the amount of \$2,275.97 for an error in paying the November 1, 2020 taxes on this exempt property.

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

2. Resolution #15-21 – Added Assessment Billing Error Refund – John & Irene Little – Block 24, Lot 4 – 10 Fox Trail

RESOLUTION # 15-21

WHEREAS, Block 24 Lot 4, also known as 10 Fox Trail, Hardyston, and owned by John & Irene Little, and

WHEREAS, John & Irene Little were billed for an Added Assessment for 2020 in error, and

WHEREAS, Scott Holzhauer, Tax Assessor has adjusted the Added Assessment for an incorrect billing on this property.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund the Little's for an incorrect billing which they paid for in the amount of \$ 220.14.

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

- B. Resolution #16-21 – Resolution authorizing the execution of an agreement with the County of Sussex for Transportation Services for Senior Citizens and People with Disabilities who reside in Hardyston Township

RESOLUTION #16-21

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING AGREEMENT

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

1. Transportation Services – Senior Citizens and People with Disabilities who reside in Hardyston Township - County of Sussex

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
FEBRUARY 24, 2021**

- C. Resolution #17-21 - NJDEP Treatment Works Application – Consent By Governing Body – Anthony Pignataro (Tony’s Pizza Restaurant) – 2771 Route 23 – Septic System Repair

RESOLUTION #17-21

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

- NJDEP Treatment Works Application – Consent By Governing Body – Anthony Pignataro (Tony’s Pizza Restaurant) – 2771 Route 23 – Septic System Repair

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

- D. Resolution #18-21 – Salary Resolution Amendment

RESOLUTION #18-21

2021 SALARY & WAGES FOR TOWNSHIP OFFICIALS AND EMPLOYEES

BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages shall be paid as follows:

<u>Position</u>	<u>Hourly Rate</u>
Winter Seasonal Laborer/Driver with five (5) years experience	\$25.00

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

- E. Zoning Board Appointments

A motion was made by Kula to make the following appointments:

Vally Cicerale – Full Member
Douglas Grayson – Alternate 1
Eric Balinski – Alternate 2

seconded by Kaminski. All in favor with Cicerale abstaining. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
FEBRUARY 24, 2021**

WHEREAS, Municipal Court Judges, once appointed, consistent with N.J.S.A. 2B:12-4, serve for a three-year term; and

WHEREAS, the Township has been well served by the past professionalism and competence exhibited by Judge Eliades in his capacity as Hardyston Township Municipal Court Judge; and

WHEREAS, the Township finds it is appropriate to appoint Judge Eliades to a new three-year term as the Hardyston Township Municipal Court Judge; and

WHEREAS, the Mayor and Council in the Township's January 4, 2021 Reorganization meeting approved the appointment of Judge Eliades to a new three-year term as the Hardyston Township Municipal Court Judge, effective January 1, 2021.

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 Township re-appoints Judge Paris Eliades as Municipal Court Judge for the Township of Hardyston for a new three-year term, effective January 1, 2021 through December 31, 2023, at an annual salary of \$34,616.19.
2. The Township authorizes and directs the Mayor, Township Clerk, and Township Administrator to execute any and all necessary documents in order to implement the intent of this Resolution.

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 #21-21 – Resolution authorizing the Township to accept the performance bond and cash guarantee posted by Lam Development Group for various improvements associated with site plan approvals for portions of the Crystal Springs Development and to release and return the performance guarantees previously posted by Shotland Bauer, LLC in connection with the improvements

RESOLUTION #21-21

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TO ACCEPT THE PERFORMANCE BOND AND CASH GUARANTEE POSTED BY LAM DEVELOPMENT GROUP FOR VARIOUS IMPROVEMENTS ASSOCIATED WITH SITE PLAN APPROVALS FOR PORTIONS OF THE CRYSTAL SPRINGS DEVELOPMENT AND TO RELEASE AND RETURN THE PERFORMANCE GUARANTEES PREVIOUSLY POSTED BY SHOTLAND BAUER, LLC IN CONNECTION WITH THE IMPROVEMENTS

WHEREAS, the Township of Hardyston has previously accepted a performance bond and cash guarantee from Shotland Bauer, LLC for various site plan approvals for the Crystal Springs Development on March 8, 2017; and

WHEREAS, LAM Development Group LLC has assumed the development and rights and responsibilities for the portions of Crystal Springs associated with the performance guarantees previously posted by Shotland Bauer, LLC; and

WHEREAS, on February 5, 2021 Shotland Bauer, LLC submitted a request to release the performance surety and cash bond for the Pembridge Phase 1, Cloverdale West Phase 1A, Cloverdale West Phase 1B, Cloverdale West Phase 1C; and

WHEREAS, LAM Development Group, LLC has posted performance bonds and cash guarantees to the replace the existing performance guarantees previously posted by Shotland Bauer, LLC; and

WHEREAS, the Township Engineer has inspected the site and reviewed the estimates used to establish the existing performance bonds; and

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON FEBRUARY 24, 2021

WHEREAS, the Township Engineer has determined that the amount of the performance guarantees posted by LAM Development Group are sufficient to complete the improvements for the portions of Crystal Springs covered by the performance guarantee; and

WHEREAS, the Township Engineer recommends that the Township release the cash bond and performance surety for each portion of the Crystal Springs Development to Shotland Bauer, LLC in the amounts indicated below and accept the performance surety and cash bond for the same amount from LAM Development Group to replace same; and

Performance Bond Description	Total Bond Amount	Surety Portion	Cash Portion
Pembridge Phase 1	\$113,461.80	\$102,115.62	\$11,346.18
Cloverdale West Phase 1A	\$168,114.30	\$151,302.87	\$16,811.43
Cloverdale West Phase 1B	\$89,307.18	\$80,376.46	\$8,930.72
Cloverdale West Phase 1C	\$24,767.70	\$22,290.93	\$2,476.77

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 cash bond and original performance surety for Pembridge Phase 1, Cloverdale West Phase 1A, Cloverdale West Phase 1B, Cloverdale West Phase 1C, be released to Shotland Bauer LLC subject to and upon LAM Development Group’s full posting of all performance sureties and cash portions as set forth herein, and

THEREFORE, BE IT FURTHER RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey that the cash bond and performance surety provided by LAM Development Group for Pembridge Phase 1, Cloverdale West Phase 1A, Cloverdale West Phase 1B, Cloverdale West Phase 1C, are hereby accepted to replace the performance guarantees previously posted by Shotland Bauer, LLC at the recommendation of the Township Engineer.

This Resolution shall take effect immediately.

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

- I. Resolution #22-21 – Resolution conditionally accepting a performance bond in the amount of \$273,018.60 and a cash bond in the amount of \$30,335.40 from SMS Hardyston, LLC for site improvements relating to Phase 1 & part of Phase II (Block 67.21, Lot 1.01) of Mountain Ridge

RESOLUTION #22-21

RESOLUTION CONDITIONALLY ACCEPTING A PERFORMANCE BOND IN THE AMOUNT OF \$273,018.60 AND A CASH BOND IN THE AMOUNT OF \$30,335.40 FROM SMS HARDYSTON, LLC FOR SITE IMPROVEMENTS RELATING TO PHASE 1 & PART OF PHASE II (BLOCK 67.21, LOT 1.01) OF MOUNTAIN RIDGE

WHEREAS, the Hardyston Township Planning Board granted preliminary and final site plan approval to SMS Hardyston, LLC for Mountain Ridge Development (Phases 1 and 2; and

WHEREAS, as a condition of said approval, SMS Hardyston, LLC was required to post a performance guarantee with the Township of Hardyston for site improvements associated with any phase which are not complete at the time of filing for a building permit within that phase; and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
FEBRUARY 24, 2021**

WHEREAS, the Township Engineer has determined that a performance bond in the amount of \$303,354 should be posted for site improvements in this phase which are not yet complete; and

WHEREAS, SMS Hardyston, LLC has submitted to the Municipal Clerk a performance bond in the amount of \$273,018.60, and a cash bond in the amount of \$30,335.40; and

WHEREAS, the performance bond has been reviewed and approved as to form by the Township Planning Board 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 bonds from SMS Hardyston, LLC for site improvements relating to Phase 1 and part of Phase 2 of Mountain Ridge Development, as performance securities required by the Hardyston Township Planning Board subject to a correction of the surety to reference the appropriate phase of development and posting of the cash surety, which have not yet been received or effectuated as of the date of this Resolution and which are required conditions of this Resolution and acceptance by the Township of Hardyston.

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

J. 2021 Budget Discussion

A discussion was held regarding the proposed 2021 Municipal Budget. Township Manager stated that the budget would be ready for introduction at the March 24, 2021 meeting and the public hearing and adoption would be at the April 28, 2021 meeting.

K. Correspondence

2. Ogdensburg Borough
3. Ogdensburg Borough
4. Ogdensburg Borough
5. Sparta Township
6. West Milford Township
7. Franklin Borough
8. County of Sussex
9. SRG Site Remediation Group
10. Dykstra Walker
11. JCP&L

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 Kula 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. 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 Kula to adjourn at approximately 8:35 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk