

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON APRIL 28, 2021**

The meeting was called to order by Mayor Kaminski at approximately 8:20 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, 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 – March 2021
2. Tax Collector Report – March 2021
3. Construction Certificate Activity Report – March 2021
4. Construction Permit Activity Report – Hardyston – March 2021
5. Construction Permit Activity Report – Hamburg – March 2021
6. Construction Permit Activity Report – Franklin – March 2021
7. Construction Permit Activity Report – Newton – March 2021
8. Construction Permit Activity Report – Sussex – March 2021
9. Construction Permit Activity Report – Wantage – March 2021
10. Municipal Court Report – March 2021
11. Police Department Report – March 2021
12. Land Use Report – March 2021
13. Sussex County Health Department Report – March 2021

### **Minutes:**

1. Reorganization Minutes of 1/4/21
2. Special Minutes of 2/10/21
3. Regular Minutes of 2/24/21
4. Special Minutes of 3/17/21
5. Workshop Minutes of 3/24/21
6. Regular Minutes of 3/24/21

### **Agreements/Applications/Licenses:**

1. Raffle License – YMCA Wyckoff Family
2. GTBM, Inc. – Info-Cop Software Agreement Renewal - Police Department
3. Fire Department – New Member Application – Timothy Kopf
4. Kennel License Renewal – The Pet Spa & Resort

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

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**ORDINANCES**

**1st READING:**

**2021-05**

**AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$382,900.00 FROM  
GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL  
IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF HARDYSTON, IN THE  
COUNTY OF SUSSEX, NEW JERSEY**

**BE IT ORDAINED AND ENACTED** by the Mayor and Council of the Township of Hardyston, County of Sussex, New Jersey, as follows:

**Section 1:** The sum of Three Hundred Eighty Two Thousand and Nine Hundred Dollars (\$382,900.00) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purpose:

For Various Capital Improvements or Purposes for the Township of Hardyston.

**Section 2:** In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 hereof is not a Current Expense and is an improvement, which the Township of Hardyston may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

**Section 3:** All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed on to the extent of their inconsistency:

**Section 4:** This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

Following the 2021 Municipal Budget Public Hearing and Adoption, and approval of Resolution #36-21, a resolution to amend the budget, a motion was made by Miller to approve Ordinance 2021-05 on first reading, seconded by Kula. All in favor. Motion carried.

**2021-06**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY,  
AUTHORIZING THE SALE OF PROPERTY KNOWN AS 180-188 BEAVER RUN  
ROAD, BLOCK 68, LOT 5.01 AND 160-178 BEAVER RUN ROAD, BLOCK 68, LOT 6,  
IN HARDYSTON, NEW JERSEY**

**WHEREAS**, the Township of Hardyston is the owner of property known as 5 180-188 Beaver Run Road, Block 68, Lot 5.01 and 160-178 Beaver Run Road, Block 68, Lot 6, on the Tax Map for the Township of Hardyston; and

**WHEREAS**, the Mayor and Township Council do hereby determine that said property is no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey, specifically N.J.S.A. §40A:12-13(b)(1); and

**WHEREAS**, the Mayor and Township Council desire to sell said property to the State of New Jersey, Department of Environmental Protection for the Green Acres Program for the total sum of \$55,000; and

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**WHEREAS**, the Township makes no representations as to the title or any other aspects of the property being sold, including utility, sewer, environmental conditions or rights of property owners' associations.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

**SECTION 1.** The Township of Hardyston hereby authorizes the sale of property known as 180-188 Beaver Run Road, Block 68, Lot 5.01 and 160-178 Beaver Run Road, Block 68, Lot 6, on the Tax Map of the Township of Hardyston to the State of New Jersey, Department of Environmental Protection for the total sum of \$55,000.

**SECTION 2.** The acceptance of deeds by the State of New Jersey, Department of Environmental Protection from the Township shall extinguish any claims the State of New Jersey, Department of Environmental Protection may have against the Township of Hardyston in connection with the quality of the title conveyed or the rights and claims of others to the property that a title search may reveal.

**SECTION 3.** The Mayor, Township Manager and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

**SECTION 4.** No debt is to be authorized by the enactment and passage of this Ordinance.

**SECTION 5.** 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.

A motion was made by Miller to approve Ordinance 2021-06 on first reading, seconded by Cicerale. All in favor. Motion carried.

**ORDINANCES**

**2nd READING:**

**2021-03**

**CALENDAR YEAR 2021**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.00% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

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**WHEREAS**, the Township Council hereby determines that a 2.50% increase in the budget for said year, amounting to \$200,902.30 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Council of the Township of Hardyston, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Hardyston shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$281,263.22, and that the CY 2021 municipal budget for the Township of Hardyston be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 Kula to approve Ordinance 2021-03 on second reading, seconded by Miller. All in favor. Motion carried.

**2021-04**

**AN ORDINANCE OF THE COUNCIL OF THE TOWNSHIP OF  
HARDYSTON AUTHORIZING THE SALE OF REAL  
PROPERTY KNOWN AS BLOCK 67.07, LOT 1.11 AS PART OF  
THE TOWNSHIP'S MARKET TO AFFORDABLE HOUSING  
PROGRAM**

**Purpose Statement:**

The purpose of this Ordinance shall be to authorize the sale of real property known as 22 Sundance Terrace, Block 67.07, Lot 1.11 in the Township of Hardyston to Buyer(s) Kayla D'Angelo & Joshua Reed, as part of the Township's market to affordable housing program.

**WHEREAS**, the Township owns Block 67.07, Lot 1.11, 22 Sundance Terrace ("the property") in the Township of Hardyston ("Township" or "Hardyston"); and

**WHEREAS**, the property is a moderate-income housing unit that the Township desires to convey to Kayla D'Angelo, 627 Canistear Road, Highland Lakes, New Jersey 07422 ("the Buyer") as part of the Township's Market to Affordable Housing Program; and

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**WHEREAS**, the Township Council has determined that it should convey the property to the Buyer as part of the Township's Market to Affordable Housing Program for the purpose of addressing the Township's affordable housing obligations pursuant to the Township's Housing Element and Fair Share Plan and the New Jersey Council on Affordable Housing ("COAH") Substantive Rules (N.J.A.C. 5:97-1 et seq).

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Hardyston that the Township shall convey 22 Sundance Terrace, Block 67.07, Lot 1.11 in the Township to Buyer(s) Kayla D'Angelo & Joshua Reed, for consideration in the amount of \$119,368.00, and in accordance with the terms of a Contract for Sale to be executed by the Buyer and the Township.

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Mayor and Council of the Township of Hardyston, the Township Manager and Clerk, the Township Housing Liason, and Vogel, Chait, Collins and Schneider, P.C., as Special Counsel to the Township of Hardyston are hereby authorized to prepare and execute any and all documentation to effectuate the sale of the property described herein.

**Severability.**

If any section, paragraph, subdivision clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, sub-division, clause or provision and the remainder of the Ordinance shall be deemed valid and effective.

**Effective Date.**

This ordinance shall take effect after publication and passage in accordance with 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 2021-04 on second reading, seconded by Verrilli. All in favor. Motion carried.

**NEW BUSINESS:**

- A. Proclamation Honoring James Wright

Mayor Kaminski read the proclamation honoring and commemorating James Wright.

- B. Tax Collector Resolution

- 1. Resolution #26-21 – Homestead Rebate Refund – Block 67, Lot 18.02 – 36 Post Road – Frank Cicerale

**RESOLUTION  
# 26 -21**

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

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**WHEREAS**, the 2017 homestead rebate was posted to Block 67 lot 18.02 and there is a 100% tax exemption, and

**WHEREAS that** the homeowner, Frank Cicerale is due a refund in the amount of \$653.71.

**NOW THEREFORE BE IT RESOLVED**, that the Tax Collector be authorized to refund Frank Cicerale in the amount of \$653.71

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

- C. Resolution #27-21 – Shared Service Agreement – Street Sweeping – Ogdensburg Borough

**RESOLUTION #27-21**

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

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

1. Street Sweeping Services – Ogdensburg Borough

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

- D. Resolution #28-21 - NJDEP Treatment Works Application – Consent By Governing Body – Lake Gerard – Block 60, Lot 17 – 141 South Shore Drive – Septic System

**RESOLUTION #28-21**

**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 – Lake Gerard – Block 60, Lot 17 – 141 South Shore Drive – Septic System

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

- E. Resolution #29-21 - NJDEP Treatment Works Application – Consent By Governing Body – Lake Gerard – Block 60, Lot 17 – 145 South Shore Drive – Septic System

**RESOLUTION #29-21**

**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 – Lake Gerard – Block 60, Lot 17 – 145 South Shore Drive – Septic System

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

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F. Resolution #30-21 – Shared Service Agreement – Street Sweeping – Hamburg Borough

**RESOLUTION #30-21**

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

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

1. Street Sweeping Services – Hamburg Borough

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

G. Resolution #31-21 – Resolution authorizing submission of a Strategic Plan for the Governor’s Council on Alcoholism and Drug Abuse for Fiscal Grant Cycle FY2022

**RESOLUTION #31-21**

**Governor’s Council on Alcoholism and Drug Abuse  
Fiscal Grant Cycle FY2022**

**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 strategic plan for the Walkkill Valley Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR	\$ 5,358.00
Cash Match	\$ 1,339.50
In-Kind	\$ 4,018.50

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

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H. Tax Collector Resolution

1. Resolution #32-21 – Estimated Tax Bills

**RESOLUTION #32-21**

**WHEREAS**, due to the late adoption of the Township of Hardyston 2021 Municipal Budget and 2021 Sussex County Budget, the Sussex County Board of Taxation is unable to certify tax rates for the year 2021, and

**WHEREAS**, without a 2021 certified tax rate the Tax Collector of the Township of Hardyston will be unable to issue 2021 tax bills on a timely basis, and

**WHEREAS**, in accordance with Chapter 72, P.L. 1994, the Township Mayor and Council requests the Director of the Division of Local and Government Services to approve the 2021 estimated tax levy exceeding 105% of the previous year's tax levy. Approval will enable the Township of Hardyston to meet its financial obligations, maintain the tax collection rate, and provide uniformity for tax payments and save the unnecessary cost of interest expense on borrowing.

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

1. The Tax Collector of the Township of Hardyston is hereby authorized and directed to prepare and issue estimated tax bills for the Township of Hardyston for the third installment 2021. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by Chapter 72, Public Laws of 1994 and N.J.S.A. 54:4-66.2 and 54:4-66.3.
2. The entire estimated tax levy for 2021 is hereby set \$31,614,155.93. The estimated tax rate for 2021 is hereby set at \$2.986.

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

- I. Resolution #33-21 – Resolution authorizing the amended agreement between CDM Smith, Inc. and Hardyston Township and New Jersey Highlands Water Protection Planning (Highlands Council) - Water Use and Conservation Management Plan Assistance – Sussex County Water Quality Management Plan

**RESOLUTION #33-21**

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING  
CONTRACTS/AGREEMENTS**

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

1. Amended Agreement between CDM Smith, Inc. and Hardyston Township and New Jersey Highlands Water Protection and Planning (Highlands Council) – Water Use and Conservation Management Plan Assistance – Sussex County Water Quality Management Plan

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



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J. Resolution #34-21 – Brecia Farms Developers Agreement Extension

**RESOLUTION #34-21**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF  
NEW JERSEY AUTHORIZING THE EXECUTION OF THE FOURTH  
ADDENDUM TO THE EXISTING DEVELOPER’S AGREEMENT  
WITH AANDREI J. INVESTORS, LLC IN RELATION TO THE  
BRECIA FARMS SUBDIVISION**

**WHEREAS**, there is a developer’s Agreement between David Hook with an address of 3 Brecia Court, Lafayette, New Jersey 07848 and the Township of Hardyston (“Township”), a municipal corporation of the State of New Jersey with offices located at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey 07419; and

**WHEREAS**, the Developer’s Agreement related to property designated as Block 68, Lot 16, known as Brecia Farms Subdivision and was executed by the Township and Developer on or about September 7, 2007; and

**WHEREAS**, the Developer’s Agreement was previously extended by Addendum for the period December 1, 2011 through November 30, 2014, by Second addendum for the period December 1, 2014 through November 30, 2017, and by Third Addendum for the period December 1, 2017 through November 30, 2020; and

**WHEREAS**, the Third Addendum modified the Developer’s Agreement parties to reflect a change of Developer from David Hook to Aandrei J. Investors, LLC.; and

**WHEREAS**, the Developer has requested a further extension of the Developer’s Agreement; and

**WHEREAS**, the Township Engineer has reviewed and approved the Developer’s request for an additional eighteen (18) month extension subject to the conditions outlined in the Fourth Addendum which have been reviewed by the Township Manager and Township Attorney.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, that the Township Council hereby authorizes the execution of a Fourth Addendum to the Developer’s Agreement between the Township of Hardyston and Aandrei J. Investors, LLC, dated September 7, 2007, for the Brecia Farms Subdivision, Block 68, Lot 16, for eighteen (18) months to May 31, 2022.

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

K. Resolution #35-21 – Contract renewal with Chelbus Cleaning Co., Inc. to provide cleaning services to the Hardyston Township Municipal Building

**RESOLUTION #35-21**

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING CONTRACT/AGREEMENT**

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

- a. Chelbus Cleaning Co., Inc. - Cleaning Services for the Hardyston Township Municipal Building

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

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**L. Special Assessment Commission Appointments – Fire Suppression System – North Church Technical Center**

It was determined that an amendment needed to be made to the appointments originally made at the March 24, 2021 meeting. A motion was made by Cicerale to appoint the following to a **one-year term**:

- MaryAnn Murphy – Full Member
- William Hickerson – Full Member
- Ed Zinck – Full Member
- Kevin Gleason - Alternate

seconded by Kula. All in favor. Motion carried.

At this time, a motion was also made by Cicerale to appoint Brian D. Kenney as Municipal Public Defender, with a term ending 12/31/21, to fill the unexpired term of Janine M. Cerra, seconded by Kula. All in favor. Motion carried.

**M. 2021 Municipal Budget Public Hearing/Adoption**

Township Manager Carrine Piccolo-Kaufer gave a verbal and written presentation of the 2021 Municipal Budget.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No one from the public wished to be heard. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

A motion was made by Kula to approve the 2021 Municipal Budget as presented, seconded by Miller. All in favor. Motion carried.

**N. Resolution #36-21 – Resolution to Amend Budget**

**RESOLUTION #36-21  
RESOLUTION TO AMEND BUDGET**

WHEREAS, the local municipal budget for the year 2021 was approved on March 24, 2021 ; and,

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Hardyston, Sussex County, that the following amendments to the approved budget of 2021 be made:

RECORDED VOTE (Insert Last Names)	AYES	Kula Miller Verrilli Kaminski Cicerale	NAYS	( ) ( ) ( ) ( ) ( ) ( )	ABSTAIN	( ) ( ) ( ) ( ) ( ) ( )
<b>CURRENT FUND BUDGET</b>						
<b>APPROPRIATIONS</b>						
8. (C) Capital Improvements - Excluded from "CAPS"						
Capital Improvement Fund						
				From	To	
				0.00	382,900.00	
				382,900.00	0.00	

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Services for her certification of the 2021 Local Municipal Budget so amended.

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

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- O. Resolution #37-21 – Resolution authorizing the sale of certain land and property no longer needed for public use by the Township of Hardyston

**RESOLUTION #37-21**

**RESOLUTION OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND  
STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LAND AND  
PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY  
THE TOWNSHIP OF HARDYSTON**

**WHEREAS**, the Township of Hardyston is the owner of Block 38 Lot 3.02 located within the Township of Hardyston which property is also known as 8 Old Route 23 East; and

**WHEREAS**, the Township Council of the Township of Hardyston does hereby determine that Block 38 Lot 3.02 is no longer needed for public use; and

**WHEREAS**, the Township desires to make available for sale to the highest bidder Block 38 Lot 3.02 in accordance with N.J.S.A. 40A:12-13(a); and

**WHEREAS**, the Township of Hardyston desires to make available for public sale said lands, with the right of first refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2; and

**WHEREAS**, any sale of the property pursuant to this Resolution shall include any and all right-of-way utility easements.

**NOW THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Blairstown, in the County of Sussex and State of New Jersey as follows:

1. The Township Council hereby declares that the land and premises known as Block 38 Lot 3.02 is no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey.
2. The Township of Hardyston hereby authorizes the Township Clerk and Township Manager to offer for sale to the highest bidder at public auction the property known as Block 38 Lot 3.02 on the Township of Hardyston Tax Map consisting of approximately 1.015 acres and also known as 8 Old Route 23 East.
3. The open public sale shall take place through an auction to be conducted at the Township of Hardyston Municipal Building, located at 149 Wheatsworth Road, Hardyston, New Jersey 07419 via web-based video conferencing service on May 19, 2021 at 10:00 a.m. or as soon thereafter as the matter may be heard and publicly announced, provided the sale is not canceled. To join the telephonic/web-based video conference, please use the following link - <https://zoom.us/j/98295015985?pwd=OEN6dEU0dTVyL1NteTJDVFVpd1NFUT09> or if dialing by phone call, dial 1-646-558-8656, enter webinar id 982 9501 5985 followed by # and passcode 961620 followed by #.
4. A public notice of sale shall be published in the Township's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).
5. The sale, if not canceled, shall take place by open public sale to the highest bidder. The minimum bid shall be \$15,000.

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6. Any person bidding on behalf of a corporation must either submit a copy of a resolution of the corporation or a letter on corporate stationery, signed by an officer of the corporation, authorizing the bidder to bid on the property on the corporation's behalf. A person bidding on behalf of a partnership or using a trade name must submit a copy of the certificate of trade name and a letter of authorization from the other partners.
7. All bidders at the time of sale must be prepared to provide a wire transfer deposit of 10% of the bid amount within 24 hours of the conclusion of the bidding and shall execute an Agreement of Sale within that time. The balance of the purchase price shall be paid at closing which shall occur not later than 60 days following the acceptance of the bid by the Township. The purchaser shall be entitled to possession immediately following closing of title.
8. At closing of title, purchase shall also pay to the Township a buyer's premium in the amount of 10% of the bid amount.
9. If no adjoining property owners bid, the bidding will be opened to the public. The deed of conveyance for all under-sized lots that are sold to any party other than an adjoining property owner shall contain a restriction that the lot cannot be built upon. If it is a conforming lot, then no such deed restrictions shall be placed on the transfer of title. The Township will not represent, warrant, or guarantee the right to build on or improve any of the properties listed for sale. All properties will be subject to all Federal, State, Local Laws and Ordinances.
10. The Township reserves the right to accept or reject any and all bids at the open public sale and to not award to the highest bidder.
11. The Township makes no representation as to the title or any other aspects of the land to be sold.
12. The property herein sold may be subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. The Township makes no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold "as is".
13. The Township represents that the property which is the subject matter of this Resolution is unable to support a well or septic system based upon PERC tests. The sale of this property by the Township shall in no way be construed as an indication that a construction permit can be secured for the property.
14. All conveyances by the Township shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Township prior to conveyance, in which case Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance.
15. In the event the Township of Hardyston is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Township will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims that said purchaser may have against the Township of Hardyston in connection with the quality of title conveyed.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
APRIL 28, 2021**

16. The Township Council reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Township. No bid shall be considered finally accepted until passage of a resolution by the Township Council as set forth in Paragraph 13 hereof.
17. The acceptable bid shall be confirmed by resolution of the Township Council no later than the second regular meeting of the Township Council following the date of such sale.
18. In the event that the successful bidder fails to close on the property, he shall forfeit the ten percent (10%) deposit.

This Resolution shall take effect immediately upon adoption.

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

**P. Correspondence**

1. Jefferson Township
2. Vernon Township
3. Millstone Township
4. Andover Township
5. Byram Township
6. Montague Township
7. Green Township
8. Hamburg Borough
9. State of NJ
10. State of NJ
11. State of NJ
12. State of NJ
13. State of NJ
14. Vogel, Chait, Collins and Schneider, P.C.

A motion was made by Kula 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. William Hickerson, a member of the Hardyston Fire Department and the Office of Emergency Management Coordinator stated that there have been several accidents on Big Spring Road due to large trucks collapsing the roads. Mr. Hickerson suggested putting up weight limit signs. Township Attorney stated that he will research the procedure for placement of the signs. Resident William Walsh asked about the status of the drainage project on his property. Township Manager stated that the bid specs are in the process of being prepared. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Miller to adjourn at approximately 9:25 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk