

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 26, 2021**

The meeting was called to order by Mayor Kaminski 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 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**

#### **PROCLAMATIONS: Eagle Scout – Ryan Chilenski and Kenny Coffaro**

Mayor Kaminski read and presented proclamations to Ryan Chilenski and Kenny Coffaro honoring their achievement of earning the designation of Eagle Scout and for their service to the Township of Hardyston.

Annalisa Caldera and Brian Hall, members of the Wallkill Valley Regional High School chapter of Future Business Leaders of America (FBLA), presented their project honoring veterans who served or are currently serving in the form of professional signs that include name, picture, rank, and years of service for each veteran. They thanked the Council for their donation in support of this project. The signs will be placed at the Veterans Memorial at the Hardyston Township Municipal Building through Memorial Day.

#### **SWEARING IN CEREMONY: Scott Lobban, Chief of Police; Nicholas Calandra, Lieutenant; Brad Worman, Sergeant; Andrew Reeves, Patrolman; Tyler Soltes, Patrolman; Konstantinos Protogeropoulos, Patrolman**

Mayor Kaminski issued the Oath of Office to all of the officers. Mayor Kaminski and the Council offered their congratulations to all.

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

#### **Minutes:**

1. Regular Minutes of 7/22/20
2. Workshop Minutes of 8/26/20
3. Regular Minutes of 8/26/20
4. Special Minutes of 9/9/20
5. Regular Minutes of 9/23/20
6. Regular Minutes of 10/28/20
7. Executive Minutes of 10/28/20
8. Regular Minutes of 11/18/20
9. Executive Minutes of 11/18/20
10. Regular Minutes of 12/9/20

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11. Workshop Minutes of 1/27/21
12. Regular Minutes of 1/27/21
13. Executive Minutes of 1/27/21
14. Workshop Minutes of 4/28/21
15. Regular Minutes of 4/28/21

**Agreements/Applications/Licenses:**

1. Raffle License – The Craig School

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

**ORDINANCES**

**1st READING:** **None**

**ORDINANCES**

**2nd 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.

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 2021-05 on second reading, seconded by Cicerale. All in favor. Motion carried.

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**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

**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 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 2021-06 on second reading, seconded by Cicerale. All in favor. Motion carried.

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**NEW BUSINESS:**

A. Tax Collector Resolution

1. Resolution #38-21 – Overpayment Refund – Sean and Laura Kasa – 34 Estell Drive – Block 75, Lot 11.14

**RESOLUTION #38-21**

**WHEREAS**, Block 75 Lot 11.14 also known as 34 Estell Drive owned by Sean and Laura Kasa, and

**WHEREAS**, the homeowner paid an added assessment in 2019 to Block 75 lot 11.14 and then paid the same assessment inadvertently in 2020, and

**WHEREAS** the homeowner, Sean and Laura Kasa are due a refund in the amount of \$2,485.56.

**NOW THEREFORE BE IT RESOLVED**, that the Tax Collector be authorized to refund Sean and Laura Kasa in the amount of \$2,485.56.

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

- B. Resolution #39-21- Resolution accepting a Performance Bond in the amount of \$329,262.84 and a Cash Bond in the amount of \$36,584.76 from Lam Development Group, LLC for Cloverdale West – Phase 2B

**RESOLUTION #39-21**

**RESOLUTION ACCEPTING A PERFORMANCE BOND IN THE AMOUNT OF \$329,262.84 AND A CASH BOND IN THE AMOUNT OF \$36,584.76 FROM LAM DEVELOPMENT GROUP, LLC FOR CLOVERDALE WEST – PHASE 2B**

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

**WHEREAS**, as a condition of said approval of Cloverdale West – Phase 2B, Lam Development Group, LLC was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of \$365,847.60 and;

**WHEREAS**, Lam Development Group, LLC has submitted to the Municipal Clerk a performance bond in the amount of \$329,262.84 and a cash bond in the amount of \$36,584.76; and

**WHEREAS**, the performance bond has been reviewed and approved as to form by the 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 Lam Development Group, LLC for Cloverdale West – Phase 2B as performance securities required by the Hardyston Township Planning Board.

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

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- C. Resolution #40-21 – Resolution disapproving of the State of New Jersey imposing additional staff overtime election fees

**RESOLUTION #40-21**

**RESOLUTION OF THE TOWNSHIP OF HARDYSTON DISAPPROVING OF THE STATE OF NEW JERSEY IMPOSING ADDITIONAL STAFF OVERTIME ELECTION FEES**

**WHEREAS**, the Township of Hardyston (“Township”) has received a notice from the County of Sussex (“County”) concerning election costs; and

**WHEREAS**, the County has indicated that the State of New Jersey is requiring that some all-mail election related services/products initiated last year due to the COVID-19 pandemic need to continue, given the continued presence of the virus and Public Health Emergency; and

**WHEREAS**, the County has taken the position that the municipalities in the County of Sussex will need to provide reimbursements for some of the costs associated with the upcoming primary elections; and

**WHEREAS**, one of the costs for which the County will be seeking reimbursement is for its staff overtime in connection with fulfilling mail-in ballot requests; and

**WHEREAS**, the Township disapproves of the proposed reimbursement and feels that this is a cost that should be borne by the State of New Jersey due to the mandate that mail-in elections shall continue as a result of the COVID-19 emergency. The Township further asserts that the County should be using the funds it will receive in connection with the 2021 American Rescue Plan Act to pay its personnel rather than requiring a reimbursement from the municipalities.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Hardyston disapproves of the County of Sussex seeking reimbursement for its staff overtime in connection with fulfilling mail-in ballot requests and hereby requests that the County of Sussex utilize its own funds for such expenditures or seek reimbursement from the State of New Jersey.

**BE IT FURTHER RESOLVED**, that the Township Clerk is directed to send a copy of this Resolution to the Sussex County Freeholders, County Administrator, the Governor of the State of New Jersey and the State Legislators of the 24<sup>th</sup> Legislative District and the Governing Bodies of all other municipalities in the County of Sussex.

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

- D. Resolution #41-21 - Resolution awarding contract for Big Spring Road Improvements – Phase II to Morris County Cooperative Pricing Council Vendors

**RESOLUTION #41-21**

**NEW JERSEY DEPARTMENT OF TRANSPORTATION  
DIVISION OF LOCAL AID  
AND ECONOMIC DEVELOPMENT  
RECOMMENDATION OF AWARD  
STATE AID PROJECT**

**BE IT RESOLVED** that the Hardyston Township Council hereby recommends to the New Jersey Department of Transportation that the contract for

**Big Spring Road Improvements – Phase II**  
(Name of Project)

in the Township of Hardyston County of Sussex  
(Name of Municipality)

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be awarded to **the following Morris County Cooperative Pricing Council Vendors:**

**Schifano Construction Corporation (MCCPC Contract #6) whose bid amounted to \$297,517.00**

**Campbell Foundry Company (MCCPC Contract #14) whose bid amounted to \$1,683.00**

**Denville Line Painting, Inc (MCCPC Contract #36) whose bid amounted to \$9,343.25**

whose bids amounted to \$ **308,543.25** subject to the approval of the Department.

That the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

That the clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

**Approved by the Hardyston Township Council on May 26, 2021.**

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

- E. Resolution #42-21 - Resolution accepting a proposal for an ice cream vendor at the Hardyston Concerts in the Park from VKAT, LLC (The Scoop)

**RESOLUTION #42-21**

**RESOLUTION ACCEPTING PROPOSAL FROM VKAT, LLC (THE SCOOP)**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston that the following proposal is hereby accepted:

- VKAT, LLC (The Scoop) – Proposal for Ice Cream Vendor at the Hardyston Concerts in the Park

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

- F. Resolution #43-21 – Resolution authorizing the display of fireworks by Crystal Springs Resort on May 30, 2021

**RESOLUTION #43-21  
TOWNSHIP OF HARDYSTON  
Sussex County, New Jersey**

**RESOLUTION AUTHORIZING THE DISPLAY OF FIREWORKS  
BY CRYSTAL SPRINGS RESORT ON MAY 30, 2021**

**WHEREAS**, Crystal Springs Resorts has submitted an application to the Hardyston Township Council for permission for the display of fireworks on May 30, 2021 in conjunction with the Memorial Day weekend holiday celebration to be held at Crystal Springs Resort, Grand Cascades Lodge; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Hardyston Township Council, in accordance with Chapter 94 of the Hardyston Township Code regarding “Fire Prevention” and

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the Uniform Fire Code, that permission is hereby granted to Crystal Springs Resort for the display of fireworks on May 30, 2021; and

**BE IT FURTHER RESOLVED** that the aforementioned approval shall be conditioned on future fireworks displays by Crystal Springs Resorts being held on a date other than Memorial Day Weekend, which should be reserved as a somber holiday to honor the men and woman who made the ultimate sacrifice in defending the Country's life and liberty; and

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

The above resolution was voted on with the added condition that the applicant would be advised that next year, fireworks would not be approved for an event to take place on Memorial Day Weekend. A motion was made by Cicerale to approve the resolution as presented, seconded by Miller. All in favor with Kula and Verrilli voting "No". Motion carried.

- G. Resolution #44-21 – Resolution authorizing the award of a professional services contract without competitive bidding to USA Architects to perform professional architectural services for Hardyston Township

**RESOLUTION #44-21**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO USA ARCHITECTS TO PERFORM PROFESSIONAL ARCHITECTURAL SERVICES FOR HARDYSTON TOWNSHIP**

**WHEREAS**, the Facilities Assessment Report, prepared by USA Architects, dated July 1, 2019, identified the repair and replacement of the ADA ramp, sidewalks and curbing as a high priority item for repair/remediation; and

**WHEREAS**, there exists a need for professional architectural services to design and prepare the construction documents, assist in bidding, and manage the project construction for the above identified high priority items; and

**WHEREAS**, the Township's 2021 Capital Budget includes funding to undertake the repair and remediation of ADA ramp and sidewalks; and

**WHEREAS**, the Township wishes to retain USA Architects to perform such services; and

**WHEREAS**, the maximum amount of for services under this contract shall not exceed a total of \$49,250; and

**WHEREAS**, funds are available for this purpose; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. §40A:11-1 *et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself be available for public inspection.

**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:

**Section 1.** The contract with USA Architects is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

**Section 2.** USA Architects shall provide professional architectural services to the Township as set forth in its proposal of May 10, 2021.

**Section 3.** A notice of this action shall be printed once in the legal newspaper of the Township of Hardyston as required by law.

**Section 4.** A copy of this Resolution shall be provided to Grant W. Rome, Chief Financial Officer, and to USA Architects, 20 N. Doughty Avenue, Somerville, New Jersey 08876, for their information and guidance.

This Resolution shall take effect immediately upon adoption.

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

H. Resolution #45-21 – Resolution accepting a bid for the sale of certain municipal land and property from the public auction held on May 19, 2021

#### **RESOLUTION #45-21**

#### **A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ACCEPTING A BID FOR THE SALE OF CERTAIN MUNICIPAL LAND AND PROPERTY FROM THE PUBLIC AUCTION HELD ON MAY 19, 2021**

**WHEREAS**, on May 19, 2021, the sale of municipal property known as Block 38, Lot 3.02, which is no longer needed by the Township in accordance with Resolution No. 37-21, was conducted via Zoom by the Township Attorney; and

**WHEREAS**, John Stephens was the successful bidder for said property at a total purchase price of \$15,000; and

**WHEREAS**, the Township Attorney recommends that the Governing Body accept said bid.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Hardyston that the bid of John Stephens for the property known as Block 38, Lot 3.02 in the amount of \$15,000 is hereby accepted.

**BE IT FURTHER RESOLVED** that the terms of such acceptance are set forth in the Contract of Sale and Agreement.

This Resolution shall take effect immediately upon adoption.

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



- I. Resolution #46-21 – Resolution authorizing a facility use agreement between the Diocese of Paterson, the Township of Hardyston and the Hardyston Seniors for the use of Madonna Hall located in St. John Vianney Church located at 2823 Route 23, Stockholm, NJ

**RESOLUTION #46-21**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING A FACILITY USE AGREEMENT BETWEEN THE DIOCESE OF PATERSON, THE TOWNSHIP OF HARDYSTON AND THE HARDYSTON SENIORS FOR THE USE OF MADONNA HALL LOCATED IN ST. JOHN VIANNEY CHURCH LOCATED AT 2823 ROUTE 23, STOCKHOLM, NJ**

**WHEREAS**, the Hardyston Seniors are in need of a location to hold their bi-monthly meetings; and

**WHEREAS**, the Diocese of Paterson has been gracious enough to permit the Hardyston Seniors to utilize Madonna Hall, located in St. John Vianney Church, 2823 Route 23, Stockholm, NJ for their bi-monthly meetings; and

**WHEREAS**, the Township, on behalf of the Hardyston Seniors Group, hereby agrees to pay a rate of \$100 per meeting for the 12-month term of the Facility Use Agreement beginning June 1, 2021 through May 31, 2022 for the use of the Madonna Hall, except that for the months of July and August, 2021, where the rate shall be \$150 per meeting due to increased costs associated with air conditioning the facility.

**WHEREAS**, the Administration hereby recommends that in the interest of maintaining the Hardyston Senior programs and providing a convenient facility for our seniors to meet, that the Township enter into a Facility Use Agreement with the Diocese of Paterson and the Hardyston Seniors for the use of Madonna Hall at St. John Vianney Church.

**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 Manager is hereby authorized to enter into a Facility Use Agreement with the Diocese of Paterson and the Hardyston Seniors for the use by the Hardyston Seniors of Madonna Hall at St. John Vianney Church at the rate of \$100 per meeting for the 12-month term beginning June 1, 2021 through May 31, 2022 for the use of the Madonna Hall, except that for the months of July and August, 2021, where the rate shall be \$150 per meeting due to increased costs associated with air conditioning the facility
2. The total amount of the Agreement shall not exceed \$2,400.

This Resolution shall take effect immediately upon adoption.

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

- J. Resolution #47-21 – Resolution authorizing the execution of an agreement with Sussex Borough and the Hardyston Township Municipal Utilities Authority

**RESOLUTION #47-21**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SUSSEX BOROUGH AND THE HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY**

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**WHEREAS**, the Parties are autonomous public agencies with a joint interest in property known as 3490 Route 94, designated as Block 63, Lot 1.01 on the Hardyston Township Tax Map (hereinafter the “Property”); and

**WHEREAS**, the Property has been the subject of extensive litigation and as of the date of this Agreement is delinquent in property taxes and sewer allocation fees owed to the Parties; and

**WHEREAS**, the Township, HTMUA and the Borough have worked cooperatively in respect to the Property and wish to enter into an agreement wherein the Parties’ respective roles and financial debts are addressed; and

**WHEREAS**, the Parties wish to memorialize their agreement as to the Property.

**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 an agreement with Sussex Borough and the Hardyston Township Municipal Utilities Authority.

This Resolution shall take effect immediately upon adoption.

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

#### K. Correspondence

1. Franklin Borough
2. Franklin Borough
3. Hamburg Borough
4. Hamburg Borough
5. Hamburg Borough
6. Sandyston Township
7. Frankford Township
8. Lafayette Township
9. County of Sussex
10. State of NJ
11. Vogel, Chait, Collins and Schneider
12. Lyon Engineering
13. Lyon Engineering

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

**BILLS TO BE PAID:** A motion was made by Verrilli to approve the bill list as presented, seconded by Miller. 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.

#### **EXECUTIVE SESSION:**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston on the 26th day of May, 2021, 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.

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- ( ) 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: Cicerale  
 Seconded by: Verrilli

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

Motion carried.

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

**ADJOURNMENT:** A motion was made by Miller to adjourn at approximately 8:55 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
 Municipal Clerk