

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 23, 2021

The meeting was called to order by Mayor Kaminski at approximately 8:00 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/Deputy Clerk Carrine Piccolo-Kaufer, 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 – May 2021
2. Tax Collector Report – May 2021
3. Construction Certificate Activity Report – May 2021
4. Construction Permit Activity Report – Hardyston – May 2021
5. Construction Permit Activity Report – Hamburg – May 2021
6. Construction Permit Activity Report – Franklin – May 2021
7. Construction Permit Activity Report – Newton – May 2021
8. Construction Permit Activity Report – Sussex – May 2021
9. Construction Permit Activity Report – Wantage – May 2021
10. Municipal Court Report – May 2021
11. Police Department Report – May 2021
12. Land Use Report – May 2021
13. Sussex County Health Department Report – May 2021

Minutes:

1. Regular Minutes of 5/26/21
2. Executive Minutes of 5/26/21

Agreements/Applications/Licenses:

1. Raffle License – Friends of Robbie, Inc.

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

ORDINANCES

1st READING:

2021-08

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN THE TOWNSHIP AND AMENDING AND SUPPLEMENTING CHAPTER 185 “ZONING” OF THE TOWNSHIP CODE

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and

Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive
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regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 3 of the Act defines a “cannabis establishment” as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”; and

WHEREAS, Section 31a of the Act authorizes municipalities to adopt by ordinance regulations governing the number of (1) cannabis establishments, (2) cannabis distributors and (3) cannabis delivery services, except for the delivery of cannabis items and related supplies by a cannabis delivery service based and initiated from outside of the municipality; and

WHEREAS, Section 31a of the Act also authorizes municipalities to adopt by ordinance regulations governing the local licensing endorsement, location, manner and times of operation of cannabis establishments and cannabis distributors, and the location and manner of cannabis delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities to prohibit by ordinance the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality, except for the delivery of cannabis items and related supplies by a delivery service based and initiated from outside of the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 21, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five (5) years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all

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industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again, in 2026, have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating with appropriate approvals within the municipality; and

WHEREAS, the Township Council of Hardyston Township has determined that, due to the detrimental impacts that permitting one or more classes of cannabis business might have on New Jersey municipalities in general, and on our community in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township's residents and members of the public who visit, travel, or conduct business in Hardyston, to amend the Township's regulations to prohibit all manner of cannabis/marijuana-related within the geographic boundaries of Hardyston Township.

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

SECTION 1. Chapter 185 "Zoning" of the Township Code is hereby amended to read as follows:

Article V. Prohibited Uses

§185-26 Definitions.

For purposes of this Article, the following definitions shall apply:

"Cannabis" means all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

"Cannabis cultivator" means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

“Cannabis delivery service” means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery

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service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

“Cannabis distributor” means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

“Cannabis establishment” means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

“Cannabis manufacturer” means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

“Cannabis retailer” means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

“Cannabis wholesaler” means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

§185-27 Cannabis establishments, distributors and delivery services prohibited.

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Hardyston, except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the Township.

SECTION 2. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

SECTION 4. This Ordinance shall take effect in accordance with the law.

A motion was made by Miller to approve Ordinance 2021-08 on first reading, seconded by Verrilli. All in favor. Motion carried.

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ORDINANCES

2nd READING: None

NEW BUSINESS:

A. Tax Collector Resolution

1. Resolution #48-21 – Overpayment Refund – Sean and Laura Kasa – 34 Estell Drive – Block 75, Lot 11.14

RESOLUTION # 48 -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 that the homeowner, Sean and Laura Kasa are due a refund in the amount of \$71.05.

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be authorized to refund Sean and Laura Kasa in the amount of \$71.05.

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

- B. Resolution #49-21- Resolution authorizing the execution of an agreement with the Morris County Cooperative Pricing Council to renew membership therein for the period of October 1, 2021 through September 30, 2026

RESOLUTION #49-21

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Township of Hardyston, desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to **renew** its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

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

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1. The Township Council and Mayor of the Township of Hardyston hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2021, through September 30, 2026.
2. The Hardyston Township Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Township of Hardyston officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

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

- C. Resolution #50-21 – Resolution directing the Township Manager and Administration to coordinate the transition of snow & ice removal services on qualified private community roads

RESOLUTION #50-21

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF
NEW JERSEY DIRECTING THE TOWNSHIP MANAGER AND
ADMINISTRATION TO COORDINATE THE TRANSITION OF SNOW
& ICE REMOVAL SERVICES ON QUALIFIED PRIVATE
COMMUNITY ROADS**

WHEREAS, the Municipal Services Act, pursuant to N.J.S.A. 40:67-23.2 et seq., provides that municipalities may either undertake snow & ice removal from the roads and streets of qualified private communities, or provide for reimbursement to said communities for such services; and

WHEREAS, the Township of Hardyston has continuously engaged in providing snow & ice removal services on the roads and streets of qualified private communities located within the Township; and

WHEREAS, in the summer of 2018, the Mayor and Council directed the Administration to undertake a comprehensive study of the Public Works Department and its operations including a report of Findings and Recommendations relevant to snow removal; and

WHEREAS, in August, 2019 a Facility Assessment Report of Future Public Works Operation and Staffing advised that the Township should continue to evaluate the operation of the Public Works Department and address road maintenance and snow removal particularly as it relates to roads not owned by the Township; and

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WHEREAS, over the past several years, the Township has endeavored to hire additional part-time employees to assist in snow & ice removal services specifically to continue the task of snow & ice removal services for qualified private communities within the Township; and

WHEREAS, the Township has been unable to secure commitments from qualified part-time personnel to assist in emergency snow & ice removal services that the Township provides to its qualified private communities; and

WHEREAS, the coordination of snow & ice removal services with private contractors who are engaged in driveway, parking lot, and sidewalk snow & ice removal services results in additional snow & ice removal operational endeavors for the Township's Department of Public Works; and

WHEREAS, the Administration hereby recommends that the governing body exercise its legal option to continue to provide snow & ice removal services for main thoroughfare roads within each qualified private community that is serviced by school bus transportation for the residents of said community; and

WHEREAS, the Administration also recommends that, beyond the essential main thoroughfare roads serviced by school bus transportation, the qualified private community provide for snow & ice removal services on the remaining roads within said community, and accordingly, each qualified community may apply to the Township of Hardyston for reimbursement in accordance with the formula, case law and guidelines set for by law pursuant to N.J.S.A. 40:67-23.3.

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. Effective October 1, 2021, the Township of Hardyston shall have in advance notified the following qualified private communities within the Township that the Township shall provide snow & ice removal services for specific main thoroughfare roads within each said community that is serviced by school bus transportation as follows:

Scenic Lakes: The Township shall continue to maintain snow & ice removal services on Scenic Lakes Road and Scenic Drive. Snow & ice removal on all other roads within the Scenic Lakes community shall be the responsibility of Scenic Lakes Community Association, with the right to request reimbursement from the Township in accordance with N.J.S.A. 40:67-23.3.

Walden I and II: The Township has already made arrangements with respect to Wits End Road and Shady Lane for Snow Removal to accommodate School Bus Routes. Snow removal on all other roads within the Walden I or II communities shall be the responsibility of these communities' property owners' associations, with the right to request reimbursement from the Township in accordance with N.J.S.A. 40:67-23.3.

Indian Field: The Township will be responsible for snow removal with respect to Forest Hill Way. Snow removal on all other roads within the Indian Field community shall be

the responsibility of the community's homeowners association, with the right to request reimbursement from the Township in accordance with N.J.S.A. 40:67-23.3.

Crystal Springs Village: The Township will be responsible for snow & ice removal with respect to Clubhouse Road and Crystal Springs Road. Snow & ice removal on all other roads within the Crystal Springs Village community shall be the responsibility of the community's property owners association, which is presently the understanding between the association and the Township.

BE IT FURTHER RESOLVED, that the Administration is hereby requested to provide notice to each of the aforesaid communities' property owners associations of this policy decision, along with the right to engage and enter into an Agreement with the Township for reimbursement in accordance with the law.

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This Resolution shall take effect immediately upon adoption.

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

D. Resolution #51-21 – 2021 – 2022 Annual Liquor License Renewal

- Stone Hill Recreation SPE LLC - #1911-33-006-012 (The Crystal Tavern, Restaurant La Tour, The Wine Cellar, Vista 180 Café)

**RESOLUTION #51-21
HARDYSTON TOWNSHIP
LIQUOR LICENSE RENEWAL**

WHEREAS, the following Liquor License is to be renewed effective July 1, 2021, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2021 for the following license holder.

1. Stone Hill Recreation SPE LLC – #1911-33-006-012

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

E. Resolution #52-21 – 2021 – 2022 Annual Liquor License Renewal

- Stone Hill Recreation SPE LLC - #1911-36-007-004 (Grand Cascades Lodge – The Springs Bistro, The Biosphere Café, The Chef's Garden)

**RESOLUTION #52-21
HARDYSTON TOWNSHIP
LIQUOR LICENSE RENEWAL**

WHEREAS, the following Liquor License is to be renewed effective July 1, 2021, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2021 for the following license holder.

1. Stone Hill Recreation SPE LLC – #1911-36-007-004

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

- F. Resolution #53-21 – 2021 – 2022 Annual Liquor License Renewal

- Stone Hill Recreation SPE LLC - #1911-33-005-010 (Owen’s Pub)

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**RESOLUTION #53-21
HARDYSTON TOWNSHIP
LIQUOR LICENSE RENEWAL**

WHEREAS, the following Liquor License is to be renewed effective July 1, 2021, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2021 for the following license holder.

1. Stone Hill Recreation SPE LLC – #1911-33-005-010

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

- G. Resolution #54-21 – 2021 – 2022 Annual Liquor License Renewal

- Hamburg Golf Course Beverage, Inc. - #1911-33-002-011 (Pocket License)

**RESOLUTION #54-21
HARDYSTON TOWNSHIP
LIQUOR LICENSE RENEWAL**

WHEREAS, the following Liquor License is to be renewed effective July 1, 2021, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2021 for the following license holder pursuant to N.J.S.A. 33:1-12.39.

1. Hamburg Golf Course Beverage, Inc. - #1911-33-002-011

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

- H. Resolution #55-21 – 2021 – 2022 Annual Liquor License Renewal

- Anthony Pignataro Corp. – #1911-33-004-006 – Tony’s Pizza – Rt. 23

**RESOLUTION #55-21
HARDYSTON TOWNSHIP
LIQUOR LICENSE RENEWAL**

WHEREAS, the following Liquor License is to be renewed effective July 1, 2021, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2021 for the following license holders.

1. Anthony Pignataro Corp. – #1911-33-004-006

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

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- I. Resolution #56-21 – 2021 – 2022 Annual Liquor License Renewal

- RBAA, LLC - #1911-44-003-010 – Sussex County Discount Wine & Liquor – Rt. 94

**RESOLUTION #56-21
HARDYSTON TOWNSHIP
LIQUOR LICENSE RENEWAL**

WHEREAS, the following Liquor License is to be renewed effective July 1, 2021, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2021 for the following license holders.

1. RBAA, LLC - #1911-44-003-010

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

- J. Resolution #57-21 – Resolution authorizing the public display of fireworks at Hardyston Day on September 24, 2021 (Rain date September 25th)

RESOLUTION #57-21

**RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS
AT HARDYSTON DAY ON SEPTEMBER 24, 2021 (RAIN DATE SEPTEMBER 25th)**

WHEREAS, the Hardyston Township Recreation Committee has submitted an application to the Hardyston Township Council for permission for the public display of fireworks on September 24, 2021 (rain date - September 25, 2021) in conjunction with the Township's Hardyston Day events; and

WHEREAS, the Township of Hardyston has adequate insurance coverage for the day of the event,

NOW, THEREFORE, BE IT RESOLVED by the Hardyston Township Council, in accordance with Chapter 94 of the Hardyston Township Code regarding “Fire Prevention” and the Uniform Fire Code, that permission is hereby granted to the Hardyston Township Recreation Committee for the public display of fireworks on September 24, 2021; and

BE IT FURTHER RESOLVED that the Hardyston Township Recreation Committee 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 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.

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

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- K. Resolution #58-21 – Resolution authorizing execution of a settlement agreement and release amongst the Township of Hardyston, the Hardyston Township Municipal Utilities Authority and First Indemnity of America Insurance Company

RESOLUTION #58-21

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE AMONGST THE TOWNSHIP OF HARDYSTON, THE HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AND FIRST INDEMNITY OF AMERICA INSURANCE COMPANY

WHEREAS, in connection with work to be performed for the Indian Field subdivision, First Indemnity of America (“FIA”) issued various performance bonds and cash bonds; and

WHEREAS, the Township of Hardyston, Township of Hardyston Municipal Utilities Authority and FIA desire to resolve all matters, issues and disputes related to the various performance bonds and cash bonds; and

WHEREAS, the parties have engaged in settlement discussions to reach an amicable resolution of all matters, issues and disputes related to the various performance bonds and cash bonds; and

WHEREAS, following such settlement discussions, an acceptable settlement agreement has been reached;

WHEREAS, the Township Manager and the Township Council have been advised of the settlement and have agreed to same.

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 execution of the Settlement Agreement and Release as noted above.

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.

- L. Resolution #59-21 – Resolution authorizing settlement of in rem foreclosure proceedings as to property located at 202 Wheatsworth Road, Block 63, Lot 24.14

RESOLUTION #59-21

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING SETTLEMENT OF IN REM FORECLOSURE PROCEEDING AS TO PROPERTY LOCATED AT 202 WHEATSWORTH ROAD, BLOCK 63, LOT 24.14

WHEREAS, on August 20, 2020, the Township filed an In Rem Foreclosure Complaint in New Jersey Superior Court under Docket Number SWC-F-7011-20, which Complaint included property known as 202 Wheatsworth Road, designated as Block 63, Lot 24.14 on the Hardyston Township Tax Map (hereinafter the “Property”); and

WHEREAS, in accordance with the statutes governing In Rem Foreclosure actions, notice of the filing was published in the New Jersey Herald on April 28, 2021 and was mailed to all interested parties for all properties identified in the Complaint, including the record owner of Block 63, Lot 24.14; and

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WHEREAS, the record owner contacted the Township with regard to the Complaint and settlement negotiations were conducted; and

WHEREAS, following such settlement discussions, an acceptable settlement has been reached with regard to the Property;

WHEREAS, the Township Manager and the Township Council have been advised of the settlement and have agreed to same.

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 settlement of the In Rem Foreclosure proceeding as to Block 63, Lot 24.14 and authorizes the Township Manager and Mayor to execute any and all documents necessary to effectuate the settlement.

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.

- M. Resolution #60-21 – Resolution of approval to submit a grant application and execute a contract with the New Jersey Department of Transportation for the Scenic Lakes Road – Phase I project

A motion was made by Verrilli to approve the resolution as presented, seconded by Kula. All in favor. Motion carried. A copy of the resolution is on file in the Clerk’s office.

- N. Resolution #61-21 – Resolution authorizing the execution of agreement with Clearspan Fabric Structures International, Inc. for the purchase and installation of a salt storage building

RESOLUTION #61-21

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AGREEMENTS WITH CLEARSPAN FABRIC STRUCTURES INTERNATIONAL, INC. FOR PURCHASE AND INSTALLATION OF A SALT STORAGE BUILDING

WHEREAS, the Township is in need of a storage facility for the storage of salt by the Department of Public Works; and

WHEREAS, the Township Council had authorized the purchase and installation of a salt storage facility through the Sourcewell Cooperative Pricing agreement; and

WHEREAS, the Township Manager and Township Attorney have reviewed the agreements for the purchase and installation of the salt storage building from Clearspan Fabric Structures International, Inc. through the Sourcewell Cooperative and found same to be acceptable; and

WHEREAS, the Township Council has reviewed the agreements and approved the execution of same.

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 the agreements with Clearspan Fabric Structures International, Inc. for the purchase and installation of a salt storage building.

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NOW, THEREFORE, BE IT FURHTER RESOLVED that the Township Mayor, Township Manager and Township Clerk are hereby authorized to take whatever steps are necessary to finalize the agreements.

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.

- O. Resolution #62-21 – Resolution authorizing the Mayor to sign all documents regarding the State of New Jersey, Department of Law & Public Safety, Office of the Attorney General, for Body-Worn Camera Grant Program

RESOLUTION #62-21

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS REGARDING THE STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY, OFFICE OF THE ATTORNEY GENERAL, FOR BODY-WORN CAMERA GRANT PROGRAM

WHEREAS, the State of New Jersey, Department of Law & Public Safety, Office of the Attorney General (“OAG”) received funds from the SFY21 Budget to administer the Body-Worn Camera Grant Program; and

WHEREAS, the State of New Jersey, Department of Law & Public Safety, Office of the Attorney General has given notice of availability of funds for the Body-Worn Camera Grant Program; and

WHEREAS, the name of the program is “SFY21 Body-Worn Camera Grant Program” (BWC Grant Program); and

WHEREAS, the BWC Grant Program is designed to provide eligible law enforcement agencies with State funding to aid in the purchase of body-worn cameras, ancillary equipment and storage; and

WHEREAS, under the BWC Grant Program, law enforcement agencies are eligible to receive grant funding for the purchase of body-worn cameras and related expenses; and

WHEREAS, the deadline by which applications were to be submitted was April 30, 2021; and

WHEREAS, the recipients of the BWC Grant Program funding will be allotted a fixed dollar amount for each camera to be purchased; this dollar amount will exceed the cost of a camera; and

WHEREAS, the excess funding is to be used for ancillary equipment such as clips, chargers, batteries, etc., as well as storage costs; and

WHEREAS, funding is to be used towards the cost of implementing the BWC Grant Program; and

WHEREAS, the Township of Hardyston was informed of the grant of Award No. 21-BWC-185 in the amount of \$50,950 on June 23, 2021 with funds available from State Account No. BFY21-100-066-1020-495, for the award period of January 1, 2021 through December 31, 2025; and

WHEREAS, the Township of Hardyston does hereby certify that all grant funds will be used exclusively for the purposes specified in the grant award; and it will pay for all costs in excess of the grant award; and

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 23, 2021

WHEREAS, the Township of Hardyston is authorized to accept and does accept the Award.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Hardyston, County of Sussex in the State of New Jersey, that the Township Council does hereby accept Award No. 21-BWC-185 in the amount of \$50,950 from the State of New Jersey, Department of Law & Public Safety, Office of the Attorney General, for the 2021 Body-Worn Camera Grant Program

BE IT FURTHER RESOLVED, that the Mayor is the Authorized Official and is authorized to endorse all required documents.

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.

P. Correspondence

1. Sparta Township
2. Lafayette Township
3. Hamburg Borough
4. West Milford Township
5. Franklin Borough
6. State of NJ
7. State of NJ
8. State of NJ

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

At this time, a motion was made by Cicerale to extend the temporary outdoor dining permitted by Resolution #40-20 in response to the Covid-19 pandemic until October 31, 2021 in order to give dining establishments a chance to recover from the Covid-19 shutdown, 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 Miller to adjourn at approximately 8:25 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk