

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
NOVEMBER 10, 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 via phone conference, Councilman Miller, Councilman Verrilli, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk and Township Attorney Robert Rossmeissl 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 – October 2021
2. Tax Collector Report – October 2021
3. Construction Certificate Activity Report – October 2021
4. Construction Permit Activity Report – Hardyston – October 2021
5. Construction Permit Activity Report – Hamburg – October 2021
6. Construction Permit Activity Report – Franklin – October 2021
7. Construction Permit Activity Report – Newton – October 2021
8. Construction Permit Activity Report – Sussex – October 2021
9. Construction Permit Activity Report – Wantage – October 2021
10. Municipal Court Report – October 2021
11. Police Department Report – October 2021
12. Land Use Report – October 2021

Minutes:

1. Regular Minutes of 9/30/21

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

ORDINANCES

1ST READING: 2021-12

AN ORDINANCE TO REVISE THE DEFINITION OF QUARRYING AS SET FORTH IN SECTION 3, DEFINITIONS, OF CHAPTER 138, QUARRYING AND AMEND SECTION 26, HOURS OF OPERATION, OF CHAPTER 138, QUARRYING OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HARDYSTON

WHEREAS, the Governing Body has reviewed and determined that the Quarrying Ordinance addressing hours of operation provision set forth at Article II, Section 26 of Chapter 138 needs to be further clarified to encapsulate the intent of quarrying activities that are permitted to begin at 7:00 a.m.; and

WHEREAS, it has been determined by the Governing Body that the definition of “quarrying” as set forth in Article I, Section 3 of Chapter 138 addressing quarry operations needs to be expanded to align with the intent of the preceding paragraph;

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

Section 1. Chapter 138, Quarrying, Section 26, Hours of Operation of the aforesaid Revised General Ordinances is hereby repealed and replaced as follows:

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§ 138-26 Hours of operation.

A. Quarrying activities as defined by § 138-3 shall be conducted only from Monday through Saturday between the hours of 7:00 a.m. and 6:00 p.m. except when approved by the governing body of the Township of Hardyston. Applications for limited expansion of these hours during emergencies or other extraordinary projects shall be submitted to the Township Engineer thirty days in advance of the anticipated date the exception to the hours of operation are requested and proposed to begin when practicable. Said request shall be reviewed by the Township Engineer with input from the Township Manager. Approval for said request shall be ratified at the next meeting of the Township Council. Access to the site by customers of the quarry shall be limited to the permitted hours of operation. There shall be no operation of any kind or character on Sundays, except in emergencies authorized by the Township Council. Blasting shall occur only in a manner permitted by state law and regulations.

B. Notwithstanding the foregoing, quarry operations that exit directly to a state highway may be permitted to operate scales and load trucks beginning at 6:30 a.m. Furthermore, trucks loaded the preceding day shall be permitted to leave the premises any time after 6:00 a.m. when directly exiting to a State Highway.

Section 2. Chapter 138, Quarrying, Section 3, Definitions of the aforesaid Revised General Ordinances is hereby amended and supplemented as follows:

Quarrying Activity

The excavation of consolidated material. The crushing, washing or grading of such material on site. The transport, loading, or hauling of material for on-site processing. The transport, loading or weighing of finished products.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such provision(s) shall be deemed severable, and the remaining portions of this Ordinance shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 5. This Ordinance may be renumbered for codification purposes.

Section 6. This Ordinance shall take effect after publication and passage according to law.

A motion was made by Miller to approve Ordinance 2021-12 on first reading, seconded by Kula. All in favor. Motion carried.

2021-13

**AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$25,000.00 FROM
GENERAL CAPITAL FUND BALANCE IN ORDER TO FUND THE ACQUISITION OF
FIRE FIGHTER TURN-OUT GEAR 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:

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Section 1: The sum of Twenty-five Thousand Dollars (\$25,000) to be utilized out of General Capital Fund Balance, is hereby appropriated for the following purpose:

The purchase of full turn-out gear for firefighting purposes

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: The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing the full detail of the amend capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.

Section 4: 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 5: This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

A motion was made by Miller to approve Ordinance 2021-13 on first reading, seconded by Verrilli. All in favor. Motion carried.

ORDINANCES

2ND READING:

None

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #101-21 – Redemption of Tax Sale Certificate #2018-006 – 30 Mountain Road – Block 61, Lot 48.03 – Christine Stires

RESOLUTION #101-21

WHEREAS, Block 61 Lot 48.03 also known as 30 Mountain Road owned by Christine Stires, and

WHEREAS, on January 22, 2020, Ms. Stires was authorized through resolution by the Mayor and Council, redemption of a municipally held lien by installment payments to include principal and interest; and

WHEREAS, Ms. Stires has satisfied the requirements of the installment plan, effecting redemption of Certificate #2018-006 and subsequent taxes,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to deliver Certificate #2018-006 to Ms. Stires so that it may be cancelled from record.

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

2. Resolution #102-21 – Refund – 3445 Rt. 94 – Block 67.29, Lot 1 – Frank Cicerale

RESOLUTION #102-21

WHEREAS, Block 67.29 Lot 1 Qualification QFARM also known as 3445 RT 94 owned by Frank Cicerale, and

WHEREAS, Frank Cicerale paid taxes for February and May 2021, and received a lower assessment for 2021, and

WHEREAS, Mr. Scott Holzhauer, Tax Assessor for Hardyston Township has approved this assessment for 2021, and therefore Mr. Cicerale's tax payments for August 2021 be credited in the amount of \$43.43 and for November 2021 be credited in the amount of \$43.24, leaving a refund in the amount of \$86.67.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund taxes totaling \$86.67 for 2021.

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

3. Resolution #103-21 – Veteran Deduction Refund – 51 Deerfield Drive – Block 72.03, Lot 4 – Timothy & Kathleen Vanarsdale

RESOLUTION #103-21

WHEREAS, Block 72.03 Lot 4 also known as 51 Deerfield Drive owned by Timothy and Kathleen Vanarsdale, and

WHEREAS, on November 4, 2021, Mr. Vanarsdale was approved for a \$250.00 veteran deduction; and

WHEREAS, Mr. and Mrs. Vanarsdale have already paid all 2021 taxes, and is entitled to a refund of \$250.00.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to issue a refund to \$250.00 to Mr. Vanarsdale.

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

- B. Resolution #104-21 – Animal Control Shared Service Agreement – Vernon Township

RESOLUTION #104-21

**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. Animal Control – Vernon Township

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

C. Resolution #105-21 – Resolution to Amend Capital Budget

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

D. Public Defender Appointment

Due to the resignation of Brian D. Kenney, Esq., effective October 22, 2021, a motion was made by Miller to appoint John C. Grey Jr. to the position of Hardyston Township Public Defender with a term expiring 12/31/2021, seconded by Cicerale. All in favor. Motion carried.

E. Correspondence

1. Franklin Borough
2. Franklin Borough
3. Green Township
4. West Milford Township
5. State of NJ
6. State of NJ

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

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

At the previous Council meeting, Lafayette Township Deputy Mayor Kevin O'Leary was present and asked if the Council would consider changing the hours or operation for the Stavola Beaver Run Quarry. He stated that he has been receiving noise complaints from his residents because the trucks were arriving too early. He stated that Lafayette Township had adopted the ordinance at their last meeting and thanked the Council for introducing a similar ordinance for Council consideration and adoption.

A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Verrilli to adjourn at approximately 7:20 p.m., seconded by Cicerale. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk