

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 22, 2021**

The meeting was called to order by Mayor Kaminski at approximately 7:30 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 via conference call, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk and Township Attorney Robert Rossmeyssl of Dorsey & Semrau. Township Attorney Fred Semrau of Dorsey & Semrau was present via Zoom.

SALUTE THE FLAG

ORDINANCES

2nd READING:

2021-14

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF
SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING A SPECIAL
ASSESSMENT FOR THE NORTH CHURCH TECHNICAL CENTER
COMMUNITY/PARK DRIVE FIRE SUPPRESSION SYSTEM IMPROVEMENTS**

WHEREAS, in 2019 the Township was approached by members of the North Church Technical Center Community (“Community”) with regard to necessary improvements and repairs to the fire suppression system; and

WHEREAS, the Township and the Community entered into an Agreement pursuant to which the Township would contract for the improvements and the properties benefitted would be subjected to a special assessment for the cost of the improvements pursuant to N.J.S.A. 40:56-1 *et seq.*; and

WHEREAS, the special assessments levied under this Ordinance shall include, to the extent fair and equitable, reasonable and necessary costs incurred in connection with the North Church Technical Center Community/Park Drive fire suppression water system improvement project, including but not limited to the cost of the improvements, administrative costs, any associated interest for late payments and other charges imposed in connection therewith, as provided under N.J.S.A. 40:56-1 *et seq.*

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WHEREAS, the affected property owners are:

Block	Lot	Address	Owner
62	18.01	1 Park Drive	Four Winds Industrial Park, LLC
62	18.08	15 Park Drive	Edward F. Boscia
62	18.09	17 Park Drive	All County Energy, LLC*
62	18.10	19 Park Drive	KAW, LLC/NSAP
62	18.12	16 Park Drive	Fairfield Commercial Properties Corp.
62	22.01	8 Park Drive	Sussex Land, LLC

WHEREAS, all improvements were completed and the final cost of the project, including all eligible expenses, was Six Hundred Fifty-Seven Thousand Nine Hundred Eighty-Eight Dollars and Ninety Cents (\$657,988.90).

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:

1. The full cost of the project and any associated costs and fees expended to complete the improvements and repairs of the North Church Technical Center Community/Park Drive fire suppression system improvements, together with all costs associated with establishing and enforcing the assessments, shall be assessed against all benefitting properties as listed in the chart attached hereto as Schedule A.
2. The procedures for making and collecting this special assessment, which are set forth in N.J.S.A. §40:56-1 *et seq.* have been followed in developing the information in Schedule A.
3. The Township's Special Assessment Commission, with the Township's Tax Assessor acting as consultant, was responsible for making the assessment in accordance with the statutory parameters.
4. The Township's contribution to the repayment of the costs of this local improvement shall not exceed \$101,229.
5. The assessment shall constitute a first and paramount lien on the property pursuant to N.J.S.A. §40:56-33 and a record of same shall be maintained in accordance with N.J.S.A. §40:56-41.3.
6. The assessment shall be paid in annual installments, plus interest, over the course of ten (10) years. Bills for the assessment will be sent out by the Tax Collector, separate and apart from any tax bills. There will be no penalty for prepayment.
7. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.
8. 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.

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9. This Ordinance shall take effect immediately upon final passage, approval, and publication as required 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 Miller to approve Ordinance 2021-14 on second reading, seconded by Cicerale. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution #122-21 – Shared Service Agreement – Secretarial/Billing & Administration Services and Maintenance & Service - HTMUA

RESOLUTION #122-21

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. Secretarial/Billing & Administration Services – HTMUA
2. Maintenance & Service – HTMUA

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

- A. Resolution #123-21 – Shared Service Agreement – Park Maintenance and Solid Waste and Recycling Removal – Hardyston Township Board of Education

RESOLUTION #123-21

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING SHARED SERVICE AGREEMENTS

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

- a. Park Maintenance – Hardyston Township Board of Education
- b. Solid Waste and Recycling Removal – Hardyston Township Board of Education

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

- C. Resolution #124-21 - NJDEP Treatment Works Application – Consent By Governing Body – Lake Gerard – Block 60, Lot 17 – 232 West Shore Drive – Septic System

RESOLUTION #124-21

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 – 232 West Shore Drive —Septic System

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

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- D. Resolution #125-21 – Resolution in support of those communities urging the Sussex County Board of Commissioners to provide equity to those municipalities who provide dispatch services

RESOLUTION #125-21

RESOLUTION IN SUPPORT OF THOSE COMMUNITIES URGING THE SUSSEX COUNTY BOARD OF COMMISSIONERS TO PROVIDE EQUITY TO THOSE MUNICIPALITIES WHO PROVIDE DISPATCH SERVICES

WHEREAS, the County of Sussex has in 2014 commenced a police dispatch 911 call center which initiated a new budget item to afford such services to those communities who agreed to an interlocal services agreement with the County of Sussex; and

WHEREAS, there are eleven communities including Andover Borough, Andover Township, Franklin Borough, Hamburg Borough, Hardyston Township, Hopatcong Borough, Town of Newton, Ogdensburg Borough, Sparta Township, Stanhope Borough and Vernon Township, which provide their own locally funded and sponsored dispatch services for residents of their respective communities, and

WHEREAS, notwithstanding these local services that have been provided by these eleven communities, the County of Sussex continues to assess all communities within the County for the capital expenditures and annual expenses for the 911 dispatch call center in Sussex County; and

WHEREAS, on average, since 2014, this budgeted line item for Sussex County has been in the amount of \$800,000 per year, and

WHEREAS, for 2021 it is estimated that the cost to fund and operate the call center will be in the amount of \$1,632,000; and

WHEREAS, the eleven municipalities who do not primarily participate by way of an interlocal services agreement and provide their own local dispatch services have nonetheless been required to contribute over 63% of the budget for the 911 call center operated by Sussex County, and

WHEREAS, these eleven communities have been taxed for these services notwithstanding the fact that these communities are not part of an interlocal services agreement for dispatch services; and

WHEREAS, it is estimated that the cost of such services that has been paid by these eleven communities over the past six years totals an estimate of \$5.9 million of local tax taxpayer money that has been sent to the County for services that are being provided to local residents within each respective municipal budget; and

WHEREAS, the eleven communities which do not participate in County 911 call center primary services hereby request the County immediately take necessary steps so that the participating communities who do not have local call centers are assessed and pay for such County operations, and be provided with a return of funds paid to the County for dispatch services which were not provided to our communities.

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

We hereby join in the request of the eleven communities in Sussex County, namely, Andover Borough, Andover Township, Franklin Borough, Hamburg Borough, Hardyston Township, Hopatcong Borough, Town of Newton, Ogdensburg Borough, Sparta Township, Stanhope Borough and Vernon Township in demanding that the Commissioners of Sussex County take necessary action to reimburse the respective communities for improper charges, assessments and taxes for 911 call center services that are not being provided on a primary basis to these communities.

BE IT FURTHER RESOLVED that each one of these participating communities join in this resolution for immediate response, accounting and action by the Sussex County Board of Commissioners, after all, these communities comprise over 63% of the County budget and a similar pro rata basis of residents affected by this improper charge to the residents of our communities.

This resolution shall take effect immediately.

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

BILLS TO BE PAID: A motion was made by Cicerale to approve the bill list as presented, seconded by Kaminski. 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 7:40 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk