

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 27, 2022

The meeting was called to order by Mayor Cicerale 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 Verrilli, Councilman Kula, Councilman Miller, Councilman Kaminski, Manager/Deputy Clerk Carrine Piccolo-Kaufer and Township Attorney Fred Semrau and 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 – June 2022
2. Tax Collector Report – June 2022
3. Construction Certificate Activity Report – June 2022
4. Construction Permit Activity Report – Hardyston – June 2022
5. Construction Permit Activity Report – Hamburg – June 2022
6. Construction Permit Activity Report – Franklin – June 2022
7. Construction Permit Activity Report – Newton – June 2022
8. Construction Permit Activity Report – Sussex – June 2022
9. Construction Permit Activity Report – Wantage – June 2022
10. Municipal Court Report – June 2022
11. Police Department Report – June 2022
12. Land Use Report – June 2022

Minutes:

1. Regular Minutes of 3/23/22
2. Regular Minutes of 4/27/22
3. Special Meeting Minutes of 5/25/22
4. Regular Minutes of 5/25/22
5. Executive Minutes of 5/25/22

Agreements/Applications/Licenses:

1. Raffle License – HSA Divine Mercy Academy
2. Amusement License – Anthony Pignataro (Tony's Pizza – Rt 23)

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

MANAGERS REPORT: The following items were discussed:

1. Mid-year revenue & appropriation report
2. Gypsy Moth Survey
3. Grant Consulting Services RFP Responses
4. Grant Award – Electric Tourism Grant NJ BPU Awarded – 90% of cost
5. Storm Water Management – Reassignment to a Tier A Municipality
6. Joint Land Use Board
7. Property & Sidewalk Maintenance
8. Public Safety Presentation – Chief Lobban/Detective Varcadipane

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ORDINANCES

1st READING:

2022-10

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING CHAPTER 155 OF THE TOWNSHIP CODE, "STREETS AND SIDEWALKS," CREATING ARTICLE V, "MAINTENANCE AND REPAIR OF SIDEWALKS," TO ESTABLISH SIDEWALK MAINTENANCE AND REPAIR REQUIREMENTS, AND AMENDING CHAPTER 104 OF THE TOWNSHIP CODE, "HOUSING," REPEALING SECTION 104-19 AND CREATING ARTICLE IV, "PROPERTY MAINTENANCE," TO ESTABLISH LAWN MAINTENANCE STANDARDS AND REQUIREMENTS

A motion was made by Kula to table Ordinance 2022-10 for further consideration, seconded by Miller. All in favor with Kaminski voting "No".

2022-11

ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, MERGING THE TOWNSHIP PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT TO ESTABLISH A JOINT LAND USE BOARD

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

SECTION 1. Chapter 33, Land Use Procedures, Part 1, Administrative Legislation is hereby amended to establish new Part 1, Joint Land Use Board, to read as follows in its entirety. All subsequent Articles and subsections shall be renumbered accordingly.

Article I. Joint Land Use Board

§ 33-1 Joint Land Use Board.

- A. Pursuant to the provisions of N.J.S.A. 40:55D-23, there is hereby established a Joint Land Use Board of nine (9) members, whose membership shall be as set forth in the statute.
- B. In addition to the mandatory powers and responsibilities as set forth in the statute, the Joint Land Use Board shall participate in the preparation and review of programs or plans required by state or federal law or regulation, assemble data on a continuing basis as part of a continuous planning process and perform such other advisory duties as are assigned to it by the governing body.
- C. The Joint Land Use Board shall have the following additional powers and duties:
 - (1) To prepare a Master Plan in accordance with the provisions of N.J.S.A. 40:55D-28.
 - (2) To administer the provisions of Chapter 33, Land Use Procedures, of the Code of the Township of Hardyston.
 - (3) To approve conditional use applications, in accordance with the appropriate provisions of Chapter 185, Zoning, of the Code of the Township of Hardyston, pursuant to N.J.S.A. 40:55D-67.
- D. The Joint Land Use Board shall reorganize annually in January on a date to be scheduled after the annual reorganization meeting of the governing body.

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§ 33-2 Former Zoning Board of Adjustment powers transferred to Joint Land Use Board.

- A. All powers formerly vested in the Board of Adjustment, as set forth under Chapter 33, Land Use Procedures, Article II, Zoning board of Adjustment, and other chapters in the Township of Hardyston Code, shall be vested in the Township of Hardyston Joint Land Use Board.
- B. The Joint Land Use Board shall have four (4) alternates who shall be appointed and shall serve as set forth by law.
- C. Any ordinances or sections thereof which are presently in effect in the Township of Hardyston and refer to the “Board of Adjustment” shall hereinafter be taken to refer to the “Joint Land Use Board.”

SECTION 2. This Ordinance may be renumbered for purposes of codification.

SECTION 3. All ordinances of the Township of Hardyston that are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect on January 1, 2023 following final passage, approval and publication as required by law.

A motion was made by Kaminski to approve Ordinance 2022-11 on first reading, seconded by Verrilli. All in favor with Kula and Miller voting “No”. Motion carried.

ORDINANCES

2nd READING: **None**

NEW BUSINESS:

- A. Tax Collector Resolutions
 - 1. Resolution #61-22 – Tax Sale Certificate Redemption – Block 10, Lot 9 – 18 Sycamore Circle

RESOLUTION #61-22

WHEREAS, at the Tax Sale held on October 20, 2021, a lien was sold on Block 10, Lot 9, also known as 18 Sycamore Circle, for 2020 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate #2021-001, was sold to FIG CUST FIGNJ19LLC SEC PTY, for a 18% redemption fee and \$0 premium; and,

WHEREAS, Masessa Law Offices, on behalf of the buyer, has effected redemption of Certificate #2020-001 and subsequent taxes in the amount of \$10,757.15.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$10, 757.15 payable to FIG CUST FIGNJ19LLC SEC PTY, PO Box 54226, New Orleans, LA 70154 for the redemption of Tax Sale Certificate #2021-001.

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

2. Resolution #62-22 – Electronic Tax Sale

RESOLUTION # 62-22

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Service has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool or potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the municipality of Hardyston Township wishes to participate in an electronic tax sale

NOW THEREFORE BE IT RESOLVED, by the governing body of the municipality of Hardyston Township, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit the same to the Director of the Division of Local Government Services if necessary.

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

- B. Resolution #63-22 – Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Campbell Drive & Old Quarry Road project

A motion was made by Kula to approve the resolution as presented, seconded by Kaminski. All in favor. Motion carried. The resolution is on file in the Clerk's Office.

- C. Resolution #64-22 – Resolution authorizing the public display of fireworks at Hardyston Day on September 23, 2022 (Rain Date September 24)

RESOLUTION #64-22

RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS AT HARDYSTON DAY ON SEPTEMBER 23, 2022 (RAIN DATE SEPTEMBER 24th)

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 23, 2022 (rain date - September 24, 2022) 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 23, 2022; and

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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 Verrilli. All in favor. Motion carried.

- D. Resolution #65-22 – Resolution authorizing the issuance of not exceeding \$4,072,045 bond anticipation notes of the Township of Hardyston

RESOLUTION #65-22

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$4,072,045 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:

Pursuant to a bond ordinance of The Township of Hardyston, in the County of Sussex (the “Township”) entitled: “Bond ordinance appropriating \$4,825,000, and authorizing the issuance of \$4,595,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Hardyston, in the County of Sussex, New Jersey”, finally adopted on November 28 2018 (#2018-13), bond anticipation notes of the Township in a principal amount not exceeding \$3,490,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Township entitled: “Bond ordinance providing for the improvement of the fire protection system at the North Church Technical Center in and by the Township of Hardyston, in the County of Sussex, New Jersey, appropriating \$460,000 therefor, directing a special assessment of part of the cost thereof, authorizing the issuance of \$437,000 bonds or notes of the Township for financing the same and repealing an ordinance of the Township heretofore adopted on November 1, 2011 (#2011-15)”, finally adopted on June 26, 2019 (#2019-07), bond anticipation notes of the Township in a principal amount not exceeding \$374,545 shall be issued for the purpose of temporarily financing the

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improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Township entitled: “Bond ordinance making a supplemental appropriation of \$218,000 for the improvement of the fire protection system at the North Church Technical Center in and by the Township of Hardyston, in the County of Sussex, New Jersey, directing a special assessment of part of the cost thereof, and authorizing the issuance of \$207,500 bonds or notes of the Township for financing such appropriation”, finally adopted on February 26, 2020 (#2020-01), bond anticipation notes of the Township in a principal amount not exceeding \$207,500 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an

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amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c212 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

All action heretofore taken by Township officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

This resolution shall take effect immediately.

Upon motion of Kula, seconded by Verrilli, the foregoing resolution was adopted by the following vote:

GOVERNING BODY:

AYES: Kula, Miller, Verrilli, Kaminski, Cicerale

NAYS:

ABSTENTIONS:

ABSENCES:

- E. Resolution #66-22 – Resolution authorizing the execution of an agreement for the installation and maintenance of traffic control signal at the intersection of Route 23 and Holland Mountain/Snufftown Road

RESOLUTION #66-22

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE INSTALLATION AND MAINTENANCE OF TRAFFIC CONTROL SIGNAL AT THE INTERSECTION OF ROUTE 23 AND HOLLAND MOUNTAIN/SNUFFTOWN ROAD

WHEREAS, a traffic condition exists at the intersection of Route 23 and Holland Mountain Road and Snufftown Road, in the Township of Hardyston, in the County of Sussex, which requires the installation of a semi-actuated traffic control signal with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents; and

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WHEREAS, it is necessary to expedite the safe movement and conduct of the pedestrian and vehicular traffic; and

WHEREAS, the State of New Jersey has indicated its willingness to install and maintain the traffic control signal at said intersection; and

WHEREAS, the Township of Hardyston has indicated its willingness to provide and pay through the electrical utility company for the electric current necessary for the operation of said traffic signal;

NOW THEREFORE BE IT RESOLVED, that the Township of Hardyston Mayor and Clerk are hereby authorized to enter into an agreement with the State of New Jersey, acting through the Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized execute said Agreement.

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

- F. Resolution #67-22 – Resolution to submit a grant application and execute a grant agreement with the New Jersey Department of Community Affairs for the 2022 American Rescue Plan Firefighter Grant

RESOLUTION #67-22

A Resolution to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Community Affairs for the 2022 American Rescue Plan Firefighter Grant

WHEREAS, the Township of Hardyston desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$60,000 to carry out a project to provide volunteer firefighters with personal protective equipment and extend the useful life of equipment through washing and drying the equipment after exposure to contaminants and hazard materials.

NOW THEREFORE BE IT RESOLVED, that the Township of Hardyston does hereby authorize the application for such a grant; and recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Hardyston and the New Jersey Department of Community Affairs.

NOW THEREFORE BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Frank Cicerale
Mayor

Carrine Kaufer
Township Manager

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

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G. Resolution #68-22 – Statewide Insurance Fund Renewal

**STATEWIDE INSURANCE FUND
HARDYSTON TOWNSHIP RESOLUTION #68-22
RESOLUTION TO JOIN (RENEW) THE FUND**

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, et seq.; and

WHEREAS, HARDYSTON TOWNSHIP (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2023** terminating on **January 1, 2026** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s):

Workers’ Compensation & Employer’s Liability	X
Comprehensive General Liability	X
Automobile Liability and Physical Damage	X
Public Officials and Employment Practices Liability	X
Property	X
Inland Marine Boiler and Machinery	X
Crime-Faithful Performance and Fidelity	X
Pollution Liability	X
Cyber Liability	X
Non Owned Aircraft	X

BE IT FURTHER RESOLVED that the LOCAL UNIT’s Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND’s Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT’s admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

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. Correspondence

1. Vernon Township
2. Sandyston-Walpack Consolidated School District
3. Hampton Township
4. Franklin Borough
5. West Milford Township
6. West Milford Township
7. West Milford Township
8. West Milford Township
9. Sandyston Township
10. State of NJ
11. State of NJ
12. Capricorn Engineering, Inc.
13. Suburban Consulting Engineers, Inc.

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

COUNCIL COMMENTS: None

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. Resident Marty Schweighardt commented on school board meeting attendance, the town garage and painting of the front of the municipal building.

Resident Kristy Lavin thanked the Council for taking the concerns of the residents of Indian Field into consideration at the last meeting and questioned whether the sidewalks that lead from Rt. 94 up to Indian Field are part of the township or part of the landowner's property. Township Manager stated that the township is in the process of getting legal clarification.

Resident Bill Walsh asked for an update on the repair of the run-off problem on his property at 3 Beach View Ct. He expressed his frustration with how long the repair is taking. He stated that some work has been done, but it is still not completed. Township Manager stated that there is currently a manpower shortage within the Department of Public Works and they are trying their best to complete the repairs.

Resident Justin Bello also thanked the Council for taking the concerns of the residents of Indian Field into consideration at the last meeting. He asked if a bus stop needs to be changed if that is something he has to take up with the Board of Education. Council responded that is something that he would have to take up with the Board of Education. He stated that this is his first year coaching little league baseball for his son, and he noticed that the home base plates at Wheatsworth Field are completely destroyed. He stated that he would be willing to volunteer his time to replace the plates and help with any maintenance. Township Manager stated that could possibly be done on a Saturday similar to a Clean Communities initiative together with the Department of Public Works and that she will be in touch with him with regard to the project.

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 8:47 p.m., seconded by Kaminski. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk