

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
AUGUST 24, 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 Kaminski, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk and Township Attorney Robert Rossmeissl of Dorsey & Semrau. Councilman Kula and Councilman Miller were absent from this meeting.

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 – July 2022
2. Tax Collector Report – July 2022
3. Construction Certificate Activity Report – July 2022
4. Construction Permit Activity Report – Hardyston – July 2022
5. Construction Permit Activity Report – Hamburg – July 2022
6. Construction Permit Activity Report – Franklin – July 2022
7. Construction Permit Activity Report – Newton – July 2022
8. Construction Permit Activity Report – Sussex – July 2022
9. Construction Permit Activity Report – Wantage – July 2022
10. Municipal Court Report – July 2022
11. Police Department Report – July 2022
12. Land Use Report – July 2022
13. Sussex County Health Department Report – June 2022

Agreements/Applications/Licenses:

1. Raffle License – St. Jude the Apostle Church
2. Raffle License – Rotary Club of Walkkill Valley
3. Fire Department – New Member Application – Rita Vanderstad

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

MANAGERS REPORT: The following items were discussed:

1. NJDEP/EPA notice regarding Ethylene Oxide emissions from Hardyston facility in the North Church Technical Center
2. Solar Redevelopment for 3490 Rt. 94 & Lasinski Road Landfill Update
3. Grant Consulting Services RFP Responses
4. Final Tax Bill Mailing Update
5. Recreation Update – Safety Town and Hardyston Day
6. Fire Department Presentation

ORDINANCES

1st READING:

None

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ORDINANCES

2nd READING:

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.

§ 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.

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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 and seconded to open the meeting to the public. All in favor. Motion carried. James Homa, member of the Planning Board and Zoning Board voiced his opposition to the merging of the two boards, along with Bill Walsh, prior Zoning Board member and Maryann Murphy, Chairperson of the Zoning Board. William Hickerson, Chairperson of the Planning Board asked that current members of the Planning Board not be replaced. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Kaminski to approve Ordinance 2022-11 on second reading, seconded by Verrilli. All in favor. Motion carried.

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #69-22 – Overpayment Refund – Leethia Leenu, et al. – 32 Coventry Road – Block 16.34, Lot 1.16

RESOLUTION #69-22

WHEREAS, Block 16.34 Lot 1.16 also known as 32 Coventry Road owned by Leethia Leenu ET AL, and

WHEREAS, the mortgage company, Nationstar Mtg LLC paid August taxes to Block 16.34 lot 1.16,

WHEREAS, the homeowner, Mr. Leenu paid the August quarter and is due a refund in the amount of \$1,521.08.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Leethia Leenu ET AL in the amount of \$1,521.08

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

2. Resolution #70-22 – Overpayment Refund – Michael Farley – 5 Campbell Drive – Block 20, Lot 40

RESOLUTION #70-22

WHEREAS, Block 20 Lot 40 also known as 5 Campbell Drive owned by Michael Farley, and

WHEREAS, the mortgage company, Rushmore Loan Management paid August taxes to Block 20 lot 40,

WHEREAS, the homeowner, Mr. Farley paid the August quarter and is due a refund in the amount of \$1,500.00.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Michael Farley in the amount of \$1,500.00.

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

3. Resolution #71-22 – Overpayment Refund – Allied Title, LLC – 2 Beech Ct – Block 34, Lot 17

RESOLUTION #71-22

WHEREAS, Block 34 Lot 17 also known as 2 Beech Ct owned by Laura Grimm, and

WHEREAS, the mortgage company, Planet Home Lending paid the August quarter to Block 34 lot 17,

WHEREAS, Allied Title LLC paid August taxes and is due a refund in the amount of \$1,635.17.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Allied Title LLC in the amount of \$1,635.17.

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

4. Resolution #72-22 – Overpayment Refund – Andrew and Kathryn Kosco – 5 Shauger Terrace – Block 67, Lot 36

RESOLUTION #72-22

WHEREAS, Block 67 Lot 36 also known as 5 Shauger Terrace owned by Andrew and Kathryn Kosco, and

WHEREAS, the mortgage company, Dovenmuehle Mortgage Company paid the August quarter to Block 67 lot 36,

WHEREAS, the homeowner, Mr. and Mrs. Kosko paid the August taxes and are due a refund in the amount of \$1,740.90.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Andrew and Kathryn Kosco in the amount of \$1,740.90.

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

5. Resolution #73-22 – Disabled Veteran Refund – Diane Esposito – 12 Sweetwater Lane – Block 67.07, Lot 1.44

RESOLUTION #73-22

WHEREAS, Block 67.07 Lot 1.44 also known as 12 Sweetwater Lane, owned by Diane Esposito, and

WHEREAS, on July 21, 2022 Mrs. Esposito was approved for an Exemption for Disabled Veteran and has full exempt status, through the Department of Veteran Affairs, and

WHEREAS, Mr. Scott Holzhauser, Tax Assessor for Hardyston Township has approved an Exemption for Disabled Veteran 2022 retroactive to January 1st when Mrs. Esposito applied for the deduction, and therefore her tax payments from February 2022 be refunded, in the amount \$1522.48, in May 2022 be refunded in the amount of \$1522.47, for August 2022 be refunded in the amount of \$1546.86, and to cancel the November 1, 2022 taxes for \$1481.84.

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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 \$4591.81 for 2022.

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

- B. Resolution #74-22 – Resolution to establish a change fund for the Hardyston Township Recreation Department

RESOLUTION #74-22

WHEREAS, the Recreation Department of the Township of Hardyston, County of Sussex has determined that there is a need to have a change fund of \$100.00 to run their various recreational and community events,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that a change fund in the amount of \$100.00 be established for the Recreation Department of the Township of Hardyston.

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

- C. Resolution #75-22 – Resolution authorizing the display of fireworks by Crystal Springs Resort

RESOLUTION #75-22

RESOLUTION AUTHORIZING THE DISPLAY OF FIREWORKS BY CRYSTAL SPRINGS RESORT ON SEPTEMBER 4, 2022

WHEREAS, Crystal Springs Resorts has submitted an application to the Hardyston Township Council for permission for the display of fireworks on September 4, 2022, in conjunction with the Labor 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 the Uniform Fire Code, that permission is hereby granted to Crystal Springs Resort for the display of fireworks on September 4, 2022; 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.

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

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- D. Resolution #76-22 - Resolution authorizing the Township of Hardyston Planning Board to undertake a preliminary investigation to determine whether the proposed study area, which includes properties identified as Block 75, Lots 53, 72.01 and 72.02 on the township tax map, qualifies as an area in need of non-condemnation redevelopment pursuant to N.J.S.A. 40a:12a et seq.

RESOLUTION #76-22

A RESOLUTION OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP OF HARDYSTON PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES PROPERTIES IDENTIFIED AS BLOCK 75, LOTS 53, 72.01 AND 72.02 ON THE TOWNSHIP TAX MAP, QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”), provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Redevelopment Law sets forth the procedures for the Township to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be deemed a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed, P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, “[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a “Non-Condensation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condensation Redevelopment Area”)”; and

WHEREAS, the Mayor and Township Council find it to be in the best interest of the Township and its residents to authorize the Township’s Planning Board pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-6 to undertake such preliminary investigation of the study area which includes properties along Lasinski Road and Old Prospect School Road, identified on the Hardyston Township Tax Map as Block 75, Lots 53, 72.01 and 72.02 (“Study Area”); and

WHEREAS, the Mayor and Township Council of the Township of Hardyston wish to direct the Planning Board to undertake a preliminary investigation to determine whether the proposed study area qualifies as an area in need of Non-Condensation Redevelopment pursuant to N.J.S.A. 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston, County of Sussex and State of New Jersey, that the Planning Board is

hereby authorized to undertake a preliminary investigation, conduct a hearing
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and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq., as amended, in order to recommend to the Township Council whether the area comprising the study area is an area in need of Non-Condensation Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

BE IT FURTHER RESOLVED that, pursuant to N.J.S.A. 40A:12A-1 et seq., the redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (“Non-Condensation Redevelopment Area”).

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Township Council in the form of a Resolution with supporting documentation.

BE IT FURTHER RESOLVED that a certified copy of this Resolution is to be forwarded to the Planning Board of the Township of Hardyston.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

- E. Resolution #77-22 - Resolution awarding a Professional Services Contract to Bruno Associates Inc. for Grant Consulting Services

RESOLUTION #77-22

A RESOLUTION 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 BRUNO ASSOCIATES, INC. FOR GRANT WRITING SERVICES

WHEREAS, the Township of Hardyston (‘Township’) is in need of professional grant writing services (‘Grant Writing Services’) to obtain funds for Township projects; and

WHEREAS, the Township solicited and received three proposals to provide Grant Writing Services; and

WHEREAS, the proposal submitted by Bruno Associates, Inc. to provide Grant Writing Services appears to be the proposal that best suits the Township’s needs; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. §40A:11-1 et seq.) authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, funds are available for this purpose.

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

1. The Township of Hardyston hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Bruno Associates, Inc., with offices located at 1373 Broad Street, Suite 203B, Clifton, NJ 07013, to assist the

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Township by providing professional grant writing services at the compensation rate of \$100.00 per hour.

2. This contract is awarded without competitive bidding under the provisions of the Local Public Contracts Law (40A:11-5(1)(a)(i)) because said services are performed by a person licensed under law to practice a recognized profession.

3. The total fee authorized for this contract shall not exceed \$15,000 without the prior written approval of the Township Council.

4. The Political Contribution Disclosure Form, Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

5. Notice of this action shall be published once in the Township's official newspaper as required by law.

6. A copy of this resolution shall be provided to the Township Treasurer, and to Bruno Associates, Inc., at 1373 Broad Street, Suite 203B, Clifton, NJ 07013, for their information and guidance.

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

- F. Resolution #78-22 – Resolution authorizing execution of a Fire Mutual Aid Agreement between the Township of Sparta and Sparta Township Fire Department and The Township of Hardyston and Hardyston Fire Department

RESOLUTION # 78-22

**A RESOLUTION OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX AND
STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A FIRE MUTUAL AID
AGREEMENT BETWEEN THE TOWNSHIP OF SPARTA AND SPARTA TOWNSHIP FIRE
DEPARTMENT AND THE TOWNSHIP OF HARDYSTON AND HARDYSTON FIRE
DEPARTMENT**

WHEREAS, pursuant to the Fire Service Resource Emergency Deployment Act, N.J.S.A. 52:14E-14, municipalities in the State of New Jersey shall adopt a Fire Mutual Aid Plan ('Fire Mutual Aid Plan'); and

WHEREAS, the fire departments located in the Township of Sparta and the Township of Hardyston ('Township') desire to establish a Fire Mutual Aid Plan to better serve the residents therein; and

WHEREAS, under the Fire Mutual Aid Plan, each municipality or fire district must prepare and adopt a local fire mutual aid plan which sets forth policies and procedures to coordinate the effective utilization of fire service resources where the implementation of the Fire Mutual Aid Plan is determined to be necessary or appropriate; and

WHEREAS, the Fire Mutual Aid Plan must be based upon the planning criteria, objectives, requirements, responsibilities, and concepts of operation essential for the implementation of all necessary and appropriate protective or remedial measures to be taken in response to emergency incidents; and

WHEREAS, the Fire Mutual Aid Plan must take the form of an agreement to be adopted via resolution by participating municipalities; and

WHEREAS, a Fire Mutual Aid Agreement ('Fire Mutual Aid Agreement') has been recommended for execution by the Township of Sparta and Sparta Township Fire Department and the Township of Hardyston and Hardyston Fire Department; and

WHEREAS, the Mayor and Township Council of the Township of Hardyston wish to enter into the Fire Mutual Aid Agreement.

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NOW THEREFORE BE IT RESOLVED by the Township of Hardyston, in the County of Sussex, and State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute a Fire Mutual Aid Agreement with the Township of Sparta.

This Resolution will take effect immediately upon its passage.

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

G. Correspondence

1. Byram Township
2. Montague Township
3. Suburban Consulting Engineers, Inc.
4. West Milford Township
5. West Milford Township
6. West Milford Township
7. West Milford Township
8. Jersey Central Power & Light Co.
9. Jersey Central Power & Light Co.
10. Jersey Central Power & Light Co.
11. Jersey Central Power & Light Co.

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

COUNCIL COMMENTS:

Mayor Cicerale asked the Township Manager for an update on the status of Ordinance 2022-10 regarding property maintenance which was tabled for further discussion by the Council at their July 27, 2022 Council meeting. Township Manager stated that a workshop meeting will be scheduled to discuss the ordinance further and the public will be notified of the date.

Mayor Cicerale commented on the ethylene oxide emissions from a Hardyston facility that was discussed during the Managers Report earlier in the meeting and reiterated that it is not a crisis.

BILLS TO BE PAID: A motion was made by Verrilli 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. Resident Bill Walsh inquired as to the status of the repair of his drainage issue at his residence located at 3 Beach View Court. Township Manager stated that she has reached out to a private contractor for estimates to complete the job. Council was in agreement that due to the Department of Public Works manpower shortage, the Township should hire an outside contractor to complete the job.

Resident Jaime Milette of 4 Lyons Avenue made complaints about the fire sirens going off at the Hardyston Township Firehouse on Colson Terrace.

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 8:55 p.m., seconded by Kaminski. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk