

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 26, 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 Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk 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 – September 2022
2. Tax Collector Report – September 2022
3. Construction Certificate Activity Report – September 2022
4. Construction Permit Activity Report – Hardyston – September 2022
5. Construction Permit Activity Report – Hamburg – September 2022
6. Construction Permit Activity Report – Franklin – September 2022
7. Construction Permit Activity Report – Newton – September 2022
8. Construction Permit Activity Report – Sussex – September 2022
9. Construction Permit Activity Report – Wantage – September 2022
10. Municipal Court Report – September 2022
11. Police Department Report – September 2022
12. Land Use Report – September 2022
13. Sussex County Health Department Report – September 2022

### **Agreements/Applications/Licenses:**

1. IDEMIA Identity & Security USA, LLC – Maintenance and Support Agreement – Police Dept.

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. Solar Redevelopment for 3490 Rt. 94 & Lasinski Road Landfill Update
2. 2023 Combined Land Use Board Meeting Schedule
3. Recreation - Hardyston Day/Fall Family Festival 2023
4. Budgetary Items for Year End

### **ORDINANCES**

#### **1st READING:**

**None**

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**ORDINANCES**

**2nd 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**

**WHEREAS**, it is critical to the health, safety, and welfare of the residents of the Township of Hardyston that all public sidewalks ('Sidewalks') be properly maintained and repaired; and

**WHEREAS**, N.J.S.A. 40:65-1 et seq. authorizes municipalities to adopt a Sidewalk maintenance ordinance which requires owners of properties that abut public Sidewalks to maintain and repair those abutting Sidewalks; and

**WHEREAS**, the Mayor and Township Council find it in the best interest of the Township to adopt an ordinance establishing the responsibilities of the Township and of property owners with respect to the maintenance and repair of Sidewalks.

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

**SECTION 1.** Chapter 155, "Streets and Sidewalks," of the Municipal Code of the Township of Hardyston, is hereby amended to add the following Article:

**ARTICLE V. Maintenance and Repair of Sidewalks**

**§155-21 Responsibility for Removal of Ice and Snow**

The owner of premises abutting or bordering upon any public sidewalk in the Township of Hardyston ('Sidewalk') shall remove all snow and ice from the abutting Sidewalk within twenty-four (24) hours after the same shall have ceased to have fallen or have formed thereon or, in the case of ice which may be so frozen to the Sidewalks as to make removal impracticable, shall cause the same to be thoroughly covered with rock salt, sand or other suitable material.

**§155-22 Throwing Ice or Snow upon Sidewalks Prohibited**

No person, including the owner of any premises abutting or bordering upon any Sidewalk, shall throw, place or deposit any ice or snow into or upon any Sidewalk in the Township of Hardyston. This exempts the municipality and their agents removing snow from roadways adjacent to the Sidewalk.

**§155-23 Removal by Township in Case of Noncompliance; Assessment of Cost**

In any case in which ice or snow shall not be removed from any Sidewalk as required by § 155-21 or shall be cast, deposited, thrown or placed upon any Sidewalk in violation of §155-22, such ice or snow shall be forthwith removed by or under the direction of the Township Manager. The

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cost thereof shall be reviewed by the Township Manager and, upon validation, the Township Council, by resolution, shall cause such cost to be charged against the real estate so abutting upon such Sidewalk. The amount so charged shall thereupon become a lien and tax upon said real estate and be added to and part of the taxes next to be assessed and levied thereon, and enforced and collected, with interest at the same rate as other taxes, by the same officer and in the same manner as other taxes.

**§155-24 Primary Maintenance and Repair Requirements**

- A. The owner of any premises in the Township of Hardyston abutting a Sidewalk shall, at his/her own cost expense, keep and maintain said Sidewalk in good condition so as to prevent the same from becoming unsafe to walk upon.
- B. In the event that a Sidewalk or any part thereof becomes unsafe or hazardous to the public or unsafe to walk upon, the abutting owner at his/her own cost and expense shall, with expeditious speed, reconstruct or repair, as the facts may require, such Sidewalk or that part thereof which requires reconstruction or repair. All Sidewalks shall be maintained, constructed, reconstructed, and repaired in accordance with Township standards, and in compliance with N.J.A.C. 5:21-4.18.
- C. In the specific circumstance of a raised Sidewalk surface caused by tree-root expansion, the abutting owner's maintenance and repair responsibilities shall include the removal of the tree and/or its roots, to the extent necessary to effectuate the Sidewalk repair.

**§155-25 Additional Sidewalk Upkeep Requirements**

- A. The owner of any premises in the Township of Hardyston abutting a Sidewalk shall, at his/her own cost expense, keep said Sidewalk free of obstruction, debris, cracks, crevices, defects, and any other unsafe conditions and nuisances.
- B. The owner of any premises in the Township of Hardyston abutting a Sidewalk shall take all reasonable measures to ensure that within two (2) feet of the sidewalk the growth of woods, grass brush, hedges, and other non-landscaped plant life, or other impediments be restricted to a height no greater than 8 inches along said Sidewalk.

**§155-26 Notice of Violation; Failure to Comply; Costs to Become Lien; Collection of Costs**

- A. Upon resolution of the Township Council, the Township Manager shall serve upon the owner of any premises in the Township of Hardyston abutting a Sidewalk a written notice requiring the necessary specified work to said Sidewalk to be done pursuant to this Article by the said owner within a period of not less than thirty (30) days from the date of service of such notice. Whenever any lands are unoccupied and the owner cannot be found within the municipality, the same may be mailed, by certified mail, to his or her post office address as identified in the public records of the Hardyston Township Tax Assessor.
- B. In the case that any owner shall not comply with the requirements of such notice issued pursuant to Subsection A, above, the Township Manager shall cause the required work to be done and paid for out of the municipal funds available for that purpose; the cost of such work shall be certified by the Township Manager.

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- C. The Township Council shall examine the certification of the Township Manager made pursuant to Subsection B, above, and, if such certification is found to be correct, the amount of the cost of such work shall be and become a lien upon the said abutting lands in front of which such work has been done to the same extent that assessments for local improvements are liens in the Township and shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate.
- D. The Township may have an action to recover amounts due pursuant to this Section in any court having competent jurisdiction thereof. A certified copy of the aforesaid certificate of the Township Manager shall in such action be prima facie evidence of the existence of the debt due from the said owner to Hardyston Township.
- E. No bar. The imposition and collection of a fine or fines imposed by the provisions of this Article shall not constitute any bar to the right of Hardyston Township to collect the cost as certified for the required work.

**§155-27 Statutory Authority; Retroactive Effect of Ordinance**

- A. The within provisions of this Article of the Township Code are adopted pursuant to the statutory authority conferred by N.J.S.A. 40: 65- 1 et seq.
- B. The within provisions of this Article of the Township Code are remedial and shall be liberally construed in favor the Township of Hardyston; the provisions of this Article shall have retroactive application to any Sidewalk repair or maintenance issues pre-existing the adoption of Ordinance 2022-10.

**§155-28 Penalties**

- A. Any person who violates any provision of this Article shall, upon conviction thereof, be punished by a fine not exceeding \$ 1, 000 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- B. The imposition and collection of any penalty by the provisions of Subsection A of this Section shall not constitute a bar to the right of the Township to collect the costs due to the Township pursuant to any other provision in this Article.

**§155-29 Enforcement**

The provisions of this Article shall be enforced by the Zoning Officer, Building Code Official, Fire Official, Health Department, other Subcode or Code Official, or law enforcement agent of the Hardyston Township Police Department, as their jurisdiction may arise, as well as any other persons designated by the Manager of the Township of Hardyston to enforce the Article.

**SECTION 2.** Chapter 104, “Housing,” of the Municipal Code of the Township of Hardyston, is hereby amended to repeal the existing Section 104-19 and to add the following Article:

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**ARTICLE IV. Property Maintenance**

**§104-19 Brush, Grass and Weeds**

- A. The owner of any premises in the Township of Hardyston shall undertake every effort within reason to keep any water, grass, weeds, and other vegetation on said premises from encroaching upon any bordering or adjacent premises.
- B. The owner of any premises in the Township of Hardyston shall undertake every effort within reason to ensure that wild plant growth or high grass growing on said premises within 10 feet of any bordering or adjacent premises shall be maintained so as not to exceed a height of 10 inches.
- C. The owner of any premises in the Township of Hardyston shall undertake every effort within reason to ensure that wild plant growth or high grass growing on said premises within 10 feet of any roadway or intersection shall be maintained so as not to exceed a height of 24 inches.

**§104-20 Enforcement; Violations and Penalties**

- A. The provisions of this Article shall be enforced by the Zoning Officer, Building Code Official, Fire Official, Health Department, other Subcode or Code Official, or law enforcement agent of the Hardyston Township Police Department, as their jurisdiction may arise, including legal counsel for the Township or other persons designated by the Township of Hardyston to issue municipal civil infractions directing alleged violators of this article to appear in court or file civil complaints.
- B. A violation of this article is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- C. Any person found to have violated any provision of this Article, without regard to intent or knowledge, shall be liable for maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding the maximum permitted by N.J.S.A. 40:49-5. Each day of such violation shall be a new and separate violation of this article.
- D. The penalty imposed herein shall be in addition to any other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Township's Municipal Court or the Superior Court of New Jersey in the vicinage of Sussex County, or in such other court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

**SECTION 3.** Severability. If any article, 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 and they shall remain in full force and effect.

**SECTION 4.** Repealer. All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this Ordinance are to the extent of such inconsistency repealed.

**SECTION 5.** Effect. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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

The following residents commented on Ordinance 2022-10: Nina Allen and Ron Allen, 21 Meadow Pond Road; Roger O'Brien, 2 Sundance Terrace; Brandon Guillemain, 18 Dogwood Trail; Glenn Gerisch, 60 Deer Trail; Kristy Lavin, 5 Pale Star Court; Carrie Garvey, 9 Mountain View Court; John Burger, 7 Anthony Court; property owner Bohdan Senyszyn, Savas Savidis, 3031 Rt. 23; William Walsh, 3 Beach View Court; Todd Bonser, 35 Tamarack Trail; Catherine Bullen, 36 Meadow Pond Road; Justin Bello, 3 Meadow Pond Road; Jaime Milette, 4 Lyons Avenue; Robert Codner, 24 White Birch Road; Ms. Richter, Bunn Road; Sophia Lavin, 5 Pale Star Court; Frank Cicerale, Jr., 61 Deer Trail; David Carr, 218 Wheatsworth Road.

A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. After further Council discussion and consideration of all of the comments from the public, a motion was made by Verrilli to defeat Ordinance 2022-10 on second reading, seconded by Cicerale. All in favor. Motion carried.

**NEW BUSINESS:**

A. Tax Collector Resolutions

1. Resolution #83-22 – Tax Sale Certificate Redemption Refund – Phoenix Funding, Inc. – 3 Short Grass Place – Block 67.06, Lot 1.02

**RESOLUTION #83-22**

**WHEREAS**, at the Municipal Tax Sale held on October 12, 2022, a lien was sold on Block 67.06 Lot 1.02, also known as 3 Short Grass Place, for 2021 delinquent taxes; and,

**WHEREAS**, this lien, known as Tax Sale Certificate #2022-006, was sold to Phoenix Funding, Inc., for a 0% redemption fee and a \$49,400.00 premium; and,

**WHEREAS**, Maria Galindo DePietro, wife to the owner, has effected redemption for Certificate #2022-006 in the amount of \$3,807.58.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Hardyston that the Treasurer be authorized to issue a check in the amount of \$3,807.58 payable to Phoenix Funding, Inc. for the redemption of Tax Sale Certificate #2022-006

**BE IT FURTHER RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$49,400.00 (Premium) to the aforementioned lien holder.

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

B. Resolution #84-22 – Hardyston Municipal Court – Cancel Outstanding Check Balances

**RESOLUTION #84-22**

**WHEREAS**, certain accounts within the Township of Hardyston Municipal Court, with outstanding check balances from checks not returned or unclaimed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective account balance or credited to surplus;

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**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Hardyston, that the following outstanding check balances within the following checking account be canceled:

<u>Date:</u>	<u>Check #</u>	<u>Fund Name</u>	<u>Amount</u>	<u>Total</u>
06/2011	0507	General Account	\$1.00	
04/2013	0606	General Account	\$7.00	
05/2013	0614	General Account	\$50.00	
10/2013	0641	General Account	\$20.00	
04/2014	0673	General Account	\$30.00	
06/2015	0743	General Account	\$25.00	
				\$133.00

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

C. Resolution #85-22 – Certification of Annual Audit

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT  
FORM OF RESOLUTION #85-22**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Township Council* of the Township of Hardyston, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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- D. Resolution #86-22 - NJDEP Treatment Works Application – Consent By Governing Body – Lake Gerard – Block 60, Lot 17 – 153 Holly Trail – Septic System

**RESOLUTION #86-22**

**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 – 153 Holly Trail —Septic System

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

- E. Resolution #87-22 – Resolution reducing the Performance Bond posted by Lam Development Group, LLC for Cloverdale East – Phase 1

**RESOLUTION #87-22**

**RESOLUTION REDUCING THE PERFORMANCE BOND POSTED BY LAM  
DEVELOPMENT GROUP, LLC FOR CLOVERDALE EAST – PHASE 1**

**WHEREAS**, the Hardyston Township Planning Board granted approvals to Lam Development Group, LLC for Cloverdale East – Phase 1; and

**WHEREAS**, as part of the Planning Board approval Lam Development Group, LLC was required to post a performance bond for site improvements; and

**WHEREAS**, Lam Development Group, LLC has posted a performance bond in the amount of \$90,396.00 and a cash bond in the amount of \$10,044.00 for site improvements in compliance with the Planning Board approval and upon the recommendation of the Township Engineer; and

**WHEREAS**, Lam Development Group, LLC has requested a reduction in the bonding amount due to completion of certain site improvements; and

**WHEREAS**, the Township Engineer has reviewed the request of Lam Development Group, LLC and has found completion of various site improvements; and

**WHEREAS**, the Township Engineer has therefore recommended that the bond should be maintained as follows:

Total Bond Amount	\$30,132.00
Surety amount	\$27,118.80
Cash amount	\$ 3,013.20

**NOW THEREFORE BE IT RESOLVED** by the Hardyston Township Council that the bond for Cloverdale East – Phase 1 be reduced in accordance with the recommendation of the Township Engineer.

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

- F. Resolution #88-22 – Resolution reducing the Performance Bond posted by Lam Development Group, LLC for Cloverdale East – Phase 2

**RESOLUTION #88-22**

**RESOLUTION REDUCING THE PERFORMANCE CASH BOND POSTED BY LAM  
DEVELOPMENT GROUP, LLC FOR CLOVERDALE EAST – PHASE 2**



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**WHEREAS**, the Hardyston Township Planning Board granted approvals to Lam Development Group, LLC for Cloverdale East – Phase 2; and

**WHEREAS**, as part of the Planning Board approval Lam Development Group, LLC was required to post a performance bond for site improvements; and

**WHEREAS**, Lam Development Group, LLC has posted a performance cash bond in the amount of \$38,865.60 for site improvements in compliance with the Planning Board approval and upon the recommendation of the Township Engineer; and

**WHEREAS**, Lam Development Group, LLC has requested a reduction in the bonding amount due to completion of certain site improvements; and

**WHEREAS**, the Township Engineer has reviewed the request of Lam Development Group, LLC and has found completion of various site improvements; and

**WHEREAS**, the Township Engineer has therefore recommended that the bond should be maintained as follows:

Total Bond Amount	\$11,659.68
Surety amount	\$10,493.71
Cash amount	\$ 1,165.97

**NOW THEREFORE BE IT RESOLVED** by the Hardyston Township Council that the bond for Cloverdale East – Phase 2 be reduced in accordance with the recommendation of the Township Engineer.

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

- G. Resolution #89-22 – Resolution reducing the Performance Bond posted by Lam Development Group, LLC for Cloverdale West – Phase 2B

**RESOLUTION #89-22**

**RESOLUTION REDUCING THE PERFORMANCE BOND POSTED BY LAM  
DEVELOPMENT GROUP, LLC FOR CLOVERDALE WEST – PHASE 2B**

**WHEREAS**, the Hardyston Township Planning Board granted approvals to Lam Development Group, LLC for Cloverdale West – Phase 2B; and

**WHEREAS**, as part of the Planning Board approval Lam Development Group, LLC was required to post a performance bond for site improvements; and

**WHEREAS**, Lam Development Group, LLC has posted a performance bond in the amount of \$329,262.84 and a cash bond in the amount of \$36,584.76 for site improvements in compliance with the Planning Board approval and upon the recommendation of the Township Engineer; and

**WHEREAS**, Lam Development Group, LLC has requested a reduction in the bonding amount due to completion of certain site improvements; and

**WHEREAS**, the Township Engineer has reviewed the request of Lam Development Group, LLC and has found completion of various site improvements; and

**WHEREAS**, the Township Engineer has therefore recommended that the bond should be maintained as follows:

Total Bond Amount	\$164,631.42
Surety amount	\$148,168.28
Cash amount	\$ 16,463.14

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**NOW THEREFORE BE IT RESOLVED** by the Hardyston Township Council that the bond for Cloverdale West – Phase 2B be reduced in accordance with the recommendation of the Township Engineer.

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

H. Resolution #90-22 – Salary Resolution Amendment

**RESOLUTION #90-22**

**2022 SALARY & WAGES FOR TOWNSHIP OFFICIALS AND EMPLOYEES**

BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages shall be paid as follows effective November 1, 2022:

<u>Position</u>	<u>Hourly Salary</u>
Secretary/Administration – Construction	\$24.28

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

I. Resolution #91-22 – Bid Award Resolution – Recycling Collection – Blue Diamond Disposal, Inc.

**RESOLUTION #91-22**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY,  
AWARDING THE CONTRACT FOR RECYCLING COLLECTION**

**WHEREAS**, pursuant to authorization by the Mayor and Township Council of the Township of Hardyston, the Township received sealed competitive bids for Recycling Collection ('Project'), on October 4, 2022; and

**WHEREAS**, the Township of Hardyston received one (1) bid for this contract as follows:

Contractor

Blue Diamond Disposal, Inc.

<u>Single Stream w/Collection Every Four Weeks</u>	<u>Every Two Weeks</u>
\$306,000.00	\$612,000.00
<u>Dual Stream w/Collection Every Four Weeks</u>	<u>Every Two Weeks</u>
\$306,000.00	\$612,000.00
<u>"Alternate A" w/Collection Every Four Weeks</u>	<u>Every Two Weeks</u>
\$306,000.00	\$612,000.00

; and

**WHEREAS**, said bid has been duly reviewed and analyzed by the Hardyston Township Attorney and Township Administration; and

**WHEREAS**, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, responsive bidder; and

**WHEREAS**, the bid received from Blue Diamond Disposal, Inc. is the lowest bid and has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the bid specifications as written; and

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**WHEREAS**, the Mayor and Township Council wish to award to Blue Diamond Disposal, Inc. the contract for this Project, specifically a contract for Dual Stream Recycling with Collection Every Four Weeks, inclusive of "Alternate A"; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available for this project.

**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. The Township Council hereby awards a contract to Blue Diamond Disposal, Inc., P.O. Box 267, Succasunna, New Jersey, 07876, for Dual Stream Recycling with Collection Every Four Weeks and with marketing, in an amount not to exceed \$306,000.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Blue Diamond Disposal, Inc. in accordance with its bid for Recycling Collection for the Township of Hardyston.
3. The Township's Chief Financial Officer has certified the availability of funds for this contract.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

This Resolution shall take effect immediately upon adoption.

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

- J. Resolution #92-22 – Bid Award Resolution – Sports & Recreation Complex Field Maintenance – Farmside Landscape & Design, Inc.

**RESOLUTION #92-22**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, AWARDING THE CONTRACT FOR SPORTS AND RECREATION COMPLEX FIELD MAINTENANCE**

**WHEREAS**, pursuant to authorization by the Mayor and Township Council of the Township of Hardyston, the Township received sealed competitive bids for Field Maintenance at the Sports and Recreation Complex ('Project'), on October 4, 2022; and

**WHEREAS**, the Township of Hardyston received one (1) bid for this contract as follows:

<u>Contractor</u>	<u>Total Annual Base Bid</u>	<u>Base</u>	<u>Bid</u>	<u>Plus</u>
<u>Alternates</u> Farmside Landscape & Design, Inc.	\$69,620.00	\$78,865.00		

; and

**WHEREAS**, said bid has been duly reviewed and analyzed by the Hardyston Township Attorney and Township Administration; and

**WHEREAS**, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest responsible, responsive bidder; and

**WHEREAS**, the bid received from Farmside Landscape & Design, Inc. is the lowest bid and has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the bid specifications as written; and

**WHEREAS**, the Mayor and Township Council wish to award to Farmside Landscape & Design, Inc. the contract for this Project, inclusive of the Total Annual Base Bid, without the Alternates; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available for this project.

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**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. The Township Council hereby awards a contract to Farmside Landscape & Design, Inc., 12 Kuperus Lane, Wantage, New Jersey, 07461, for Sports and Recreation Complex Field Maintenance, in an amount not to exceed \$69,620.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Farmside Landscape & Design, Inc. in accordance with its bid for Sports and Recreation Complex Field Maintenance for the Township of Hardyston.
3. The Township's Chief Financial Officer has certified the availability of funds for this contract.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

This Resolution shall take effect immediately upon adoption.

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

**K. Request for Waiver from Septic Permit Renewal Fees for Emerald Estates – CJS Investments**

A motion was made by Kula to reject the request, seconded by Kaminski. All in favor. Motion carried.

**L. North Church Gravel, Inc. – Soil Removal Permit Extension and Annual Operating Licenses**

A motion was made by Miller to approve extending the permit for 5-years (through Calendar Year 2025) and issuing the annual operating licenses based on the recommendation of the Township Engineer, seconded by Kula. All in favor. Motion carried.

**M. Correspondence**

1. Green Township
2. Hampton Township
3. West Milford Township
4. West Milford Township
5. West Milford Township
6. State of NJ
7. State of NJ
8. Capricorn Engineering, Inc.

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

**COUNCIL COMMENTS:**

Councilman Kula thanked the Council for considering to change the date of the Fall Family Festival Celebration/Hardyston Day to the weekend after Labor Day. He also mentioned that there was a great turn out for the Halloween Spooktacular that was held on October 22, 2022 and congratulated the Recreation Director, Dana Vitz, the Department of Public Works and everyone else involved for a job well done. The Council agreed.

Councilman Kaminski asked the Township Attorney if it would be appropriate for the Township to reach out to the Reverend Brown School and Pope John High School to inquire as to whether

they would be willing to change the school bus stop for Indian Field to the Clubhouse in Indian Field. The Township Manager stated that she will reach out to both schools.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 26, 2022**

Mayor Cicerale asked about the siren at the Hardyston Firehouse on Colson Terrace. William Hickerson, OEM and member of the Hardyston Township Fire Department, stated that the siren is essential for the safety of Hardyston residents and the members of the Fire Department. He stated that some changes have been made to cut down the number of times the siren goes off.

Mayor Cicerale suggested that the Township send out RFP's (Requests for Proposals) for all professional services. Councilman Kula, Councilman Miller, Councilman Verrilli and Councilman Kaminski opposed the suggestion stating that it was too late in the year.

**BILLS TO BE PAID:** A motion was made by Kula 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, 3 Beach View Ct, inquired as to the status of his drainage issue. Township Manager stated that a contractor was hired to do the repairs, but backed out. She stated that she will look for another contractor.

Resident Kristy Lavin thanked the Council for making the right decision to defeat Ordinance 2022-10 as written. She stated that she was able to get the school bus stop moved to the Clubhouse at Indian Field for the Hardyston schools. She also thanked the Council for their offer to have the Township Manager reach out to the other schools to see if their bus stop can be moved to the Clubhouse at Indian Field as well.

Bohdan Senyszyn inquired as to the frequency of tax sales.

Resident Jaime Milette of 4 Lyons Avenue thanked the Township Manager, Council and the Fire Department for working with him in reducing the amount of times the fire sirens go 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 8:50 p.m., seconded by Kaminski. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk