

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
NOVEMBER 9, 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 Robert Rossmeissl of Dorsey & Semrau.

SALUTE THE FLAG

CONSENT AGENDA: ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

Monthly Reports:

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

Agreements/Applications/Licenses:

1. Arrow Elevator Incorporated – Elevator Maintenance Agreement

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. Municipal Court Shared Service Agreement with Franklin Borough
2. Use of Council Room by Non-Profits
3. Joint Land Use Board Update
4. Joint Council/HTMUA Meeting
5. Year End Budgetary Items
6. Department of Public Works Interviews Update

ORDINANCES

1st READING:

2022-12

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, NEW
JERSEY ADOPTING THE 2022 HARDYSTON VACANT LAND AND LANDFILL
REDEVELOPMENT PLAN, AND AMENDING THE ZONING MAP TO ADD BLOCK
63, LOT 1.01 TO THE OPEN SPACE AND
GOVERNMENT USE ZONE**

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WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute “areas in need of redevelopment,” as such term is defined in the Redevelopment Law; and

WHEREAS, pursuant to the Redevelopment Law, on September 22, 2022, the Township Council (“Township Council”) of the Township of Hardyston, in the County of Sussex, New Jersey (the “Township”), duly adopted two resolutions-Resolution Number 82-22 designating the property identified on the tax maps of the Township as Block 63, Lot 1.01 as a “non-condemnation area in need of redevelopment” and Resolution Number 83-22 further designating the property identified on the tax maps of the Township as Block 75, Lot 55 as a “non-condemnation area in need of redevelopment (the “**Redevelopment Area**”) this Redevelopment Area; and

WHEREAS, in order to effectuate the redevelopment of the Redevelopment Area, and pursuant to the authority granted under the Redevelopment Law, the Township caused Benecke Economics to prepare a redevelopment plan for the Redevelopment Area entitled, “The 2022 Hardyston Vacant Land and Landfill Redevelopment Plan” dated November 7, 2022 (the “**Redevelopment Plan**”); and

WHEREAS, the Township Council hereby refers the proposed Redevelopment Plan to the Township of Hardyston Planning Board (the “Planning Board”) for its review, report and recommendation in accordance with *N.J.S.A. 40A:12A-7(e)*; and

WHEREAS, the Planning Board shall have 45 days to make a report containing its recommendation concerning the Redevelopment Plan. This report shall include an identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the master plan, if any, and recommendations concerning these inconsistencies and any other matters as the Planning Board deems appropriate.

WHEREAS, after reviewing any Planning Board Recommendations and consulting with Township professionals, the Township Council may determine to revise the Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED BY A MAJORITY OF THE FULL GOVERNING BODY OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth here at length.

Section 2. The Redevelopment Plan, as filed in the office of the Township Clerk and attached hereto as Exhibit A, is hereby approved and adopted pursuant to the terms of the Redevelopment Law.

Section 3. The Township Zoning Ordinance at § 185-4 Definitions is amended to clarify that the definition of Public Utility shall include “solar electricity installations” by the Redevelopment Plan, therefore, making this Redevelopment Plan consistent with the Township’s Zoning Ordinance. Further, the Township’s Zoning Map at § 185-7 of the Zoning Ordinance, is hereby amended to include the property at Block 63, Lot 1.01 in the Open Space and Government Zone.

Section 4. Pursuant to the Redevelopment Plan the Township Manager is authorized to solicit sealed proposals for the repurposing and redevelopment of the Redevelopment Area (or a portion thereto) to effectuate the Redevelopment Plan and consistent with the Local Housing and Redevelopment Law, *N.J.S.A. 40A:12A-8 g*.

Section 5. The Redevelopment Plan, in addition to being modified based on Planning Board recommendations may be amended by the Township Governing Body pursuant to the Local Housing and Redevelopment Law, N.J.S.A. 40A:12A-1 et seq.

Section 6. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 7. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Township Clerk during regular business hours.

Section 8. This Ordinance shall take effect as provided by law.

A motion was made by Kaminski to approve Ordinance 2022-12 on first reading, seconded by Miller. All in favor. Motion carried.

2022-13

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 51, ABANDONED PROPERTIES, ARTICLE I, VACANT RESIDENTIAL AND NONRESIDENTIAL PROPERTIES, AND ARTICLE II, BUILDINGS PENDING FORECLOSURE OF THE REVISED GENERAL ORDINANCES

WHEREAS, pursuant to N.J.S.A. 40:48-1 et seq. the New Jersey Legislature delegated to municipalities the responsibility to promulgate regulations designed to promote the public health, safety, and welfare of its citizens; and

WHEREAS, properties in foreclosure proceedings can involve properties that are vacant and abandoned or have an increased risk of becoming vacant and abandoned during the foreclosure proceeding; and

WHEREAS, vacant and abandoned properties in foreclosure create a greater risk of blight and can create a wide range of problems for the communities in which they are located. These problems can include fostering criminal activity, creating public health problems, depressing neighboring property values and reducing revenues for municipalities, and otherwise diminishing the quality of life for residents and business operators in those areas; and

WHEREAS, because of the increased risk of blight created by properties in foreclosure, it is important that the Township possess tools to identify such properties, monitor their status, and mitigate the risk that they become vacant and abandoned and, if vacant and abandoned, lead to blight; and

WHEREAS, the State of New Jersey has enacted statutes intended to assist municipalities in addressing such risks, including requiring that municipalities receive notice of the initiation of a foreclosure action in court in connection with residential properties and authorizing a public officer in a municipality to take certain action against properties that have been abandoned for more than six months; and

WHEREAS, a property registration program provides a valuable tool to confronting the risk of blight created by properties on which foreclosure proceedings have been initiated and such properties that become vacant and abandoned; and

WHEREAS, it is in the best interest of the Township to operate such a program to address the risk of blight.

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

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SECTION 1. Chapter 51, is hereby repealed and replaced to read as follows:

ARTICLE I Vacant Residential and Non-Residential Premises

§51-1 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED PROPERTY

As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., shall mean the following:

A. Except as provided in Section 6 of P.L. 2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Zoning Officer that:

(1) The property is in need of rehabilitation in the reasonable judgment of the Zoning Officer, and no rehabilitation has taken place during that six-month period;

(2) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Zoning Officer pursuant to this section;

(3) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by the Zoning Officer pursuant to this section; or

(4) The property has been determined to be a nuisance by the Zoning Officer in accordance with Section 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-82).

B. A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et al.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the Zoning Officer and the property meets the criteria of either Subsection **A(1)** or Subsection **A(4)** of this section.

CREDITOR

A mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the Creditor for purposes of this section. For purposes of this section, a Creditor shall not include the State, a political subdivision of the State, a State, county, or local government entity, or their agent or assignee, such as the servicer.

FORECLOSURE OR FORECLOSURE ACTION

The legal process by which a mortgagee, or other lien holder, terminates or attempts to terminate a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. The legal process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

OWNER

Includes the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, Sec. 17), or any other entity determined by the Township of Hardyston to have authority to act with respect to the property.

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PROPERTY MANAGER

Shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

REGISTRABLE PROPERTY

Shall mean:

- (a) Any Real Property located in the Township of Hardyston, whether Vacant or occupied, that (i) is subject to an ongoing Foreclosure Action, (ii) has been the subject of a Foreclosure Action and a judgment has been entered but the property has not yet been sold at a Foreclosure, (iii) has been the subject of a Foreclosure sale and title was transferred to the Mortgagee or an affiliate entity of the Mortgagee, or (iv) was transferred to the Mortgagee or an affiliated entity of the Mortgagee under a deed in lieu of Foreclosure or Foreclosure sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed; or
- (b) Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first; or
- (c) Any property deemed Vacant and Abandoned pursuant to this Chapter.

REGISTRY

Shall mean a web-based electronic database of searchable Real Property records, used by Hardyston Township to allow Mortgagees and Owners the opportunity to register properties and pay applicable fees as required in this Chapter.

SEMI-ANNUAL REGISTRATION

Shall mean six (6) months from the date of the first action that requires registration, as determined by Hardyston Township or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

RESPONSIBLE PARTY

The title holder of a vacant and abandoned property or a Creditor responsible for the maintenance of a property.

STREET ADDRESS

An address at which a natural person who is the Responsible Party or an authorized agent actually resides or actively uses for business purposes, and shall include a street name or rural delivery route.

VACANT PROPERTY

Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three months, and any commercial property that has not been legally occupied or at which substantially all lawful construction operations have ceased for a period of at least three months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq, shall also be deemed to be vacant property for the purposes of this chapter.

VACANT AND ABANDONED PROPERTY

Any residential or commercial building which is not legally occupied by an owner, a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, and in which two or more of the following conditions exist:

- (1) Overgrown or neglected vegetation;
- (2) The accumulation of newspapers, circulars, flyers, or mail on the property;
- (3) Disconnected gas, electric, or water utility services to the property;
- (4) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (5) The accumulation of junk, litter, trash, or debris on the property;

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- (6) The absence of window treatments such as blinds, curtains, or shutters;
- (7) The absence of furnishings and personal items;
- (8) Statements of neighbors, delivery persons, or government employees indicating that the

- property is vacant and abandoned;
- (9) Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- (10) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (11) A risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (12) An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (13) The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (14) A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property;
- (15) Any other reasonable indicia of abandonment; or

The definition shall exclude buildings under active construction and/or buildings occupied on a seasonal basis, and buildings that contain all building systems in working order, are being maintained on a regular basis, have not been cited by the Township for any violation of municipal ordinance within such time and are being actively marketed by its owner for sale or rental.

§51-2 Property Registration Program

- (a) Purpose. The purpose of this section is to create a Township Property Registration Program for the purposes of identifying and monitoring vacant and abandoned residential and commercial properties within the Township.
- (b) Responsibilities. The Township Property Registration Program shall be responsible for regulating the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential and commercial properties on an **annual or semi-annual basis**.
- (c) Official. **The Zoning Officer** shall be responsible for administration of The Township Property Registration Program.

§51-3 Certificate of Registration for Vacant and Abandoned Property

- (a) The Responsible Party for a vacant and abandoned property shall file a certificate of registration with the Clerk of the Township within 90 days after the property becomes vacant and abandoned or within 30 days after the Responsible Party assumes ownership of or responsibility for an already vacant and abandoned property, whichever is later.
- (b) The certificate of registration shall be filed on forms prescribed by the Clerk and shall contain:
 - (1) the name, street address, and telephone number of a natural person who resides or maintains an office within the State and who is either the Responsible Party or an authorized agent designated by the Responsible Party to receive notices and complaints of property maintenance and code violations on behalf of the Responsible Party.
 - (2) the name, street address, and telephone number of the person responsible for maintaining the property, if different; and
 - (3) evidence of any liability insurance
- (c) A Responsible Party for a vacant and abandoned property shall file an amended certificate of registration within 30 days after any change in the information required to be included thereon.
- (d) A certificate of registration shall remain valid for one year and shall be renewed on an annual basis if the property remains vacant and abandoned.
- (e) An annual fee pursuant to §51-4, Fee Schedule, for a certificate of registration for a vacant and abandoned property shall be paid to the Clerk.

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§ 51-4 Fee schedule

The initial registration fee for each vacant and abandoned property under the provisions of this article shall be \$500. The fee for the first annual renewal shall be \$1,500, and the fee for the second annual

renewal shall be \$3,000. The fee for any subsequent annual renewal beyond the second renewal shall be \$5,000.

§51-5 Duties of Responsible Party

(a) Forty-five (45) days after the Township notifies the Responsible Party that the property is vacant and abandoned and until the property is reoccupied, the Responsible Party for a vacant and abandoned property, shall:

- (1) Enclose and secure the property against unauthorized entry;
- (2) Post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the Responsible Party, any authorized agent designated by the responsible party for the purpose of receiving service of process, and the person responsible for maintaining the property if different
- (3) Acquire and otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property.

(b) This section shall not be construed to diminish any property maintenance responsibilities of property owners who are not subject to the provisions of this section.

§ 51-6 Requirements for owners and other persons as to vacant property.

A. The owner of any building that has become vacant, and/or any person maintaining, operating or collecting rent for any such building that is vacant, shall immediately post a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process, if designated pursuant to ~~§ 51-3~~, and, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible, to the extent possible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15 inches by 17 inches.

B. Basic equipment and facilities. Every property that is vacant must comply with the following minimum standards for basic equipment and facilities:

- (1) Plumbing. All plumbing fixtures shall be properly installed and be in sound condition and good repair. The property shall be winterized, by the cessation of water service to the property, and the draining of water lines.
- (2) Electricity. Every existing outlet and fixture shall be properly connected. Wiring and service lines shall be maintained in good and safe working condition.
- (3) Heating plant. The heating plant shall be maintained in a safe condition.
- (4) Cooking equipment. All cooking equipment shall be maintained in a safe condition.
- (5) Electrical and gas utility services shall be discontinued until the property is again legally occupied or demolished, or until repair or rehabilitation of the property is complete.

C. Storage and boarding up of vacant property.

- (1) No room within any vacant property shall be used for storage of junk, rubbish or wastes, furniture or building materials not intended to be used in the existing property.
- (2) The boarding up of doors and windows shall not be permitted except with the permission of the Zoning Officer or construction official in emergency situations. When doors and windows are boarded up, they shall be covered with no less than one-half-inch exterior plywood or equivalent.

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- (3) Vacant buildings shall be secured against unauthorized entry until the building is again legally occupied or demolished, or until repair or rehabilitation of the property is complete.

D. Safe and sanitary maintenance. All vacant properties shall comply with the following minimum standards for safe and sanitary maintenance:

- (1) Every foundation, exterior wall or exterior roof shall be weathertight, watertight and rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (2) Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (3) Every window, exterior door, and basement or cellar door and hatchway shall be weathertight, watertight, rodent-proof and locked and shall be kept in sound condition and good repair.
- (4) Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.
- (5) Every yard shall be properly graded so as to prevent the accumulation of stagnant water.
- (6) There shall be a controlled method of disposing of water from roofs by use of gutters and downspouts, which shall be installed and maintained in sound condition, free of leaks and obstructions.
- (7) Every dwelling's cellar, basement and crawl space shall be maintained from excessive dampness and leakage.
- (8) The exterior of every structure or accessory structure shall be maintained free of broken windows, loose shingles, crumbling stone or brick or excess peeling paint.
- (9) The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereof shall reflect a level of maintenance in keeping with the standards of the neighborhood and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values.

E. Further responsibilities of owners. All owners of vacant properties shall be required to comply with the following standards:

- (1) Any yard area (front, side and rear) adjacent to a vacant building shall be cleared and maintained free of trash, solid debris or any other materials that cause litter to accumulate to unhealthy and blighting proportions.
- (2) Grass and weeds shall not be permitted to grow or remain on the side, front and/or rear yards of any vacant building so as to exceed a height of 10 inches.
- (3) Abandoned buildings shall not be utilized for storage of any hazardous materials, whether solid or liquid, including the yard portion of that building.
- (4) When a vacant dwelling is found to be infested with rats, termites, roaches and/or any other insects and vermin, the owner shall undertake an expedient means of extermination of such nuisances.
- (5) All doors and/or lids on appliances, on furniture utilized for storage or on heating furnaces shall be locked in order to deny entry to an individual where the potential for physical harm or death may result should said door or lid close and prevent the individual's escape.
- (6) Provision shall be made for the cessation of the delivery of mail, newspapers and circulars to the property.

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F. The standards and requirements of this section shall apply as long as any dwelling remains vacant. Upon occupancy, the other appropriate sections of this chapter shall prevail.

§ 51-7 Administration; enforcement.

- A. The Township of Hardyston Mayor and Council may issue rules and regulations for the administration of the provisions of this article.
- B. The provisions of this article shall be enforced as set forth and pursuant to Article II of this chapter to the full extent applicable.

§ 51-8 Violations; penalties.

- A. Any owner who is not in full compliance with this article or who otherwise violates any provision of this chapter or of the rules and regulations issued hereunder shall be subject to a fine of \$1,500 for each day of violation. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.[Amended 9-26-2018 by Ord. No. 2018-12]
- B. For purposes of this chapter, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of § 51-3, or such other matters as may be established by the rules and regulations of the Mayor and Council of the Township of Hardyston shall be deemed to be a violation of this chapter.

§ 51-9 Compliance with other provisions.

Nothing in this chapter is intended to nor shall be read to conflict or prevent the Township of Hardyston from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Township Code and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this article.

ARTICLE II Buildings Pending Foreclosure

§51-10 Residential or Commercial Foreclosures

A. The Creditor filing a summons and complaint in an action to foreclose shall, in addition to the notice provided to the municipality pursuant to N.J.S.A. 46:10B-51 register the residential or commercial property with the Township's Property Registration Program as a property in foreclosure.

B. Registration as a Property in Foreclosure. The Creditor must provide the municipality with:

- (1) The information pursuant to §51-3(b);
- (2) The date the summons and complaint in an action to foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing; and
- (3) Identify whether the property is vacant and abandoned in accordance with the definition in §51-1; and
- (4) If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a Creditor required to register pursuant to the Property Registration Program following the filing of the summons and complaint, the Creditor shall update the Property Registration Program within 10 days of the change in that information; and
- (5) If there is any change in the property's status, update the property registration with Township's Property Registration Program to reflect the change; and
- (6) If the Creditor is located out-of-State, the information of an in-State representative or agent to act for the foreclosing Creditor.

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- C. The Creditor filing a summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the Property Registration Program.
- D. A foreclosed property is considered vacant or abandoned if it meets the definitions of §51-1

E. In the case of a violation for failure to provide care, maintenance, security, and upkeep of the exterior of vacant and abandoned property, such notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.

F. Fees. The Creditor will pay an annual registration fee of:

(1) \$500 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the Creditor.

(2) An additional fee is to be imposed as per Chapter 51, Abandoned Properties, Section 51-4, Fee Schedule per property annually if the property is vacant or abandoned when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure.

(3) The registration fee shall be due on the 31st of January of each year

G. Any fines imposed pursuant to this section shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

H. Penalties for Out-of-State Creditors. An out-of-State Creditor who fails to appoint an in-State representative or agent after the 10th day of the period set forth in N.J.S.A. 46:10B-51 shall be subject to a fine of \$2,500 for each day of the violation which may imposed as a municipal summons or lien.

I. 20% of any money collected pursuant to this section shall be utilized by the municipality for code enforcement purposes.

§51-11 Responsibilities of Creditors, Mortgagees, Transferees, and Owners

A. If the mortgage and/or servicing on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property, if not already registered, or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.

B. If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosed Property.

D. If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.

E. This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.

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F. Properties subject to this section shall remain subject to the Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property.

G Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this

Chapter and shall be subject to enforcement by any of the enforcement means available to the Township of Hardyston.

H. If any property is in violation of this Chapter the Township of Hardyston may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to bring the property into compliance.

§51-12 Provisions Only Applicable to Commercial Properties

- A. For the purposes of this section only, "Creditor" means a State chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act," N.J.S.A. 17:11C-51 through N.J.S.A. 17:11C-89, and any entity acting on behalf of the Creditor named in the debt obligation including, but not limited to, servicers. For purposes of this section, a Creditor shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer.
- B. A Creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property shall, within 10 days of serving the summons and complaint, notify the Township Clerk that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property.
- C. The notice shall contain the full name, address, and telephone number for the representative of the Creditor who is responsible for receiving complaints of property maintenance and code violations and the full name and contact information for any person or entity retained by the Creditor or a representative of the Creditor to be responsible for any care, maintenance, security, or upkeep of the property.
- D. The notice may contain information about more than one property, and shall be provided by mail and electronic mail communication.
- E. The Township Clerk shall forward a copy of the notice to the Zoning Officer or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.
- F. The notice shall also include the street address, lot, and block number of the property.
- G. If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a Creditor required to be provided in a notice pursuant to this paragraph following the filing of the summons and complaint, the Creditor shall provide a notice to the applicable municipal clerk containing the updated name, address, or telephone number within 10 days of the change in that information.
- H. If the owner of a commercial property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a commercial property becomes vacant at any point subsequent to the Creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the Creditor or any other third party, and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code, the Zoning Officer shall notify the creditor or the representative or agent.
- I. The Township shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than 30 days from the Creditor's receipt of the notice for the Creditor to remedy the violation.
- J. If the Creditor fails to remedy the violation within that time period, the municipality may impose penalties allowed for the violation of municipal ordinances.

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- K. If the Township expends public funds in order to abate a nuisance or correct a violation on a commercial property in situations in which the Creditor was given notice pursuant to the provisions of subsection (h) of this section but failed to abate the nuisance or correct the violation as directed, the Township shall have the same recourse against the Creditor as it would have against the title owner of the property, including but not limited to the recourse provided under N.J.S.A.55:19-100.

§51-13 Penalties and Fees

(a) A Responsible Party that violates any provision of this section or any ordinance adopted pursuant hereto, shall be liable to a penalty of not less than \$500 and not more than \$1,000; which penalty may continue to be imposed and collected.

(b) Each day that a violation continues shall constitute an additional, separate, and distinct offense, which may be imposed as a municipal summons or lien.

SECTION 2. 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.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

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

A motion was made by Miller to approve Ordinance 2022-13 on first reading, seconded by Kula. All in favor. Motion carried.

ORDINANCES

2nd READING: **None**

NEW BUSINESS:

A. Tax Collector Resolutions

- 1. Resolution #93-22 – Disabled Veteran Exemption Refund – Elsie Allen – 11 Sugar Maple Lane – Block 17.02, Lot 45

RESOLUTION #93-22

WHEREAS, Block 17.02 Lot 45 also known as 11 Sugar Maple Lane, owned by Elsie Allen, and

WHEREAS, on October 27, 2022 Mrs. Allen was approved for an Exemption for Disabled Veteran and has full exempt status, through the Department of Veteran Affairs, and

WHEREAS, Mr. Scott Holzhauer, Tax Assessor for Hardyston Township has approved an Exemption for Disabled Veteran 2022 retroactive to September 1, 2022 when Mrs. Allen applied for the deduction, and therefore her unpaid tax payment for 4th Quarter 2022 be credited and her payment for 3rd Quarter 2022, be refunded from September 1, 2022 through October 31, 2022.

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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 \$721.50 for 2022.

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

B. Resolution #94-22 – North Jersey Municipal Employee Benefits Fund Resolution to Renew

RESOLUTION #94-22

**NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND
RESOLUTION to RENEW**

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **North Jersey Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of Hardyston Township, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
 - a.) Health Insurance and/or Dental and/or Prescription as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

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

C. Resolution #95-22 – Resolution appointing a Fund Commissioner and Alternate Fund Commissioner to the North Jersey Municipal Employees Benefit Fund

Resolution #95-22

A RESOLUTION OF THE TOWNSHIP OF HARDYSTON APPOINTING A FUND COMMISSIONER AND ALTERNATE FUND COMMISSIONER TO THE NORTH JERSEY MUNICIPAL EMPLOYEES BENEFIT FUND

BE IT RESOLVED, by the Township of Hardyston that Carrine Piccolo-Kaufer be and is hereby appointed as FUND Commissioner to the North Jersey Municipal Employees Benefit Fund to represent Hardyston Township, and

BE IT FURTHER RESOLVED, that Dana Vitz be and is appointed as Alternate Fund Commissioner to the North Jersey Municipal Employees Benefit Fund effective November 9, 2022.

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

- D. Resolution #96-22 – Animal Control Shared Service Agreement – Vernon Township

RESOLUTION #96-22

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING SHARED SERVICE AGREEMENT

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

- 1. Animal Control – Vernon Township

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

- E. Tax Collector Resolutions

- 1. Resolution #97-22 – Tax Lien Redemption – Christiana T C/F CE1/Firsttrust – 110 South Shore Drive – Block 60, Lot 17, C110

RESOLUTION #97-22

WHEREAS, at the Municipal Tax Sale held on October 12, 2022, a lien was sold on Block 60 Lot 17 Qualifier C110, also known as 110 South Shore Drive, for 2021 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate #2022-003, was sold to Christiana T C/F CE1/Firsttrust, for a 0% redemption fee and a \$5,400.00 premium; and,

WHEREAS, Rosemary Fahey, the owner, has effected redemption for Certificate #2022-003 in the amount of \$742.20.

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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON NOVEMBER 9, 2022

\$742.20 payable to Christiana T C/F CE1/Firsttrust for the redemption of Tax Sale Certificate #2022-003,

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$5,400.00 (Premium) to the aforementioned lien holder.

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

2. Resolution #98-22 – Disabled Veteran Exemption Refund – Rosemarie Guidice – 38 Havenhill Road – Block 16.19, Lot 2

RESOLUTION #98-22

WHEREAS, Block 16.19 Lot 2 also known as 38 Havenhill Road, owned by Rosemarie Guidice, and

WHEREAS, on October 5, 2022 Mrs. Guidice 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 September 16, 2022 when Mrs. Guidice applied for the deduction, and therefore her tax payment for the 4th Quarter 2022 and 3rd Quarter be refunded from September 16, 2022 through October 31, 2022.

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 \$3332.22 for 2022.

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

- F. Resolution #99-22 - Resolution Requesting Approval Of Items Of Revenue And Appropriation NJS 40A:4-87 For A Grant From The State Of New Jersey, Board Of Public Utilities

RESOLUTION #99-22

TOWNSHIP OF HARDYSTON STATE OF NEW JERSEY

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 FOR A GRANT FROM THE STATE OF NEW JERSEY, BOARD OF PUBLIC UTILITIES

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION I.

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2022, in the sum of \$150,000, which is, know available as a revenue from State of New Jersey, Board of Public Utilities, Clean Energy Electric Vehicle Tourism Grant, pursuant to the provision of Statute, and

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON NOVEMBER 9, 2022

SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$150,000 and the name is hereby appropriated under the caption State of New Jersey, Board of Public Utilities, Clean Energy Electric Vehicle Tourism Grant.

SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of a Grant award from State of New Jersey, Board of Public Utilities, Clean Energy Electric Vehicle Tourism Grant, and /or/ has been anticipated as a revenue from

the State of New Jersey, Board of Public Utilities and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

- G. Resolution #100-22 - Resolution Requesting Approval Of Items Of Revenue And Appropriation NJS 40A:4-87 For A Grant From The State Of New Jersey, Department Of Human Services, Division Of Mental Health And Addiction Services

RESOLUTION #100-22

TOWNSHIP OF HARDYSTON STATE OF NEW JERSEY

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 FOR A GRANT FROM THE STATE OF NEW JERSEY, DEPARTMENT OF HUMAN SERVICES, DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION I.

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2022, in the sum of \$2,547, which is, know available as a revenue from State of New Jersey, Department of Human Services, Division of Mental Health and Addiction Services, GCADA Municipal Alliance Program Youth Leadership Grant, pursuant to the provision of Statute, and

SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$2,547 and the name is hereby appropriated under the caption State of New Jersey, Department of Human Services, Division of Mental Health and Addiction Services, GCADA Municipal Alliance Program Youth Leadership Grant, and

SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of a Grant award from the State of New Jersey, Department of Human Services, Division of Mental Health and Addiction Services, and /or/ has been anticipated as a revenue from the State of New Jersey, Department of Human Services, Division of Mental Health and Addiction Services and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
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H. Resolution #101-22 - Resolution Requesting Approval Of Items Of Revenue And Appropriation NJS 40A:4-87 For A Grant From The United States Department Of Homeland Security, Federal Emergency Management Agency

RESOLUTION #101-22

**TOWNSHIP OF HARDYSTON
STATE OF NEW JERSEY**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS
40A:4-87 FOR A GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND
SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY**

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION I.

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2022, in the sum of 29,420.95, which is, know available as a revenue from the United States of America, Department of Homeland Security, Federal Emergency Management Agency, Assistance to Firefighters Grant, pursuant to the provision of Statute, and

SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$29,420.95 and the name is hereby appropriated under the United States of America, Department of Homeland Security, Federal Emergency Management Agency, Assistance to Firefighters Grant, and

SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of a Grant award from the United States of America, Department of Homeland Security, Federal Emergency Management Agency, and /or/ has been anticipated as a revenue from the United States of America, Department of Homeland Security, Federal Emergency Management Agency and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

- I. Resolution #102-22 – Resolution authorizing the submission of the CY2022/SFY 2023 Best Practices Inventory

RESOLUTION #102-22

RESOLUTION AUTHORIZING THE SUBMISSION OF THE CY2022/SFY 2023 BEST PRACTICES INVENTORY

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

- 1. CY 2022/SFY 2023 Best Practices Inventory

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

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- J. Correspondence

1. West Milford Township
2. West Milford Township
3. Walpack Township

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

COUNCIL COMMENTS:

Councilman Kula commented on the smell on Route 23 near the Hardyston Township Elementary School in Franklin Borough.

Councilman Miller asked if there were any updates on the NJDEP/EPA issue regarding Ethylene Oxide emissions from a Hardyston facility in the North Church Technical Center

Mayor Cicerale commented on the new unfunded mandates that the State is proposing.

BILLS TO BE PAID: A motion was made by Verrilli to approve the bill list as presented, seconded by Miller. 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 Verrilli to adjourn at approximately 8:40 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk