

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON APRIL 26, 2023

The meeting was called to order by Mayor Kaminski 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 Cicerale, 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 – March 2023
2. Tax Collector Report – March 2023
3. Construction Certificate Activity Report – March 2023
4. Construction Permit Activity Report – Hardyston – March 2023
5. Construction Permit Activity Report – Hamburg – March 2023
6. Construction Permit Activity Report – Franklin – March 2023
7. Construction Permit Activity Report – Newton – March 2023
8. Construction Permit Activity Report – Sussex – March 2023
9. Construction Permit Activity Report – Wantage – March 2023
10. Municipal Court Report – March 2023
11. Police Department Report – February 2023
12. Land Use Report – March 2023
13. Department of Public Works Report - March 2023

Minutes:

1. Regular Minutes of 6/22/22
2. Executive Minutes of 6/22/22
3. Regular Minutes of 7/27/22
4. Regular Minutes of 8/24/22
5. Special Workshop Minutes of 9/14/22
6. Special Regular Minutes of 9/14/22
7. Regular Minutes of 9/28/22
8. Regular Minutes of 10/26/22
9. Regular Minutes of 11/9/22
10. Council/HTMUA Joint Special Minutes of 12/14/22
11. Council/HTMUA Joint Special Executive Minutes of 12/14/22
12. Workshop Minutes of 12/14/22
13. Regular Minutes of 12/14/22
14. Reorganization Minutes of 1/3/23
15. Workshop Minutes of 1/25/23
16. Regular Minutes of 1/25/23
17. Workshop Minutes of 2/22/23
18. Regular Minutes of 2/22/23
19. Special Workshop Minutes of 3/16/23
20. Regular Minutes of 3/22/23
21. Executive Minutes of 3/22/23

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Agreements/Applications/Licenses:

1. Raffle License – Sussex County Association of Realtors Charitable Foundation
2. Raffle License – DePaul Diocesan HS Parent Association
3. Raffle License – Catholic Charities Diocese of Paterson
4. GTBM, Inc. – Info-Cop Software Agreement Renewal - Police Department

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

MANAGERS REPORT:

Township Manager gave the Council updates on the status of the following:

CJS/Emerald Estates Developers Agreement
Jeff Stabile – Zoning and IT Update
Various Grant Opportunities
Solar Project Bid Update
Sale of Municipal Properties
Liquor License Pending Legislation
Holland Mountain Road/Snufftown Road Project

ORDINANCES

1ST READING:

2023-05

**AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$623,674 FROM
GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL
IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF HARDYSTON, IN THE
COUNTY OF SUSSEX, NEW JERSEY**

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Township of Hardyston, County of Sussex, New Jersey, as follows:

Section 1: The sum of Six Hundred Twenty-Three Thousand Six Hundred and Seventy-Four Dollars (\$623,674) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purpose:

For Various Capital Improvements or Purposes for the Township of Hardyston.

Section 2: In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 and Section 2 hereof is not a Current Expense and is an improvement, which the Township of Hardyston may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed on to the extent of their inconsistency:

Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

A motion was made by Cicerale to approve Ordinance 2023-05 on first reading, seconded by Verrilli. All in favor. Motion carried.

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2023-06

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY,
AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO
N.J.S.A. 40A:4-53**

WHEREAS, the Board of Taxation of the County of Sussex has ('Board of Taxation'), by Order dated February 15, 2023 ('Order'), mandated that the Township of Hardyston ('Township') implement a municipal-wide reassessment to be completed by October 1, 2023, to be effective for the 2024 tax year; and

WHEREAS, the Order requires that the Township submit a proposed plan within sixty (60) days for compliance with the order to the Board of Taxation; and

WHEREAS, N.J.S.A. 40A:4-53 provides that a municipality may adopt an ordinance providing for a special emergency appropriation for the preparation and execution of a mandatory complete program of revaluation of real property for the use of the local assessor; and

WHEREAS, the Township Council, accordingly, finds it necessary to take action to adopt the instant ordinance, providing for a special emergency appropriation for the preparation and execution of a mandatory complete program of revaluation of real property for the use of the Township Assessor.

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

1. Pursuant to N.J.S.A. 40A:4-53, the sum of \$250,000 is hereby appropriated for the engagement of special consultants for Revaluation of Real Property and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.
2. The Mayor, Township Manager, Township Attorney, Township Clerk, and/or such other Township Officials as the law may provide, are hereby authorized to prepare and execute such documents as may be required to effectuate this Ordinance.
3. 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.
4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hardyston, the provisions hereof shall be determined to govern.
5. This Ordinance shall take effect immediately upon final passage and publication according to law.

A motion was made by Miller to approve Ordinance 2023-06 on first reading, seconded by Kula. All in favor. Motion carried.

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2023-07

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY,
AUTHORIZING THE CONVEYANCE OF THE TOWNSHIP'S 2017
FORD EXPLORER POLICE INTERCEPTOR TO THE TOWNSHIP OF
WANTAGE FOR CONSIDERATION OF \$4,000**

WHEREAS, the Township of Hardyston ('Township') is the fee simple owner of 2017 Ford Explorer Police Interceptor, previously utilized by the Township Police Department and currently not in use ('Property'); and

WHEREAS, the Mayor and Township Council of the Township of Hardyston have, after careful consideration and due and diligent study, made a determination that the Property is not now needed for the Township's public purposes and should be conveyed to the Township of Wantage for public purposes; and

WHEREAS, the Township is authorized to convey the Property to the Township of Wantage pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, et seq.; and

WHEREAS, the Township negotiated with the Township of Wantage to convey the Property for public purposes ('Agreement'), which Agreement is subject to the approval and ratification of the Hardyston Township Council; and

WHEREAS, the Agreement sets forth the terms and conditions of the conveyance of the Property by the Township to the Township of Wantage, and calls for a sale price of four-thousand dollars (\$4,000), to be paid to the Township of Hardyston; and

WHEREAS, the Township Council desires hereby to authorize and approve the execution of the Agreement by the Hardyston Township Mayor and Clerk, and further desires to authorize the Township Manager and Township Attorney to take all required actions to arrange to close this transaction on behalf of the Township at the earliest possible time; and

WHEREAS, the Township Council has determined that such a conveyance of the Property to the Township of Wantage shall serve the general health and welfare of the residents of Hardyston Township.

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

1. The Township Council hereby declares that the Township's 2017 Ford Explorer Police Interceptor ('Property') is neither used presently nor needed in the future for the Township's public purposes.
2. The Township Council does hereby, pursuant to N.J.S.A. 40A:12-13(b)(1), authorize a private sale of the Property, for the consideration of \$4,000, to the Township of Wantage.
3. The Mayor, Township Manager, Township Attorney, Township Clerk, and/or such other Township Officials as the law may provide, are hereby authorized to prepare and execute such documents as may be required to effectuate the private sale authorized by this Ordinance and the transfer of title to the Property to the Township of Wantage, which documents shall be subject to the review and approval by the Township Attorney.
4. The conveyance of the Property is strictly 'as is.' No representation is made by the Township as to the utility, usability or, generally, the condition of the Property.
5. 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.

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6. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hardyston, the provisions hereof shall be determined to govern.
7. This Ordinance shall take effect immediately upon final passage and publication according to law.

A motion was made by Kula to approve Ordinance 2023-07 on first reading, seconded by Verrilli. All in favor. Motion carried.

2023-08

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY
OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING THE SALE
OF CERTAIN PROPERTY NOT NEEDED FOR PUBLIC PURPOSES**

WHEREAS, the Township of Hardyston ('Township') is the owner of the property located at Lot 44, Block 79 on the Township tax map ('Subject Property'); and

WHEREAS, the Subject Property is an undersized parcel which is adjacent to the property located at Lot 45, Block 79 on the Township tax map ('Lot 45'); and

WHEREAS, a request has been made of the Township, by RGA 1, LLC, owner of Lot 45, to acquire the Subject Property; and

WHEREAS, the Township wishes to convey the Subject Property to RGA 1, LLC, by private sale; and

WHEREAS, the Township has contacted all other owners of property contiguous to the Subject Property, none of which is interested in bidding on the Subject Property; and

WHEREAS, RGA 1, LLC has agreed to a sale price for the Subject Property of eleven-thousand dollars (\$11,000), which price has been deemed by the Township Assessor to be not less than the fair market value of the property, and which price the Township Council deems to be the minimum acceptable price for the Subject Property; and

WHEREAS, the Township has complied and will comply with all other relevant provisions of N.J.S.A. 40A:12-13(b)(5) in connection with the sale of the Subject Property; and

WHEREAS, the Township, accordingly, has reached an agreement with RGA 1, LLC for the sale of the Subject Property ('Agreement'), which Agreement is subject to the approval and ratification of the Hardyston Township Council; and

WHEREAS, the Agreement sets forth the terms and conditions of the conveyance of the Subject Property by the Township to RGA 1, LLC, and calls for a sale price of eleven-thousand dollars (\$11,000), to be paid to the Township of Hardyston; and

WHEREAS, the Township Council desires hereby to authorize and approve the execution of the Agreement by the Hardyston Township Mayor and Clerk, and further desires to authorize the Township Manager and Township Attorney to take all required actions to arrange to close this transaction on behalf of the Township at the earliest possible time; and

WHEREAS, the Township Council has determined that such a conveyance of the Subject Property to RGA 1, LLC shall serve the general health and welfare of the residents of Hardyston Township.

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

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1. The Township Council hereby declares that the property located at Lot 44, Block 79 on the Township tax map ('Subject Property') is neither used presently nor needed in the future for the Township's public purposes.
2. The Township Council does hereby, pursuant to N.J.S.A. 40A:12-13(b)(5), authorize a private sale of the Subject Property, for the consideration of \$11,000, to RGA 1, LLC.
3. The Mayor, Township Manager, Township Attorney, Township Clerk, and/or such other Township Officials as the law may provide, are hereby authorized to prepare and execute such documents as may be required to effectuate the private sale authorized by this Ordinance and the transfer of title to the Subject Property to RGA 1, LLC, which documents shall be subject to the review and approval by the Township Attorney.
4. The conveyance of the Subject Property is strictly 'as is.' No representation is made by the Township as to the utility, usability or, generally, the condition of the Property.
5. 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.
6. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hardyston, the provisions hereof shall be determined to govern.
7. This Ordinance shall take effect immediately upon final passage and publication according to law.

A motion was made by Miller to approve Ordinance 2023-08 on first reading, seconded by Cicerale. All in favor. Motion carried.

ORDINANCES
2nd READING:

2023-03

CALENDAR YEAR 2023
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.00% increase in the budget for said year, amounting to \$84,041.20 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Hardyston, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of Hardyston shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$287,771.89, and that the CY 2023 municipal budget for the Township of Hardyston be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Miller to approve Ordinance 2023-03 on second reading, seconded by Verrilli. All in favor. Motion carried.

2023-04

ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AMENDING THE TOWNSHIP MUNICIPAL CODE AT CHAPTER 33, LAND USE PROCEDURES, ARTICLE I, JOINT LAND USE BOARD, TO ESTABLISH THE APPOINTING AUTHORITY FOR MEMBERS THEREOF

WHEREAS, the Township of Hardyston's Charter ('Charter') establishes that its form of government was created as a special charter form government, to be governed by only certain provisions of the Faulkner Act; and

WHEREAS, the Charter establishes that the Township Council may provide for the manner of appointment of any planning board, zoning board of adjustment, or personnel board in the Township and may create commissions and other bodies with advisory powers; and

WHEREAS, pursuant to Ordinance #2022-11, the Township Council amended the Township's Municipal Code ('Code') in order to merge the Township's Planning Board and Zoning Board of Adjustment into a single Joint Land Use Board ('Joint Land Use Board'); and

WHEREAS, pursuant to N.J.S.A. 40:55D-23, the Joint Land Use Board must include four ('4') classes of membership ('Classes'): Class I, Class II, Class III, and Class IV; and

WHEREAS, N.J.S.A. 40:55D-23 establishes criteria regarding the appointing authority for members of each of the Classes; and

WHEREAS, pursuant to N.J.S.A. 40:55D-23, Class IV members are to be appointed by the Mayor, unless otherwise provided for by ordinance in the case of the council-manager form of government or the 'the municipal manager form of government'; and

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WHEREAS, as provided for by ordinance prior to enactment of Ordinance #2022-11, the authority to appoint Class IV members belonged to the Township Council; and

WHEREAS, the Township Council wishes to clarify, pursuant to the merger of Township's former Planning Board and former Zoning Board of Adjustment into a single Joint Land Use Board, that the Council now deems it appropriate for the authority to appoint Class IV members to the new Joint Land Use Board be that of the Mayor; and

WHEREAS, the Township Council wishes to clarify further where lies the appointing authority for members of each of the Classes.

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

SECTION 1. Chapter 33, Land Use Procedures, Part 1, Article 1, Joint Land Use Board, shall be amended to read as follows:

Article I. Joint Land Use Board

§ 33-1 Joint Land Use Board.

A. Pursuant to the provisions of N.J.S.A. 40:55D-23, there is hereby established a Joint Land Use Board of nine (9) members, consisting of four ('4') classes, with the appointing authority for members of each class, respectively, as follows:

i. Class I - The Mayor, or the Mayor's designee in the absence of the Mayor, as the Mayor shall have the right of appointment.

ii. Class II - One of the officials of the municipality other than a member of the governing body to be appointed by the Mayor, who shall have the right of appointment, provided that the member of the Environmental Commission who is also to be designated a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be deemed to be the Class II Joint Land Use Board member in the event that there is among the Class IV or alternate members of the Joint Land Use Board a member of the Board of Education.

iii. Class III – Members of this class shall be appointed by the Township Council.

iv. Class IV – Other citizens of the municipality to be appointed by the Mayor, who shall have the right of appointment. The members of Class IV shall hold no other municipal office, position or employment, except that one such member may be a member of the Historic Preservation Commission, if any. A member of the Board of Education may be a Class IV member. The member of the Environmental Commission who is also to be a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class IV Joint Land Use Board member, unless there is among the Class IV or alternate members of the Joint Land Use Board a member of the Historic Preservation Commission and a member of the Board of Education, in which case the member common to the Joint Land Use Board and Municipal Environmental Commission shall be deemed a Class II member of the Joint Land Use Board. Membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of office.

v. Alternate Members – There shall also be four (4) alternate members appointed to the Joint Land Use Board in the same manner as Class IV members, who shall be designated by the Chairperson of the Joint land Use Board as "Alternate No. 1," "Alternate No. 2," "Alternate No. 3," and "Alternate No. 4." These Alternate members may participate in discussion of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote

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shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

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

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

- A. All powers formerly vested in the Board of Adjustment, as set forth under Chapter 33, Land Use Procedures, Article II, Zoning board of Adjustment, and other chapters in the Township of Hardyston Code, shall be vested in the Township of Hardyston Joint Land Use Board.
- B. The Joint Land Use Board shall have four (4) alternates who shall be appointed and shall serve as set forth by § 33-1(A)(v).
- C. Any ordinances or sections thereof which are presently in effect in the Township of Hardyston and refer to the “Board of Adjustment” shall hereinafter be taken to refer to the “Joint Land Use Board.”

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

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

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

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

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Verrilli to approve Ordinance 2023-04 on second reading, seconded by Kula. All in favor. Motion carried.

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OLD BUSINESS:

NEW BUSINESS:

- A. Resolution #26-23 – Amendment to the Hardyston Township Emergency Management Plan

RESOLUTION #26-23

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

- 1. Amendment to the Hardyston Township Emergency Management Plan

A motion was made by Verrilli to approve the resolution as presented subject to Township Manager approval, seconded by Cicerale. All in favor. Motion carried.

- B. Resolution #27-23 – 2022 Salary Resolution

RESOLUTION #27-23

BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages effective January 1, 2023 shall be paid as follows:

Title	2023
	<u>Annual Salary</u>
Salaried:	
Township Council	\$ 5,000.00
Mayor/Deputy Mayor:	
Marriage/Civil Union Ceremony Stipend (per ceremony for residents)	\$ 50.00
(per ceremony for non-residents)	\$ 200.00
Township Manager	\$ 78,342.80
Municipal Clerk/Registrar/Search Officer	\$ 88,687.82
Deputy Registrar	\$ 1,500.00
Chief of Police	\$ 178,853.38
Public Works Director	\$ 109,999.99
Zoning Officer	\$ 42,981.65
Computer Technician	\$ 59,235.47
Tax Assessor	\$ 63,300.62
Tax Collector	\$ 66,625.00
Municipal Planner	\$ 85,000.00
Land Use and Grants Administrator	\$ 76,875.00
Construction Official	\$ 129,000.00
Building Inspector/Subcode Official	\$ 97,375.00
Fire Prevention Inspector - Hired Prior to 1/1/2023	\$ 15,000.00
Fire Prevention Inspector - Hired After 1/1/2023	\$ 10,000.00
Housing Rehabilitation Program Inspector	\$300.00/unit
Municipal Court Magistrate	\$ 36,915.05
Temporary Municipal Court Magistrate (per session)	\$925.00/session
Deputy Court Clerk	
For first three hours of court session	\$ 100.00
For each hour of court session exceeding three hours	\$17/hour
Emergency Management Coordinator	\$ 10,448.06
Hourly:	
Municipal Court Officer	\$ 25.00
Winter Seasonal Laborer/Driver	\$ 20.00
Winter Seasonal Laborer/Driver with 5+ years experience	\$ 25.00

Secretary/Clerical - Construction	\$	24.89
Secretary/Clerical - Administration	\$	18.00
Secretary/Clerical Temporary	\$	15.00
Secretary/Administration - Technical Assistant to Construction Official	\$	26.02
Secretary/Administration - Construction	\$	24.89
Secretary/Administration - Administration/MUA	\$	25.09
Confidential Assistant - Police Chief	\$	29.28
Confidential Assistant - Township Manager	\$	27.64
Secretary/Administraton - Assistant to the Chief Financial Officer	\$	26.22
Recreation Director	\$	25.66
Recreation On-Call Staff	\$	15.00
Recreation Program Presenter Without Certification	\$	15.00
Recreation Program Presenter With Certification	\$	25.00
Fire Official	\$	25.63
Electrical Subcode Official	\$	56.97
Plumbing Subcode Official	\$	45.49
Building Subcode Official - Part Time	\$	40.00
Plumbing Subcode Inspector	\$	34.00
Building Inspector - Part Time	\$	33.28

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

- C. Resolution #28-23 – Resolution authorizing the award of a professional services contract without competitive bidding to First Environment to conduct a Phase I environmental site assessment and preliminary assessment for the property located at Block 14, Lot 22.01 on the Township tax map

RESOLUTION #28-23

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO FIRST ENVIRONMENT TO CONDUCT A PHASE I ENVIRONMENTAL SITE ASSESSMENT AND PRELIMINARY ASSESSMENT FOR THE PROPERTY LOCATED AT BLOCK 14, LOT 22.01 ON THE TOWNSHIP TAX MAP

WHEREAS, the Township of Hardyston has a need for environmental engineering services, to obtain a Phase I Environmental Site Assessment ('ESA') for the property located at Block 14, Lot 22.01 on the Township Tax Map; and

WHEREAS, for this purpose the Township wishes to retain the services of Kenneth Farah, Jr., of First Environment as Environmental Engineer; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bidding and the contract itself must be made available for public inspection.

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 of Hardyston hereby awards and authorizes the Mayor to execute an agreement with Kenneth Farah, Jr., of First Environment, located at 10 Park Place, Bldg 1A, Suite 504, Butler, New Jersey 07405, to provide professional services as Environmental Engineer pursuant to the below hourly billing schedule and with the below expenses to be reimbursed by the Township:

HOURLY BILLING SCHEDULE

Principal	\$250.00 – \$350.00
Senior Associate	\$140.00 – \$250.00
Associate	\$120.00 – \$175.00
Senior Professional	\$100.00 – \$175.00
Professional II	\$ 85.00 – \$120.00
Professional I	\$ 70.00 – \$110.00
Draftsman/Technician	\$ 60.00 – \$100.00

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REIMBURSABLE EXPENSES

- Reasonable travel and living expenses;
- Telephone, facsimile, postage, copies, shipping;
- Reproduction costs of figures and reports;
- Equipment Usage Fees, field supplies;
- Outside professional services (e.g., drilling, laboratory).

2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$5,000.00 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township’s official newspaper as required by law.
5. A copy of this resolution shall be provided to Kenneth Farah, Jr., of First Environment, 10 Park Place, Bldg 1A, Suite 504, Butler, New Jersey 07405, for his information and guidance.
6. A copy of this Resolution shall be available for public inspection in the office of the Clerk of the Township of Hardyston.

This Resolution shall take effect immediately upon adoption.

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

- D. Resolution #29-23 – Resolution authorizing the award of a professional services contract without competitive bidding to Civil Solutions for 2023 tax map maintenance and geographic information system support

RESOLUTION #29-23

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO CIVIL SOLUTIONS FOR 2023 TAX MAP MAINTENANCE AND GEOGRAPHIC INFORMATION SYSTEM SUPPORT

WHEREAS, the Township of Hardyston has a need for 2023 Tax Map Maintenance and Geographic Information System (‘GIS’) support; and

WHEREAS, for this purpose the Township wishes to retain the services of Donald A. Smith III, of Civil Solutions, as Geospatial Services Associate; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “professional services” without competitive bidding and the contract itself must be made available for public inspection.

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 of Hardyston hereby awards and authorizes the Township Clerk to execute an agreement with Donald A. Smith III, of Civil Solutions, located at 215 Bellevue Ave., P.O. Box 579, Hammonton, NJ 08037, to provide professional services as Geospatial Services Associate pursuant to the below pricing schedule:

CIVIL SOLUTIONS PRICING SCHEDULE

1. Hosting the Web GIS data and Viewer (myIDV) for 1 year:	\$1,200
2. Tax Map Maintenance, Collaboration Center & Map Viewer:	\$4,800
3. – ITEM EXCLUDED BY TOWNSHIP –	
4. Address Point Layer	\$3,000
5. – ITEM EXCLUDED BY TOWNSHIP –	
6. Tax Map vs Mod4 Acreage\Square Footage Comparison:	\$2,200
7. Private Roads – Identify, Research & Document:	\$3,400
8. Provide database to update the Zoning field in Mod4:	\$600

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2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$15,200 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.
5. A copy of this resolution shall be provided to Donald A. Smith III of Civil Solutions, at 215 Bellevue Ave., P.O. Box 579, Hammonton, NJ 08037, for his information and guidance.
6. A copy of this Resolution shall be available for public inspection in the office of the Clerk of the Township of Hardyston.

This Resolution shall take effect immediately upon adoption.

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

- E. Resolution #30-23 – Facility Use Agreement for Seniors – Use of Ogdensburg Fire Department

RESOLUTION #30-23

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY**

WHEREAS, the Township of Hardyston continues to support its seniors; and

WHEREAS, the Hardyston Seniors has found a new meeting location at the Ogdensburg Fire Department Hall located at 30 Main Street, Ogdensburg, NJ; and

WHEREAS, in support of its seniors, the Township agrees to pay \$125 per meeting for two meetings of the Hardyston Seniors at the said hall.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, that the Township Manager is hereby authorized to enter into a Facility Use Agreement between the Township, the Hardyston Seniors and the Ogdensburg Fire Department to pay for the rental of the Ogdensburg Fire Department's Hall located at 30 Main Street, Ogdensburg by the Hardyston Seniors for its bi-monthly meetings at the rate of \$125 per meeting.

This Resolution shall take effect immediately.

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

- F. Resolution #31-23 – Self-examination of Budget Resolution

**RESOLUTION #31-23
SELF-EXAMINATION OF BUDGET RESOLUTION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 THRU 7.5 the Township of Hardyston has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Hardyston meets the necessary conditions to participate in the program for the 2023 budget year, so now therefore

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BE IT RESOLVED, by the Township Council of the Township of Hardyston that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated.
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE Director of the Division of Local Government Services.

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

- G. Resolution #32-23 – Resolution authorizing an amendment to the Developer's Agreement for Emerald Estates

RESOLUTION #32-23

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE DEVELOPER'S AGREEMENT FOR EMERALD ESTATES DATED JULY 1, 2008 TO EXTEND THE TIME TO COMPLETE THE SITE IMPROVEMENTS UNTIL JUNE 30, 2026

WHEREAS, Emerald Estates subdivision, located at Block 64, Lot 27, originally received approval to complete the project by June 30, 2011; and

WHEREAS, on July 9, 2014, the Mayor and Township Council approved a second extension of time to complete the site improvements for this project, which was granted from July 1, 2014 through June 30, 2017; and

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WHEREAS, on February 8, 2017, the Mayor and Township Council approved a third extension of time to complete the site improvements for this project, which was granted from July 1, 2017 through June 30, 2020; and

WHEREAS, on March 25, 2020, the Mayor and Township Council approved a fourth extension of time to complete the site improvements for this project, which was granted from July 1, 2020 through June 30, 2023; and

WHEREAS, the developer has now requested an additional extension of time to complete the improvements and a proposal to allow for four two-bedroom units to be built as permanent supportive housing for disabled veterans and marketed to qualified families as well as a payment in lieu of taxes agreement for the four two-bedroom units; and

WHEREAS, the Township Engineer has inspected the project and is of the opinion that the request for an extension to complete the improvements will not create any safety concerns to the general public; and

WHEREAS, the Township Engineer shall review the current performance bond associated with the site and recommends that an extension to complete this project for an additional three years, to June 30, 2026 be conditioned on ensuring the amount of the performance bond is sufficient to complete the remaining improvements based on upon said review.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, that the Township Manager is hereby authorized to extend the developer's agreement until; June 30, 2026 which shall also include an amendment to the terms of the agreement to modify the bed room distribution of the four affordable units to allow for four two-bedroom units to be built as permanent supportive housing for disabled veterans and marketed to qualified families as well as a payment in lieu of taxes agreement which is permitted pursuant to N.J.A.C. 5:80-26.1 and so long as the entity receives financing from the National Housing Trust Fund, the Township Council shall consider a payment in lieu of tax percentage of 6.28% of annual gross revenue in accordance with the law.

BE IT FURTHER RESOLVED, that the extension is subject to all other conditions of the current developer's agreement on file with the municipality.

This Resolution shall take effect immediately.

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

H. 2023 Municipal Budget Public Hearing/Adoption

Township Manager Carrine Piccolo-Kaufer gave a verbal and written presentation of the 2023 Municipal Budget.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No one from the public wished to be heard. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

A motion was made by Verrilli to approve the 2023 Municipal Budget as presented, seconded by Miller. All in favor. Motion carried.

I. Correspondence

1. Hampton Township
2. Bernd Hefe, Esq.
3. Applied Service Corp.
4. Saul Ewing, LLP

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 that it would be a good idea to have students come to observe Council meetings as they have done in the past. Councilman Kaminski, Council Liaison to the Hardyston Township Board of Education, stated that he would mention it to the Board of Education.

BILLS TO BE PAID: A motion was made by Verrilli to approve the bill list as presented, seconded by Kula. All in favor. Motion carried.

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Resident Marty Schweighardt asked for clarification on a few of the agenda items. Franklin Borough resident Eric Miller asked if the bright lights and lack of security could be addressed at the PODS Moving & Storage facility in the Hardyston Industrial Park on Park Drive. Resident Jaime Milette once again addressed his issue with the Hardyston Township Fire Department siren. The Council addressed the issue with OEM Coordinator Bill Hickerson, questioning the need for the siren and possible ways to eliminate the siren entirely. 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 9:25 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk