

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 28, 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-Kaufner, Clerk Jane Bakalarczyk, Township Attorney Fred Semrau 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 – May 2023
2. Tax Collector Report – May 2023
3. Construction Certificate Activity Report – May 2023
4. Construction Permit Activity Report – Hardyston – May 2023
5. Construction Permit Activity Report – Hamburg – May 2023
6. Construction Permit Activity Report – Franklin – May 2023
7. Construction Permit Activity Report – Newton – May 2023
8. Construction Permit Activity Report – Sussex – May 2023
9. Construction Permit Activity Report – Wantage – May 2023
10. Municipal Court Report – May 2023
11. Police Department Report – May 2023
12. Land Use Report – May 2023
13. Department of Public Works Report - May 2023
14. Sussex County Health Department Report – May 2023

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

1. Raffle License – St. Jude The Apostle Church
2. Raffle License – Friends of Robbie, Inc.
3. Raffle License – K of C Council #12649 St. John Vianney
4. Amusement License – Tony's (Route 23 – Stockholm)
5. Primepoint – Time & Labor Management Proposal

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

### **MANAGERS REPORT:**

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

Grants and Applications  
Reassessment  
Fire Siren Subcommittee Meeting

### **ORDINANCES**

#### **1<sup>ST</sup> READING:**

**None**

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**ORDINANCES**

**2<sup>ND</sup> READING:**

2023-09

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AMENDING THE TOWNSHIP MUNICIPAL CODE AT CHAPTER 107, JUNK DEALERS AND AUTOMOBILE AUCTIONS, SECTION 107-5, RENEWAL OF LICENSE**

**WHEREAS**, the Mayor and Township Council seek to entertain renewal applications that do not become dormant or “pocket auction licenses” and in fact are active, current and compliant license renewal applications.

**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 107, Junk Dealers and Automobile Auctions, Section 107-5, Renewal of License, shall be amended to include the following provision to read as follows:

107-5. Renewal of License.

A license may be renewed for each subsequent year upon application to the Township Clerk for renewal without filing a complete application as required for the original license, provided that:

A. The application for renewal is accompanied by the annual license fee as established in Chapter 88, Fees.

B. No changes have been made in the licensed premises, in the methods of operation or in the equipment or materials used in the business, and an affidavit to that effect is filed. If there has been any change, a complete statement of the changes made shall accompany the application for renewal.

C. Notice of application is published at least once in a newspaper published and circulating in the county as least 10 days prior to the date when consideration of the renewal application is scheduled and proof of publication is submitted to the Township Clerk prior to the date when the renewal application is considered.

D. Objections.

(1) Objections may be filed with the Township Council by any resident or taxpayer of the Township to the renewal of the license, or by the Township Engineer, based upon knowledge and/or information that any law or provision of this chapter has been violated.

(2) All objections must be in writing with specific details regarding all allegations. All objections shall be reviewed by the Township Engineer and municipal personnel.

(3) Based upon this review and recommendation, the Township Council may conduct a bearing with at least 10 days' public notice.

E. A determination and findings of the Township Council with respect to the application shall be made by the Township Council within 15 days following the hearing, and notice of the determination shall be submitted in writing to the applicant together with the conclusions of the Township Council. If the time required to reach a determination with respect to a renewal application continues beyond the first of any year, the applicant may be permitted to operate his or her business until such time as the application has been acted upon, paying a charge prorated by the month or any portion thereof covering the temporary period. If the license is renewed, credit shall be given to the applicant for the temporary fee paid; if the renewal license is denied, only the remaining prorated and unused annual fee shall be returned to the applicant.

F. No renewal application shall be considered by the Township Council or any renewal license issued after the lapse of one month from the termination of any license period unless the lapse is the result of a hearing or other action of the Township Council under this section.

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G. Providing that a license applicant has conducted an auction in accordance with the Township Code within thirty-six (36) months prior to the date of the renewal application, a licensee may seek a renewal of the auction license under this Section of the Township's Code.

H. The applicant shall pay the Township for review of applications, review and preparation of documents, inspections, and other costs in connection with the application. A deposit shall be placed in escrow as determined by the Township Engineer.

**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 2023-09 on second reading, seconded by Cicerale. All in favor. Motion carried.

**OLD BUSINESS:**

**NEW BUSINESS:**

A. Tax Collector Resolutions

1. Resolution #43-23 – Lien Redemption – Block 16.01, Lot 1.02, Q C0703 – 5 Caleb Court

**RESOLUTION #43-23**

**WHEREAS**, at the Municipal Tax Sale held on October 12, 2022, a lien was sold on Block 16.01 Lot 1.02 Qualifier C0703, also known as 5 Caleb Court for 2021 delinquent taxes; and,

**WHEREAS**, this lien, known as Tax Sale Certificate #2022-001, was sold to Glenn W. Gerisch, for a 0% redemption fee and \$35,400.00 premium; and

**WHEREAS**, The Estate of Carol B Parsons, has effected redemption for Certificate #2022-001 in the amount of \$18,172.78.

**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 \$18,172.78 payable to Glenn W. Gerisch for the redemption of Tax Sale Certificate #2022-001,

**BE IT FURTHER RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$35,400.00 (premium) to the aforementioned lien holder.

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

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- B. Resolution #44-23 - Resolution accepting a proposal for an ice cream vendor at the Hardyston Concerts in the Park from VKAT, LLC (The Scoop)

**RESOLUTION #44-23**

**RESOLUTION ACCEPTING PROPOSAL FROM VKAT, LLC (THE SCOOP)**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston that the following proposal is hereby accepted:

- VKAT, LLC (The Scoop) – Proposal for Ice Cream Vendor at the Hardyston Concerts in the Park

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

- C. Resolution #45-23 – 2023 – 2024 Annual Liquor License Renewal

- Stone Hill Recreation SPE LLC - #1911-33-006-012 (The Crystal Tavern, Restaurant La Tour, The Wine Cellar, Vista 180 Café)

**RESOLUTION #45-23**

**WHEREAS**, the following Liquor License is to be renewed effective July 1, 2023, for a one year period; and

**WHEREAS**, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

**NOW THEREFORE BE IT RESOLVED** that the Liquor License shall be renewed for a period of one year effective July 1, 2023 for the following license holder.

1. Stone Hill Recreation SPE LLC – #1911-33-006-012

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

- D. Resolution #46-23 – 2023 – 2024 Annual Liquor License Renewal

- Stone Hill Recreation SPE LLC - #1911-36-007-004 (Grand Cascades Lodge – The Springs Bistro, The Biosphere Café, The Chef’s Garden)

**RESOLUTION #46-23**

**WHEREAS**, the following Liquor License is to be renewed effective July 1, 2023, for a one year period; and

**WHEREAS**, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

**NOW THEREFORE BE IT RESOLVED** that the Liquor License shall be renewed for a period of one year effective July 1, 2023 for the following license holder.

1. Stone Hill Recreation SPE LLC – #1911-36-007-004

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

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E. Resolution #47-23 – 2023 – 2024 Annual Liquor License Renewal

- Stone Hill Recreation SPE LLC - #1911-33-005-010 (Owen's Pub)

**RESOLUTION #47-23**

**WHEREAS**, the following Liquor License is to be renewed effective July 1, 2023, for a one year period; and

**WHEREAS**, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

**NOW THEREFORE BE IT RESOLVED** that the Liquor License shall be renewed for a period of one year effective July 1, 2023 for the following license holder.

1. Stone Hill Recreation SPE LLC – #1911-33-005-010

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

F. Resolution #48-23 – 2023 – 2024 Annual Liquor License Renewal

- Hamburg Golf Course Beverage, Inc. - #1911-33-002-011 (Pocket License)

**RESOLUTION #48-23**

**WHEREAS**, the following Liquor License is to be renewed effective July 1, 2023, for a one year period; and

**WHEREAS**, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

**NOW THEREFORE BE IT RESOLVED** that the Liquor License shall be renewed for a period of one year effective July 1, 2023 for the following license holder pursuant to N.J.S.A. 33:1-12.39.

1. Hamburg Golf Course Beverage, Inc. - #1911-33-002-011

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

G. Resolution #49-23 – 2023 – 2024 Annual Liquor License Renewal

- Anthony Pignataro Corp. – #1911-33-004-006 – Tony's Pizza – Rt. 23

**RESOLUTION #49-23**

**WHEREAS**, the following Liquor License is to be renewed effective July 1, 2023, for a one year period; and

**WHEREAS**, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

**NOW THEREFORE BE IT RESOLVED** that the Liquor License shall be renewed for a period of one year effective July 1, 2023 for the following license holders.

1. Anthony Pignataro Corp. – #1911-33-004-006

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

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H. Resolution #50-23 – 2023 – 2024 Annual Liquor License Renewal

- RBAA, LLC - #1911-44-003-010 – Sussex County Discount Wine & Liquor – Rt. 94

**RESOLUTION #50-23**

**WHEREAS**, the following Liquor License is to be renewed effective July 1, 2023, for a one year period; and

**WHEREAS**, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

**NOW THEREFORE BE IT RESOLVED** that the Liquor License shall be renewed for a period of one year effective July 1, 2023 for the following license holders.

1. RBAA, LLC - #1911-44-003-010

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

- I. Resolution #51-23 – Resolution determining the form and other details of \$4,500,000 General Bonds of 2023 of the Township of Hardyston and providing for their sale

**RESOLUTION #51-23**

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$4,500,000 GENERAL BONDS OF 2023 OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND PROVIDING FOR THEIR SALE**

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

Section 1. Terms of Bonds. The \$4,500,000 General Bonds of 2023 (the “Bonds”) of the Township of Hardyston, in the County of Sussex, New Jersey (the “Township”), referred to and described in the ordinance adopted pursuant to the Local Bond Law of the State of New Jersey, by the Township Council of the Township on November 28, 2018, entitled “Bond ordinance appropriating \$4,825,000, and authorizing the issuance of \$4,595,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Hardyston, in the County of Sussex, New Jersey” shall be dated

the date of delivery thereof, shall bear interest payable semi-annually on February 1 and August 1 in each year, commencing February 1, 2024, expressed in a multiple of 1/8 or 1/20 of 1%, shall mature in the principal amount of \$300,000 on August 1, 2024, \$325,000 on August 1, 2025, \$425,000 on August 1, 2026, \$450,000 on August 1, 2027, \$465,000 on August 1, 2028, \$475,000 on August 1, 2029, \$495,000 on August 1, 2030, \$500,000 on August 1, 2031, \$525,000 on August 1, 2032 and \$540,000 on August 1, 2033, and shall each bear a distinctive number to distinguish it from all other Bonds of said issue.

Section 1. Book-Entry-Only Bonds. The Bonds shall be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. The Bonds shall be issued in registered form and bond certificates for each maturity will be issued to The Depository Trust Company, New York, New York (“DTC”), registered in the name of its nominee Cede & Co., and immobilized in its custody. A book-entry system will be employed, evidencing ownership of the Bonds in principal amount of \$5,000 or any \$1,000 increment in excess thereof, with transfers of ownership affected on the records of DTC and its participants pursuant to rules and procedures adopted by DTC and its participants. The successful bidder, as a condition to the delivery of the Bonds, will be required to deposit the bond certificates with DTC, registered in the name of Cede & Co. So long as Cede & Co. is the registered owner of the Bonds, principal and redemption price, if any, of and interest on the Bonds will be payable by the Township or its agent to DTC or its nominee as registered owner of the Bonds. The Bonds shall be executed in the name of the Township by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, under the seal of the Township affixed, imprinted or otherwise reproduced thereon and attested by the manual signature of its Township Clerk.

Section 2. Redemption. (A) The Bonds maturing prior to August 1, 2031 are not subject to redemption prior to maturity at the option of the Township. The Bonds maturing on or after August 1, 2031 are subject to redemption prior to maturity at the option of the Township upon notice as described below in whole or in part, in any order of maturity and by lot within a maturity if less than all the Bonds of such maturity are to be redeemed, on any date on or after August 1, 2030, at a redemption price equal to 100% of the principal amount thereof, together with interest accrued, if any, to the date fixed for redemption.

(B) Notice of redemption shall be given by first-class mail, postage prepaid, to the registered owners of the Bonds or portions thereof to be redeemed, not less than thirty (30) days nor more than sixty (60) days prior to the redemption date, but such mailing shall not be a condition precedent to such redemption and failure so to mail any such notice shall not affect the validity of any proceedings for the redemption of Bonds. If notice of redemption shall have been given as aforesaid, the Bonds or portions thereof specified in said notice shall become due and payable at the redemption price on the redemption date therein designated and if, on the redemption date, moneys for payment of the redemption price of all the Bonds to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, then from and after the redemption date interest on such Bonds shall cease to accrue and become payable. Less than all of a Bond in a denomination in excess of \$5,000 may be so redeemed, and in such case, upon the surrender of such Bond, there shall be issued to the registered owner thereof, without charge therefor, for the unredeemed balance of the principal amount of such Bond, Bonds of like designation, maturity and interest rate in any of the authorized denominations.



Section 3. Form of Bonds. The Bonds shall be in substantially the following form with such changes and modifications as may be required, necessary, convenient or desirable for delivery thereof:

**UNITED STATES OF AMERICA  
STATE OF NEW JERSEY**

**THE TOWNSHIP OF HARDYSTON  
IN THE COUNTY OF SUSSEX**

**GENERAL BONDS OF 2023**

**Number:** R – G - \_\_\_\_  
**Registered Owner:** Cede & Co  
**Principal Amount:** \$ \_\_\_\_\_  
**Dated Date:** August 24, 2022  
**Interest Rate:** \_\_\_\_\_%  
**Maturity Date:** August 1, \_\_\_\_  
**CUSIP Number:** 412470

**THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX** (the “Township”), a municipal corporation of the State of New Jersey, situate in said County of Sussex, hereby acknowledges itself indebted and for value received promises to pay to the above-stated Registered Owner or registered assigns, the above-stated Principal Amount on the above-stated Maturity Date upon presentation and surrender of this bond, and to pay to the registered owner hereof interest on such sum, from the date of this bond until it matures or is redeemed at the above-stated Interest Rate per annum payable semi-annually on February 1 and August 1 in each year, commencing February 1, 2024. Principal, redemption price, if any, of this bond will be paid in lawful money of the United States of America at the office of the Chief Financial Officer, Municipal Building, 149 Wheatsworth Road, Suite A, Hardyston, New Jersey. Interest on this bond will be payable by check or draft mailed to the registered owner hereof whose name appears on the registration books of the Township on January 15 and July 15 next preceding each interest payment date.

This bond is transferable only upon the books of the Township kept for that purpose at the office of the Chief Financial Officer, Municipal Building, 149 Wheatsworth Road, Suite A, Hardyston, New Jersey (the “Transfer Agent”), by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or such duly authorized attorney, and thereupon the Township shall issue in the name of the transferee a new bond or bonds of the same aggregate principal amount and series, designation, maturity and interest rate as the surrendered bond. The Township, the Transfer Agent and any paying agent of the Township may treat and consider the person in whose name this bond is registered as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey, and as provided by an ordinance of the Township Council of the Township, entitled: “Bond ordinance appropriating \$4,825,000, and authorizing the issuance of \$4,595,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Hardyston, in the County of Sussex, New Jersey”, adopted on November 28, 2018 and published as required by law.

The Bonds maturing prior to August 1, 2031 are not subject to redemption prior to maturity at the option of the Township. The Bonds maturing on or after August 1, 2031 are subject to redemption prior to maturity at the option of the Township upon notice as described below in whole or in part, in any order of maturity and by lot within a maturity if less than all the Bonds of such maturity are to be redeemed, on any date on or after August 1, 2030, at a redemption price equal to 100% of the principal amount thereof, together with interest accrued, if any, to the date fixed for redemption.

Notice of redemption shall be given by first-class mail, postage prepaid, to the registered owners of the Bonds or portions thereof to be redeemed, not less than thirty (30) days nor more than sixty (60) days prior to the redemption date, but such mailing shall not be a condition precedent to such redemption and failure so to mail any such notice shall not affect the validity of any proceedings for the redemption of Bonds. If notice of redemption shall have been given as aforesaid, the Bonds or portions thereof specified in said notice shall become due and payable at the redemption price on the redemption date therein designated and if, on the redemption date, moneys for payment of the redemption price of all the Bonds to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, then from and after the redemption date interest on such Bonds shall cease to accrue and become payable. Less than all of a Bond in a denomination in excess of \$5,000 may be so redeemed, and in such case, upon the surrender of such Bond, there shall be issued to the registered owner thereof, without charge therefor, for the unredeemed balance of the principal amount of such Bond, Bonds of like series, designation, maturity and interest rate in any of the authorized denominations.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal or redemption price, if any, and interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed, and that the issue of bonds of which this is one does not exceed any limitation imposed thereon by said Constitution or statutes.

**IN WITNESS WHEREOF, THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX** has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, and its corporate seal to be affixed, imprinted or reproduced hereon, and this bond and said seal to be attested by the manual signature of its Township Clerk and this bond to be dated the above-stated Dated Date.

**THE TOWNSHIP OF HARDYSTON,  
IN THE COUNTY OF SUSSEX**

**(SEAL)**

**ATTEST:**

By \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Township Clerk

\_\_\_\_\_  
Chief Financial Officer



Section 4. Sale of Bonds and Publication of Notice. The Bonds shall be sold upon electric bids submitted on either Grant Street Group's MuniAuction website or the PARITY® Electronic Bid System of i-Deal LLC (as shall be determined by the Chief Financial Officer of the Township after consultation with the Township auditor and bond counsel) on August 8, 2023 until 11:00 o'clock A.M. (or such other date or time as shall be determined by the Chief Financial Officer of the Township after consultation with the Township auditor and bond counsel) and the Township Clerk is hereby authorized and directed to (a) cause a notice of such sale to be published at least once, the first publication to be at least seven days prior to said sale in "*The Herald News*", a newspaper published in the County of Sussex, and circulating in the municipality, and (b) cause a summary of the notice of sale to be published at least once, the first publication to be at least seven days prior to said sale in "*The Bond Buyer*", a financial newspaper published and circulating in the City of New York, New York.

Section 5. Forms of Notices. Said notice of sale and said summary of notice of sale shall be in substantially the following forms, respectively, with such changes and modifications as may be approved by the Chief Financial Officer of the Township after consultation with the Township auditor and bond counsel:

## NOTICE OF SALE

### **THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY**

#### **\$4,500,000 GENERAL BONDS OF 2023**

**ELECTRONIC BIDS** will be received by the Chief Financial Officer of the Township of Hardyston, in the County of Sussex, New Jersey (the "Township"), via the PARITY<sup>®</sup> Electronic Bid System ("PARITY<sup>®</sup>") of i-Deal LLC ("i-Deal") on **Tuesday, August 8, 2023**, until 11:00 a.m., eastern time, at which time they will be publicly announced, for the purchase of \$4,500,000 General Bonds of 2023 (the "Bonds") of the Township due as follows:

\$300,000 on August 1, 2024, \$325,000 on August 1, 2025, \$425,000 on August 1, 2026, \$450,000 on August 1, 2027, \$465,000 on August 1, 2028, \$475,000 on August 1, 2029, \$495,000 on August 1, 2030, \$500,000 on August 1, 2031, \$525,000 on August 1, 2032 and \$540,000 on August 1, 2033.

**Payment Dates.** The Bonds will be dated the date of delivery thereof and will bear interest at the rate or rates per annum specified by the successful bidder therefor in accordance with this Notice of Sale payable on February 1 and August 1 in each year until maturity or earlier redemption, commencing February 1, 2024. The record dates for the payment of principal of and interest on the Bonds will be the January 15 and July 15 next preceding each such payment date.

**Book-Entry Only.** The Bonds will be issued in book-entry form only, initially in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"). Purchasers will not receive certificates representing their interests in the Bonds. Individual purchases will be in the principal amount of \$5,000 or integral multiples of \$1,000 in excess thereof. Payments of principal or redemption price, if any, and interest will be made by the Township or its agent to DTC for subsequent disbursement to DTC participants to then be remitted to the beneficial owners of the Bonds.

**Redemption.** The Bonds maturing prior to August 1, 2031, are not subject to redemption prior to their stated maturities at the option of the Township. The Bonds maturing on or after August 1, 2031, are subject to redemption prior to their stated maturities at the option of the Township upon mailed notice, as described in the resolution of the Township authorizing the Bonds, in whole or in part, in any order of maturity and by lot within a maturity if less than all the Bonds of such maturity are to be redeemed, on any date on or after August 1, 2030, at a redemption price equal to 100% of the principal amount thereof, together with interest accrued, if any, to the date fixed for redemption.

**Bank Qualification.** The Bonds will be designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

**Interest Rate and Price Parameters.** Each bid must specify in a multiple of one-eighth ( $1/8^{\text{th}}$ ) or one-twentieth ( $1/20^{\text{th}}$ ) of one percent (1%) the rate or rates of interest which the Bonds are to bear. Not more than one rate of interest may be specified for the Bonds of the same maturity. There is no limitation on the number of rates of interest that may be specified. The difference between the highest and the lowest rates of interest specified shall not exceed three percent (3%). No bid shall be considered that offers to pay an amount less than the principal amount of the Bonds offered for sale (i.e., \$4,500,000). Any bid premium must not exceed one percent (1%) of the principal amount of the Bonds offered for sale (i.e., \$45,000). The Township may, and expects to, after the receipt of bids, adjust the maturity schedule of the Bonds, as set forth in more detail below.

**Basis of Award.** The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest true interest cost. Such true interest cost shall be computed, as to each bid, by determining the interest rate, compounded semi-annually, necessary to discount the debt service payments to the date of the Bonds and to the price bid. If two (2) or more bidders offer the same lowest true interest cost, then the Bonds will be sold to one (1) of such bidders selected by lot from among all such bidders. The right is reserved to reject any and all bids and, to the extent permitted by law, to waive any irregularity or informality in any bid.

**Good Faith Deposit.** Each bidder is required to deposit a certified or cashier's or treasurer's check drawn upon a bank or trust company payable to the order of the Township of Hardyston, in the County of Sussex, New Jersey, for \$90,000 (the "Deposit Amount"). In lieu of the foregoing, a bidder may deliver the Deposit Amount via a wire transfer of immediately available funds to the Township. Wiring instructions may be obtained by contacting the Township's Manager, Carrine Piccolo-Kaufert at cpiccolo@hardyston.com or (973) 823-7020 (x9444). Such check or wire transfer must be received by the Chief Financial Officer of the Township at or before 11:00 a.m., eastern time, on the bid date at the Municipal Building, 149 Wheatsworth Road, Suite A, Hardyston, New Jersey, 07419. No interest on the

Deposit Amount will accrue to the successful bidder. The Deposit Amount will be applied in part payment for the Bonds or to secure the Township from any loss resulting from the failure of the successful bidder to comply with the terms of its bid.

Award and Closing. Award of the Bonds to the successful bidder, or rejection of all bids, is expected to be made promptly after receipt of the bids, but a bidder may not withdraw its bid until after 2:00 p.m., eastern time, of the day of such bid-receipt and then only if such award has not been made prior to the withdrawal. The Bonds will be delivered and shall be paid for in immediately available funds on or about August 24, 2023, at such place in Newark, New Jersey, and on such business day and at such hour, as the undersigned shall fix on five (5) business days' notice to the successful bidder, or at such other place and time as may be agreed upon with the successful bidder.

PARITY®. Each bid must be submitted via PARITY®. No bidder will see any other bidder's bid, nor will any bidder see the status of its bid relative to other bids (e.g., whether its bid is a leading bid). To the extent any instructions or directions set forth on PARITY® conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY®, potential bidders may contact PARITY® at i-Deal at (212) 404-8102. The Township may, but is not obligated to, acknowledge its acceptance in writing of any bid submitted electronically via PARITY®. Each bidder further agrees that: (1) if a bid submitted electronically via PARITY® is accepted by the Township, the terms of this Notice of Sale and the information that is electronically transmitted via PARITY® shall form a contract and the successful bidder shall be bound by the terms of such contract, (2) PARITY® is not an agent of the Township and the Township shall have no liability whatsoever based on any bidder's use of PARITY®, including but not limited to any failure by PARITY® to correctly or timely transmit information provided by the Township or information provided by the bidder, (3) the Township may choose to discontinue use of electronic bidding via PARITY® by issuing a notification to such effect via TM3 News Services, or by other available means, no later than 3:00 p.m., eastern time, on the last business date prior to the bid date, (4) once the bids are communicated electronically via PARITY® to the Township, each bid shall be deemed to be an irrevocable offer to purchase the Bonds on the terms provided in this Notice of Sale and (5) each bidder shall be solely responsible to make necessary arrangements to access PARITY® for purposes of submitting its bid in a timely manner and in compliance with the requirements of this Notice of Sale. Neither the Township nor i-Deal shall have any duty or obligation to provide or assure such access to any bidder, and neither the Township nor i-Deal shall be responsible for a bidder's failure to register to bid or for the proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, PARITY®. The Township is using PARITY® as a communication mechanism, and not as the Township's agent, to conduct the electronic bidding for the Bonds. By using PARITY®, each bidder agrees to hold the Township harmless for any harm or damages caused to such bidder in connection with its use of PARITY® for bidding on the Bonds.

Change in Federal Tax Law. The successful bidder may at its option refuse to accept the Bonds if prior to their delivery any income tax law of the United States of America shall provide that the interest thereon is taxable, or shall be taxable at a future date, for federal income tax purposes, and in such case the Deposit Amount paid by it will be returned and the successful bidder will be relieved of its contractual obligations arising from the acceptance of its bid.

Bond Insurance Option. If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall be paid by such bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued shall not in any way relieve the successful bidder of its contractual obligations arising from the acceptance of its bid for the purchase of the Bonds.

Establishment of Issue Price (10% Test or Hold-the-Offering-Price Rule May Apply if Competitive Sale Requirements are Not Satisfied – Bidder Option). The successful bidder shall assist the Township in establishing the issue price of the Bonds and shall execute and deliver to the Township at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications, with such modifications as may be appropriate or necessary, in the reasonable judgment of the successful bidder, the Township and bond counsel to the Township. The form of such certificate is available from bond counsel to the Township.

The Township intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the "competitive sale requirements") because: (1) the Township shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters, (2) all bidders shall have an equal opportunity to bid, (3) the Township may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds and (4) the Township anticipates awarding



the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid. Unless a bidder is purchasing the Bonds for its own account and not with a view to distribution or resale to the public, a bidder by submitting its bid represents that it is an underwriter of municipal bonds that has an established industry reputation for underwriting new issuances of municipal bonds.

In the event that the competitive sale requirements are not satisfied, the Township shall so advise the successful bidder. In such event, unless the successful bidder is purchasing the Bonds for its own account and not with a view to distribution or resale to the public, the successful bidder shall elect to treat (i) the first price at which 10% of a maturity of the Bonds (the "10% test") is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the Bonds as the issue price of that maturity (the "hold-the-offering-price rule"), in each case applied on a maturity-by-maturity basis. The successful bidder shall advise the Township if any maturity of the Bonds does not satisfy the 10% test as of the date and time of the award of the Bonds. The successful bidder shall promptly advise the Township which of such maturities of the Bonds shall be subject to the 10% test or shall be subject to the hold-the-offering-price rule. Bids will not be subject to cancellation in the event that the competitive sale requirements are not satisfied. Bidders should prepare their bids on the assumption that some or all of the maturities of the Bonds will be subject to either the 10% test or the hold-the-offering-price rule in order to establish the issue price of the Bonds.

By submitting a bid, the successful bidder shall (i) confirm that the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price or prices (the "initial offering price"), or at the corresponding yield or yields, set forth in the bid submitted by the successful bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following: (1) the close of the fifth (5th) business day after the sale date or (2) the date on which the underwriters have sold at least 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public. The winning bidder will advise the Township promptly after the close of the fifth (5th) business day after the sale date whether it has sold 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

If the competitive sale requirements are not satisfied and the successful bidder has elected the 10% test to apply to any maturity of the Bonds, then until the 10% test has been satisfied as to each such maturity of the Bonds, the successful bidder agrees to promptly report to the Township the prices at which the unsold Bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the closing date has occurred, until either (i) all Bonds of that maturity have been sold or (ii) the 10% test has been satisfied as to the Bonds of that maturity, provided that, the successful bidder's reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the Township or bond counsel to the Township.

The Township acknowledges that, in making the representations set forth above, the successful bidder will rely on (i) the agreement of each underwriter to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds, as set forth in a selling group agreement and the related pricing wires and (iii) in the event that an underwriter or dealer who is a member of the selling group is a party to a third-party distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds, as set forth in the third-party distribution agreement and the related pricing wires. The Township further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds, and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a third-party distribution agreement to comply with its corresponding agreement to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds.

By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable: (A)(1) to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the closing date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the successful bidder that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the successful bidder and (2) to comply with the hold-the-offering-price rule, if applicable, if and for so long as directed by the successful bidder and as set forth in the related pricing wires, (B) to promptly notify the successful bidder of any sales of Bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below) and (C) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the successful bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public and (ii) any agreement among underwriters or selling group agreement relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to (A) report the prices at which it sells to the public the unsold Bonds of each maturity allotted to it, whether or not the closing date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the successful bidder or such underwriter that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the successful bidder or such underwriter and (B) comply with the hold-the-offering-price rule, if applicable, if and for so long as directed by the successful bidder or the underwriter and as set forth in the related pricing wires.

Sales of any Bonds to any person that is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below) shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale: (i) “public” means any person other than an underwriter or a related party, (ii) “underwriter” means (A) the successful bidder, (B) any person that agrees pursuant to a written contract with the successful bidder to form an underwriting syndicate to participate in the initial sale of the Bonds to the public and (C) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (B) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the public), (iii) “related party” means any entity if an underwriter and such entity are subject, directly or indirectly, to (I) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (II) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another) or (III) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other) and (iv) “sale date” means the date that the Bonds are awarded by the Township to the successful bidder.

CUSIP Numbers. It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for the failure or refusal of the successful bidder to accept delivery of and pay for the Bonds. The CUSIP Service Bureau charge for the assignment of CUSIP numbers on the Bonds shall be the responsibility of and shall be paid for by the successful bidder.

Initial and Continuing Disclosure. A preliminary official statement (the “Preliminary Official Statement”) relating to the Bonds is available at [www.munihub.com](http://www.munihub.com) and the Preliminary Official Statement is deemed final as of its date by the Township for purposes and within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. A final official statement (the “Official Statement”) will be delivered to the successful bidder within seven (7) business days of the award of the Bonds. In order to assist bidders in complying with said Rule 15c2-12, the Township will undertake to provide certain continuing disclosure as further described in the Preliminary Official Statement.

Legal Opinion and Closing Documents. The successful bidder will be furnished, without cost, with the approving opinion of the law firm of Hawkins Delafield & Wood LLP, bond counsel to the Township, to the effect that the Bonds are valid and legally binding obligations of the Township and, unless paid from other sources, are payable from ad valorem taxes levied upon all the taxable property therein without limitation as to rate or amount. The obligations under this Notice of Sale to deliver or accept the Bonds pursuant to this Notice of Sale shall be conditioned on the availability to the successful bidder and delivery at the time of delivery of the Bonds of the said approving opinion and of certificates

in form and tenor satisfactory to said law firm evidencing the proper execution and delivery of the Bonds and receipt of payment therefor and including a statement, dated as of the date of such delivery, to the effect that, except as may be disclosed in the Official Statement, there is no litigation pending or (to the knowledge of the signer or signers thereof) threatened relating to the Bonds.

Postponement and Adjustments. The Township reserves the right to postpone, from time to time, the date and time established for receipt of bids and the right to adjust the maturity schedule for the Bonds. Any such postponement or adjustment will be published on TM3 News Services, or by other available means, not less than twenty-four (24) hours prior to the sale. If any date fixed for the receipt of bids and the sale of the Bonds is postponed, an alternative sale date will be announced via TM3 News Services, or by other available means, at least forty-eight (48) hours prior to such alternative sale date.

Availability of Information. Additional information regarding the sale, may be obtained from Hawkins Delafield & Wood LLP, bond counsel to the Township, One Gateway Center, Newark, New Jersey, 07102-5311 (Telephone: 973-642-8584).

**JANE BAKALARCZYK**  
Township Clerk

Dated: July 25, 2023

**SUMMARY OF NOTICE OF SALE**

**THE TOWNSHIP OF HARDYSTON,  
IN THE COUNTY OF SUSSEX, NEW JERSEY**

**\$4,500,000 GENERAL BONDS OF 2023**

**ELECTRONIC BIDS** for the above-described bonds (the “Bonds”) will be received by the Chief Financial Officer of the Township of Hardyston, in the County of Sussex, New Jersey (the “Township”), via the PARITY® Electronic Bid System of i-Deal LLC on **Tuesday, August 8, 2023**, until 11:00 a.m., eastern time. As described in the full Notice of Sale, a good faith check or a wire transfer must be received by the Chief Financial Officer of the Township prior to or simultaneously with the submission of a bid. The Bonds shall mature as follows:

\$300,000 on August 1, 2024, \$325,000 on August 1, 2025, \$425,000 on August 1, 2026, \$450,000 on August 1, 2027, \$465,000 on August 1, 2028, \$475,000 on August 1, 2029, \$495,000 on August 1, 2030, \$500,000 on August 1, 2031, \$525,000 on August 1, 2032 and \$540,000 on August 1, 2033.

The Bonds will be dated the date of delivery thereof and will bear interest payable on February 1 and August 1 in each year until maturity, commencing February 1, 2024, at the rate or rates per annum specified, in multiples of one-eighth (1/8<sup>th</sup>) or one-twentieth (1/20<sup>th</sup>) of one percent (1%), by the successful bidder in accordance with the full Notice of Sale. The Bonds will be issued in book-entry form only and **will** be designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The Bonds are subject to redemption in accordance with the full notice of sale.

Copies of the full Notice of Sale and the Preliminary Official Statement will be available at [www.munihub.com](http://www.munihub.com) and may also be obtained by contacting Hawkins Delafield & Wood LLP, bond counsel to the Township, One Gateway Center, Newark, New Jersey, 07102-5311 (Telephone: 973-642-8584).

**JANE BAKALARCZYK**  
Township Clerk

Dated: July 25, 2023

Section 6. Additional Matters Contained in Bonds. The Chief Financial Officer is hereby authorized and, if necessary or advisable in the opinion of Hawkins Delafield & Wood LLP, directed (a) to cause the applicable CUSIP numbers (if any) assigned for each of said bonds by the CUSIP Service Bureau of Standard & Poor's Corporation of New York, New York, to be printed on the Bonds, and (b) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance, at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds in such form as shall be satisfactory to Hawkins Delafield & Wood LLP.

Section 7. Delivery of Related Documents. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to the successful bidder and the payment of the purchase price thereof in accordance with the contract of sale, the Chief Financial Officer is hereby authorized and directed, as of the date of issue, to deliver to said bidder (a) an arbitrage and use of proceeds certificate with respect to the Bonds in such form as shall be satisfactory to Hawkins Delafield & Wood LLP under and for the purposes of Section 148 of the Internal Revenue Code of 1986, as amended to said date of issue (the "Code"), (b) an undertaking to provide continuing disclosure in order to assist said bidder in complying with Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12") in a form satisfactory to Hawkins Delafield & Wood LLP and (c) such other documents as may be useful, necessary, convenient or desirable in connection with the issuance of the Bonds.

Section 8. Delegation of Power to Award Bonds. The Township Council of the Township, as the governing body thereof, does by this resolution designate the Chief Financial Officer of the Township, or such other Township official as may be deemed appropriate (the "Chief Financial Officer"), to sell and

award the Bonds in accordance with the advertised terms of public sale. The Chief Financial Officer or other Township official making such sale shall report in writing to this governing body at its next meeting thereafter as to the principal amount, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser. The Chief Financial Officer or other Township official is hereby further authorized and directed to do and accomplish all matters and things necessary or desirable to accomplish the sale of the Bonds including, after consultation with the Township auditor and bond counsel, (a) adjusting the maturity schedule of the Bonds and (b) postponing and rescheduling from time to time the sale of the Bonds in accordance with the provisions set forth in the notice of sale and as provided by law.

Section 9. Bank-Qualified Designation. The Bonds are hereby designated as “qualified tax-exempt obligations” pursuant to and for the purposes of Section 265(b)(3) of the Code, or to the extent the Bonds refund other obligations of the Township, the Bonds are “qualified tax-exempt obligations” pursuant to Section 265(b)(3)(D)(iii) of the Code. Not more than \$10,000,000 of obligations, including the Bonds, of the Township and all subordinate entities thereof are expected to be designated by the Township for purposes of Section 265(b)(3) of the Code. As of the date hereof, the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, as referred to and defined in Section 141 of the Code and current refundings of other obligations of the Township), which will be issued by the Township and all subordinate entities thereof during the 2023 calendar year does not exceed \$10,000,000.

Section 10. Preliminary Official Statement. All action taken to date by the officials, employees and agents of the Township with respect to the issuance of the Bonds, including the preparation of a Preliminary Official Statement with respect thereto be and the same hereby are approved, ratified, adopted and

confirmed and the Chief Financial Officer of the Township is hereby authorized to deliver said Preliminary Official Statement for its use in the sale, resale and distribution of the Bonds. The Chief Financial Officer of the Township or such other Township official as may be appropriate is hereby authorized and directed to deem said Preliminary Official Statement final as of its date for purposes and within the meaning of Rule 15c2-12.

Section 11. Final Official Statement. The execution, delivery and dissemination of a final Official Statement in substantially the same form as said Preliminary Official Statement with such changes, insertions and omissions as may be approved by the Chief Financial Officer of the Township with respect to the issuance of the Bonds by and on behalf of the Township, is hereby authorized, and the Chief Financial Officer of the Township or such other Township official as may be deemed appropriate is hereby authorized and directed to execute the same in the name and on behalf of the Township Council and is further authorized to deliver said final Official Statement in executed form for its use in the sale, resale and distribution of the Bonds. The execution of said final Official Statement by the Chief Financial Officer of the Township or such other Township official as may be deemed appropriate shall be conclusive evidence of any approval required hereby.

Section 12. Actions to be Taken on Behalf of the Township. The Township Administrator, the Chief Financial Officer of the Township and the Township Clerk are hereby authorized to do all matters necessary, useful, convenient or desirable to accomplish the sale and delivery of the Bonds, including without limitation matters relating to the provision of electronic bids for the Bonds and the obtaining of a credit rating for the Bonds.

Section 13. Prior Action. All action heretofore taken by Township officials and professionals relating to the sale of the Bonds is hereby ratified, confirmed, adopted and approved.

Section 14. Effective Date. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

**AYES: Kula, Miller, Verrilli, Kaminski, Cicerale**

**NOES:**

I hereby certify the above to be a true copy of the resolution passed by the Hardyston Township Council at a duly convened meeting held on June 28, 2023.

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Jane Bakalarczyk, Township Clerk



**CERTIFICATE**

I, **JANE BAKALARCZYK**, Township Clerk of the Township of Hardyston, in the County of Sussex, New Jersey, **HEREBY CERTIFY** that the foregoing annexed extract from the minutes of a meeting of the Township Council of said Township, duly called and held on June 28, 2023, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Township and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of said Township this 28th day of June, 2023.

(SEAL)

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Jane Bakalarczyk  
Township Clerk

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

- J. Resolution #52-23 – Resolution authorizing the public display of fireworks at Hardyston Day on September 8, 2023 (Rain Date September 9)

**RESOLUTION #52-23**

**RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS  
AT HARDYSTON DAY ON SEPTEMBER 8, 2023 (RAIN DATE SEPTEMBER 9<sup>th</sup>)**

**WHEREAS**, the Hardyston Township Recreation Committee has submitted an application to the Hardyston Township Council for permission for the public display of fireworks on September 8, 2023 (rain date - September 9, 2023) in conjunction with the Township’s Hardyston Day events; and

**WHEREAS**, the Township of Hardyston has adequate insurance coverage for the day of the event,

**NOW, THEREFORE, BE IT RESOLVED** by the Hardyston Township Council, in accordance with Chapter 94 of the Hardyston Township Code regarding “Fire Prevention” and the Uniform Fire Code, that permission is hereby granted to the Hardyston Township Recreation Committee for the public display of fireworks on September 8, 2023; and

**BE IT FURTHER RESOLVED** that the Hardyston Township Recreation Committee must obtain a permit from the Hardyston Township Fire Official and comply with all requirements imposed by the Hardyston Township Fire Official. Failure to obtain a permit or adhere to all of the said requirements will render this permission null and void and subject to enforcement proceedings, fines and penalties as permitted by law. A certified copy of this Resolution shall be provided to the Hardyston Township Fire Official.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 28, 2023**

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

- K. Resolution #53-23 – Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Holland Mountain Road Resurfacing Project

A motion was made by Kula to approve the resolution as presented, seconded by Miller. All in favor. Motion carried. A copy of the resolution is on file in the Clerk's office.

- L. Resolution #54-23 – Resolution authorizing the execution of the Fifth Addendum to the existing Developer's Agreement with Aandrei J. Investors, LLC in relation to the Brecia Farms Subdivision

#### **RESOLUTION #54-23**

#### **A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE FIFTH ADDENDUM TO THE EXISTING DEVELOPER'S AGREEMENT WITH AANDREI J. INVESTORS, LLC IN RELATION TO THE BRECIA FARMS SUBDIVISION**

**WHEREAS**, there is a developer's Agreement between David Hook with an address of 3 Brecia Court, Lafayette, New Jersey 07848 and the Township of Hardyston ("Township"), a municipal corporation of the State of New Jersey with offices located at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey 07419; and

**WHEREAS**, the Developer's Agreement related to property designated as Block 68, Lot 16, known as "Brecia Farms Subdivision" and was executed by the Township and Developer on or about September 7, 2007; and

**WHEREAS**, the Developer's Agreement was previously extended by Addendum for the period December 1, 2011 through November 30, 2014, by Second addendum for the period December 1, 2014 through November 30, 2017, by Third Addendum for the period December 1, 2017 through November 30, 2020, and by Fourth Addendum for the period December 1, 2020 through December 31, 2022; and

**WHEREAS**, the Third Addendum modified the Developer's Agreement parties to reflect a change of Developer from David Hook to Aandrei J. Investors, LLC.; and

**WHEREAS**, the Developer has requested a further extension of the Developer's Agreement; and

**WHEREAS**, the conditions contained within the Fifth Addendum are as follows:

1. All outstanding real property taxes due at the time of the execution of this Fifth Addendum are to be paid within twenty (20) days of execution of this Fifth Addendum by the parties, or within ten (10) days of closing of sale of all or a portion of the remaining parcels within the subdivision, whichever date occurs first in time.
2. Developer shall remit \$10,000 to the Township in order to replenish the existing escrow account to cover professional services in connection with requirements of the Developer's Agreement and subsequent Addenda.
3. The terms of this Fifth Addendum may be supplemented and amended with the requirements contained in the forthcoming inspection memorandum of the Township Engineer.
4. All the terms and provisions of the Developer's Agreement, the Addendum, the Second Addendum, the Third Addendum and the Fourth Addendum thereof between the Township and Developer remain in full force and effect.

#### **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 28, 2023**

5. The Developer's Agreement is hereby extended for twenty-four (24) months for the period of December 31, 2022 through December 31, 2024.
6. Developer acknowledges that Irrevocable Standby Letter of Credit No. 630059643 has been called, that the Township has received the funds and may utilize them to

- construct the necessary roadway at the appropriate time and as needed in connection with the project.
7. Developer understands that if all of the funds received by the Township from calling Irrevocable Standby Letter of Credit No. 630059643 are not utilized, the Township may refund the unused funds to the Developer.
  8. Developer acknowledges and agrees that if all of the funds received by the Township from calling Irrevocable Standby Letter of Credit No. 630059643 are not sufficient to complete the required improvements, the Developer shall be responsible for such expenses as required and billed by the Township with an itemized accounting of the overages.
  9. Developer shall present to the Township proof of sufficient insurance coverage for all aspects of the project.
  10. Should the Developer sell the property, or any portion of the property, **such purchaser** shall be required to work with the Township to enter into a new Developer's Agreement, to establish necessary bonds and escrow and to obtain all necessary permits.
  11. The Developer acknowledges that the Township has not formally accepted the road and that the Township may utilize the funds received from calling Irrevocable Standby Letter of Credit No. 630059643 to complete the remaining public improvements including, but not limited to, construction of said roadway at the appropriate time depending on several factors, including but not limited to the completion of construction of the homes within the development.
  12. Developer acknowledges that the Township is not responsible for any damage caused to the roads during construction and waives the right to request repair of same from the Township.
  13. The Developer remains responsible for all off-site improvements contained within the original Developer's Agreement and all subsequent Addenda.
  14. The Developer shall cooperate with the Township in all procedures necessary to achieve the transfer, dedication and acceptance of the roads within the Brecia Farms Subdivision, including without limitation the provision of title work.
  15. All conditions of the Resolution adopted on April 28, 2021 by the Hardyston Township Council authorizing the execution of the Fourth Addendum and the conditions contained within this Fifth Addendum must have been fully complied with by the Developer prior to December 31, 2024.
  16. This Fifth Addendum shall be recorded with the Sussex County Clerk's Office and shall be binding on the Developer, its successors and/or assigns.

**WHEREAS**, the Township Manager has reviewed and approved the Developer's request for an additional twenty-four (24) month extension subject to the conditions outlined in the Fifth Addendum which have been reviewed by the Township Manager and Township Attorney.

**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 Council hereby authorizes the execution of a Fifth Addendum to the Developer's Agreement between the Township of Hardyston and Aandrei J. Investors, LLC, dated September 7, 2007, for the Brecia Farms Subdivision, Block 68, Lot 16, for twenty-four (24) months to December 31, 2024.

This Resolution shall take effect immediately upon adoption.

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

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 28, 2023**

- M. Resolution #55-23 - Resolution determining that the properties identified as Block 75, Lots 53, 72.01, and 72.02 be designated as a non-condemnation redevelopment area in accordance with the local Redevelopment and Housing Law, N.J.S.A. 40a:12a-1 et seq.

**RESOLUTION #55-23**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY DETERMINING THAT THE PROPERTIES IDENTIFIED AS BLOCK 75, LOTS 53, 72.01, AND 72.02 BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

**WHEREAS**, on August 24, 2022, the Township Council ("Council") of the Township of Hardyston ("Township") adopted a Resolution authorizing and directing the Land Use Board of the Township ("Board") to conduct a preliminary investigation to determine whether certain properties, identified as Block 75, Lots 53, 72.01, and 72.02, or any portions thereof ("Study Area"), meet the criteria set forth in the Redevelopment Law and should be designated as a Non-Condemnation Redevelopment Area, as that term is defined by the Redevelopment Law; and

**WHEREAS**, the Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condemnation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

**WHEREAS**, a public hearing was conducted by the Board on June 12, 2023, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

**WHEREAS**, after completing its investigation and public hearing on this matter, the Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq., for designating Block 75, Lots 53, 72.01, and 72.02 of the Study Area as a Non-Condemnation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

**WHEREAS**, in accordance with the Redevelopment Law, the Board recommended to the Township Council that Block 75, Lots 53, 72.01, and 72.02 be designated as a Non-Condemnation Redevelopment Area; and

**WHEREAS**, the Township Council considered the Board's recommendation at a duly noticed meeting on June 28, 2023 ('Public Meeting'); and

**WHEREAS**, at the Township Council's Public Meeting, members of the general public were given an opportunity to be heard and to address questions concerning the potential designation of the Study Area as a Non-Condemnation Redevelopment Area; and

**WHEREAS**, the Township Council finds it appropriate to accept the recommendation of the Board to declare the Study Area as a Non-Condemnation Area in Need of Redevelopment.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Hardyston, County of Sussex, State of New Jersey accepts the recommendation from the Land Use Board of the Township of Hardyston and finds that Block 75, Lots 53, 72.01, and 72.02 as shown on the official tax map of the Township of Hardyston be and are hereby deemed to be a Non-Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

**BE IT FURTHER RESOLVED**, that the designation of Block 75, Lots 53, 72.01, and 72.02 as a Non-Condemnation Redevelopment Area shall not authorize the Township to exercise the power of eminent domain to acquire any property in the Study Area; and

**BE IT FURTHER RESOLVED**, that the Township hereby reserves all other authority and powers granted to it under the Redevelopment Law; and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 28, 2023**

**BE IT FURTHER RESOLVED**, that the Clerk of the Township of Hardyston shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review; and

**BE IT FURTHER RESOLVED** that within ten (10) days of the Township Council's adoption of the within Resolution, the Clerk of the Township of Hardyston shall serve notice of the Township

Council's determination and the within Resolution upon all record owners of property within the Non-Condensation Redevelopment Area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent and upon the Commission of the New Jersey Department of Community Affairs; and

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

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

- N. Resolution #56-23 - Resolution authorizing an amended professional services agreement with Heyer, Gruel, & Associates to prepare a redevelopment plan in connection with the properties identified as Block 16, Lot 8.01 and Block 14, Lot 24.01, which properties are designated as a non-condemnation redevelopment area in accordance with the local Redevelopment and Housing law, N.J.S.A. 40a:12a-1 et seq.

#### **RESOLUTION #56-23**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING AN AMENDED PROFESSIONAL SERVICES AGREEMENT WITH HEYER, GRUEL, & ASSOCIATES TO PREPARE A REDEVELOPMENT PLAN IN CONNECTION WITH THE PROPERTIES IDENTIFIED AS BLOCK 16, LOT 8.01 AND BLOCK 14, LOT 24.01, WHICH PROPERTIES ARE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

**WHEREAS**, on November 20, 2019 the Township Council ("Council") of the Township of Hardyston ("Township") adopted a Resolution authorizing and directing the Planning Board of the Township ("Board") to conduct a preliminary investigation to determine whether certain properties, identified as Block 16, Lots 8.01 and 3.03 and Block 14, Lot 24.01, or any portions thereof ("Study Area"), meet the criteria set forth in the Redevelopment Law and should be designated as a Non-Condensation Redevelopment Area, as that term is defined by the Redevelopment Law; and

**WHEREAS**, the Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condensation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

**WHEREAS**, as part of its preliminary investigation, the Board caused Leigh Fleming, P.P., from Heyer, Gruel & Associates, the Board's Consulting Planner, to prepare an Area In Need of Redevelopment Investigation Study ("Area in Need Study") for the Board for its consideration in determining whether the Study Area should be designated a Non-Condensation Redevelopment Area; and

**WHEREAS**, a public hearing was conducted by the Board on December 10, 2020, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

**WHEREAS**, after completing its investigation and public hearing on this matter, the Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq., for designating Block 16, Lot 8.01 and Block 14, Lot 24.01 of the Study Area as a Non-Condensation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

#### **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 28, 2023**

**WHEREAS**, after completing its investigation and public hearing on this matter, the Board concluded that there was insufficient evidence to qualify Block 16, Lot 3.03 of the Study Area as a Non-Condensation Redevelopment Area; and

**WHEREAS**, in accordance with the Redevelopment Law and as memorialized by Resolution, dated January 28, 2021, the Board recommended to the Township Council that Block 16, Lot 8.01 and Block 14, Lot 24.01 be designated as a Non-Condensation Redevelopment Area; and

**WHEREAS**, the Township Council considered the Board's recommendation at a duly noticed special meeting on February 9, 2021; and

**WHEREAS**, the Township Council accepted the recommendation of the Planning Board to declare the Study Area as a Non-Condernation Redevelopment Plan; and

**WHEREAS**, Heyer, Gruel & Associates presented a proposal, dated February 9, 2021, proposing an hourly rate to prepare a Redevelopment Plan and associated presentations, with a total amount not to exceed \$28,000.00, including costs; and

**WHEREAS**, The Township Council on February 10, 2021 approved Resolution 12-21, authorizing and directing the firm of Heyer, Gruel & Associates, to prepare a Redevelopment Plan for the Study Area, including an outline for the planning, development and redevelopment of the Study Area pursuant to N.J.S.A. 40A:12A-7 and to present same to the Board and Township Council at the hourly rate stated in its proposal in an amount not to exceed \$28,000.00, including costs ('Redevelopment Plan'); and

**WHEREAS**, Heyer, Gruel & Associates has now presented a proposal, dated June 20, 2023, to complete the Redevelopment Plan at its established hourly rate, but at a total potential cost not to exceed \$6,500.

**NOW, THEREFORE, BE IT RESOLVED**, that the firm of Heyer, Gruel & Associates, having been previously retained by the Township, is authorized and directed to prepare a Redevelopment Plan for the Study Area, including an outline for the planning, development and redevelopment of the Study Area pursuant to N.J.S.A. 40A:12A-7, and present same to the Land Use Board and Township Council at the hourly rate stated in its proposal, with a total amount not to exceed \$6,500, including costs; and

**BE IT FURTHER RESOLVED**, that the Land Use Board shall transmit a report containing its recommendation concerning the Redevelopment Plan to the Township Council. The Land Use Board's report shall include an identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Land Use Board deems appropriate; and

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

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

- O. Resolution #57-23 – Resolution authorizing an addendum to Construction Office Shared Service Agreements

### **RESOLUTION #57-23**

#### **A RESOLUTION OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT FOR THE UPGRADE OF SOFTWARE UTILIZED FOR CONSTRUCTION PROJECT MANAGEMENT**

**WHEREAS**, a shared service agreement exists between the Township of Hardyston, the Borough of Franklin, the Borough of Sussex, the Town of Newton, the Borough of Hamburg, and the Township of Wantage (together, the 'Municipalities'), whereby the Township of Hardyston serves as the host community in providing online construction permitting services for the Municipalities ('Online Permitting Services'), in accordance with N.J.S.A. 40A:65-1 et seq.; and

#### **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 28, 2023**

**WHEREAS**, pursuant to the Electronic Permit Processing Review System (P.L. 2021, c 70), all municipalities in New Jersey must have a system in place that complies with the State's DCA guidance, including a means by which 80% of all permit applications may be submitted online; and

**WHEREAS**, the Township of Hardyston currently provides the Online Permitting Services by utilizing software provided by Mitchell Humphrey to manage the construction data for the Municipalities; and

**WHEREAS**, an upgrade to the Mitchell Humphrey software program ('Software Program') is needed in order to comply with the aforesaid Electronic Permit Processing Review System (P.L. 2021, c 70); and

**WHEREAS**, the costs required to upgrade the Software Program and provide annual maintenance are set forth over a five-year period and are more particularly delineated in the attached Schedule A ('Upgrade Costs'); and

**WHEREAS**, the Township Council of the Township of Hardyston recognizes that allocating the Upgrade Costs among the Municipalities will result in cost savings for each of the Municipalities, including the Township of Hardyston; and

**WHEREAS**, there is before the Township Council a proposed shared service agreement whereby the Upgrade Costs will be allocated among the Municipalities ('Shared Service Agreement'); and

**WHEREAS**, the Township Council has reviewed the Shared Service Agreement, a copy of which is attached hereto, and finds it to be in the best interests of the Township.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Hardyston, that the Township Manager and Clerk be authorized to enter into the Shared Service Agreement between the Township of Hardyston, the Borough of Franklin, the Borough of Sussex, the Town of Newton, the Borough of Hamburg, and the Township of Wantage, to upgrade the Township's online construction permitting software system and provide annual maintenance.

**BE IT FURTHER RESOLVED**, that, pursuant to the Shared Service Agreement, costs shall be allocated among the Township of Hardyston, the Borough of Franklin, the Borough of Sussex, the Town of Newton, the Borough of Hamburg, and the Township of Wantage in accordance with Schedule A to the Shared Service Agreement.

**BE IT FURTHER RESOLVED**, this Resolution shall be attached to the Shared Service Agreement.

**BE IT FURTHER RESOLVED**, that a copy of the Shared Service Agreement shall be maintained in the Office of the Clerk of the Township of Hardyston and be available for public inspection.

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

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 28, 2023**

P. Resolution #58-23 – Amendment to 2023 Salary Resolution

### **RESOLUTION #58-23**

**2023 SALARY & WAGES FOR TOWNSHIP OFFICIALS AND EMPLOYEES**

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

<u>Position</u>	<u>Hourly Salary</u>
Secretary/Administration – Technical Assistant to Construction Official	\$25.60/hour
Secretary/Administration - Construction	\$25.09/hour
Part-time Secretary/Clerical – Utility Billing/Tax Collector	\$21.00/hour

<u>Position</u>	<u>Annual Salary</u>
Tax Collector	\$77,000

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

<u>Position</u>	<u>Hourly Salary</u>
Part-time Summer Laborer w/ 5+ years experience	\$20.00/hour
Part-time Summer Laborer	\$15.00/hour

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

- Q. Resolution #59-23 – Resolution authorizing an amendment of the Township’s Professional Services Contract with Associated Appraisal Group for real estate appraisal services

**RESOLUTION #59-23**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING AMENDMENT OF THE TOWNSHIP’S PROFESSIONAL SERVICES CONTRACT WITH ASSOCIATED APPRAISAL GROUP FOR REAL ESTATE APPRAISAL SERVICES**

**WHEREAS**, by Resolution No. 98-21, the Township of Hardyston contracted with Associated Appraisal Group for professional appraisal services to be rendered to the Township relating to a real estate appraisal for property in the Township (‘Appraisal Services’); and

**WHEREAS**, by Resolution No. 98-21, the Township authorized the expenditure of an amount not to exceed \$1,500 in connection with the Appraisal Services; and

**WHEREAS**, it has come to the attention of the Township Council that the cost for the Appraisal Services will be higher than that anticipated at the time Resolution No. 98-21 was approved, primarily because there are additional costs that will now be incurred by Associated Appraisal Group in order to prepare for a Tax Court trial (‘Additional Costs’); and

**WHEREAS**, it is estimated that these Additional Costs will amount to approximately \$3,000; and

**WHEREAS**, the Township Council wishes to authorize the expenditure of an additional amount not to exceed \$3,000 in connection with the Appraisal Services; and

**WHEREAS**, funds are available for this purpose; and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 28, 2023**

**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 and Township Manager to expend up to an additional \$3,000 to be paid to Associated Appraisal Group, 6 Commerce Drive, Third Floor, Cranford,



New Jersey, 07016, in connection with the professional services agreement between the Township and Associated Appraisal Group which agreement is attached hereto as Exhibit A.

2. This contract was 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 \$4,500.00 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 Grant W. Rome, Township Chief Financial Officer and Associated Appraisal Group, 6 Commerce Drive, Third Floor, Cranford, New Jersey, 07016, for their information and guidance.

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.

- R. Resolution #60-23 – Resolution authorizing submission of 2023 Spotted Lanternfly Control Treatment Program Grant Application

### **RESOLUTION #60-23**

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

1. 2023 Spotted Lanternfly Control Treatment Program Grant Application Submission

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

- S. Correspondence

1. Hampton Township
2. Fredon Township
3. JCP&L
4. Lauren & Robert Drumm, Jr.

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

**COUNCIL COMMENTS:** Councilman Kula reminded everyone about the upcoming Hardyston Recreation events.

**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 William Walsh asked for an update on his drainage issue. Several members of the Hardyston Township Board of Education thanked the Council for approving Resolution #38-23 in support of school safety at the May 24, 2023 meeting. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 28, 2023**

### **EXECUTIVE SESSION:**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston on the 28th day of June, 2023, that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):

2.

- ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations.
  - ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - ( X ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
  - ( X ) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
  - ( X ) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.
3. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Motion to adopt: Miller  
 Seconded by: Kula

<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Kula	<u>  x  </u>	_____	_____	_____
Miller	<u>  x  </u>	_____	_____	_____
Verrilli	<u>  x  </u>	_____	_____	_____
Kaminski	<u>  x  </u>	_____	_____	_____
Cicerale	<u>  x  </u>	_____	_____	_____

Motion carried.

A motion was made by Kula to come out of Executive Session, seconded by Cicerale. All in favor. Motion carried.

At this time, a motion was made by Kula to have a Memorandum of Understanding drafted by the Township Attorney to help support the efforts of the Board of Education to provide for heightened security in the schools of the Hardyston Township School District, seconded by Kaminski. All in favor with Verrilli and Cicerale voting “No”.

**ADJOURNMENT:** A motion was made by Miller to adjourn at approximately 9:57 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
 Municipal Clerk