

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 14, 2023**

The meeting was called to order by Deputy Mayor Verrilli 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: Councilman Kula, Councilman Miller, Councilman Cicerale, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk, and Township Attorney Robert Rossmeyssl of Dorsey & Semrau. Mayor Kaminski was present via Zoom.

SALUTE THE FLAG

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

Monthly Reports:

1. Municipal Clerk Report – July 2023
2. Tax Collector Report – July 2023
3. Construction Certificate Activity Report – July 2023
4. Construction Permit Activity Report – Hardyston – July 2023
5. Construction Permit Activity Report – Hamburg – July 2023
6. Construction Permit Activity Report – Franklin – July 2023
7. Construction Permit Activity Report – Newton – July 2023
8. Construction Permit Activity Report – Sussex – July 2023
9. Construction Permit Activity Report – Wantage – July 2023
10. Municipal Court Report – July 2023
11. Police Department Report – July 2023
12. Land Use Report – July 2023
13. Department of Public Works Report - July 2023
14. Sussex County Health Department Report – June 2023

Agreements/Applications/Licenses:

1. Hardyston Township Fire Department - New Jr. Member Application – Liam Brown

A motion was made by Miller 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:

- Online Public Auction
- Construction Agreements
- Grant – Lanternfly Treatment
- Solar Project – Landfill
- Bid – Fire Chief Vehicle
- Reassessment and Added Assessments

ORDINANCES

1ST READING:

2023-10

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY
OF SUSSEX AND STATE OF NEW JERSEY, ACCEPTING THE LAND
DONATION OF BLOCK 14, LOT 22.01, ALSO KNOWN AS 3601 ROUTE
94, LOCATED IN THE TOWNSHIP OF HARDYSTON**

WHEREAS, U.S. Concrete, Inc. is the owner of vacant land located within the Township of Hardyston known as Block 14, Lot 22.01 on the Township Tax Map and consisting of approximately 190 acres ('Property'); and

WHEREAS, U.S. Concrete, Inc. has advised the Township that it wishes to donate said Property to the Township without any specific conditions or compensation ('Land Donation'); and

WHEREAS, the Mayor and Council believe that it would be in the best interest of the Township to accept this donation of Property subject to a due diligence review of the environmental condition of the Property, a clear title search and final review or revision to the agreement by the Township Attorney; and

WHEREAS, the Township on February 22, 2023, approved Resolution #21-23, authorizing the Township to enter into a land donation agreement between U.S. Concrete, Inc. and the Township of Hardyston, concerning the Property ('Land Donation Agreement'); and

WHEREAS, Resolution #21-23 conditioned the Township's acceptance of the Land Donation upon the completion of a due diligence review of the environmental condition of the property, a clear title search, and a final review of or revision to the agreement by the Township Attorney ('Due Diligence Process'); and

WHEREAS, N.J.S.A. 40A:12-1, et seq., the Local Lands and Buildings Law, authorizes municipalities to acquire real property by gift, pursuant to a duly adopted ordinance; and

WHEREAS, the Land Donation Agreement is conditioned upon all real estate taxes being current prior to closing, the Township adopting the instant Land Acquisition Ordinance, the conducting of a satisfactory environmental review of the property, and an acceptable title search of the property ('Agreement Requirements').

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

1. Subject to the Township completing due diligence to the satisfaction of the Township Council, the Township does hereby graciously accept the donation of the property located at Block 14, Lot 22.01 on the Township Tax Map ('Property'), from U.S. Concrete, Inc.
2. Subject to the Township completing due diligence to the satisfaction of the Township Council, the Township Attorney is hereby directed to prepare a Deed transferring the Property from U.S. Concrete, Inc. to the Township of Hardyston.
3. The Mayor, Township Manager, Township Attorney, Township Clerk, and/or such other Township Officials as the law may provide, are hereby authorized to prepare and execute such additional documents as may be required to effectuate the acquisition of the Property.
4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.
5. If any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, and they shall remain in full force and effect.
6. This Ordinance shall take effect immediately upon final passage and publication according to law.

A motion was made by Miller to approve Ordinance 2023-10 on first reading, seconded by Cicerale. All in favor. Motion carried.

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AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CERTAIN PORTIONS OF CHAPTER 165, TOWERS & WRECKERS, OF THE REVISED GENERAL ORDINANCES TO ESTABLISH MAXIMUM RATES FOR APPROVED TOWING COMPANIES IN THE TOWNSHIP OF HARDYSTON

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

SECTION 1. Chapter 165, Towers & Wreckers, Section 165-3, Details of Towing Agreements, subsection J., of the aforesaid Revised General Ordinances is hereby amended to read as follows:

J. Towing companies shall prepare an invoice for towing charges for each vehicle towed, consistent with the maximum New Jersey State Police Rates set annually by the Garden State Towing Association, where applicable.

SECTION 2. Chapter 165, Towers & Wreckers, Section 165-4, Rates for Towing Services of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 165-4. Rates for towing services.

A. The rates applicable for all towing companies contracted with the Township of Hardyston shall not exceed the enumerated fees set by the Garden State Towing Association's annual fees set for the maximum New Jersey State Police Towing Rates. These tariffs are annually recalculated based upon a random sampling of reasonable fees utilized by commercial and municipal towers. The Hardyston Township Police Department has determined that the average rate per category based upon the Association's census is reasonable and is acceptable for use by this agency. These rates are subject to change throughout the year.

B. The rates applicable to towing services performed under the guidelines of the State of New Jersey shall be posted in a conspicuous place, at the towing companies' facilities.

C. Complaints of any kind relative to services, overcharging, theft of parts, damage to towed or stored vehicles and the like shall be referred to the Chief of Police for investigation.

(1) Such violations or any other violation of this chapter may be cause for imposition of penalties by the Chief of Police, enumerated as follows:

- (a) Written warning; and/or
- (b) Suspension from five tow calls; and/or
- (c) Suspension for three months; and/or
- (d) Permanent revocation.

(2) The penalty set forth in Chapter 1, Article II, of this Code shall not be applicable to violations determined by the Chief of Police under this section.

(3) Towing companies permanently revoked from the rotating list by the Chief of Police may request a hearing before the Township Council to appeal said revocation.

D. In such cases, an appeal may be filed with the Township Clerk within 10 business days of the imposition of the penalty. A hearing may be held by the Hardyston Township Council within 30 days of the filing of such an appeal. The Hardyston Township Council shall render its determination within 30 days following the conclusion of the hearing. The governing body's decision shall be final and conclusive.

SECTION 4. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 6. This Ordinance may be renumbered for purposes of codification.

SECTION 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made by Cicerale to approve Ordinance 2023-11 on first reading, seconded by Kula. All in favor. Motion carried.

2023-12

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES AND ADOPTING AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT FOR PAYMENT IN LIEU OF TAXES WITH NOVELLE, LLC, PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ.

WHEREAS, Nouvelle, LLC (“Nouvelle”) has been qualified by the State of New Jersey to do business as an urban renewal entity (“URE”) under the provisions of the Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., as amended and supplemented (the “LTTE Law”); and

WHEREAS, Nouvelle seeks to effectuate the redevelopment, operation, and maintenance of the Project known as 132 Wheatsworth Road, Hardyston, New Jersey, 07419, Block 63 And Lot 26.01 on the Township Tax Map (the “Project”); and

WHEREAS, in order to improve the feasibility of the renovation, operation, and maintenance of the Project, Nouvelle made application to the Township requesting a long term tax exemption and financial agreement with respect to the Project; and

WHEREAS, there was also submitted as part of the application a form of a financial agreement, pursuant to which Nouvelle agrees to pay, in lieu of tax payments, an Annual Service Charge in lieu of taxes on the Project based on the gross revenues of the Project, with minimum Annual Service Charges pursuant to N.J.S.A. 40A:20-12 (“PILOT Agreement”); and

WHEREAS, the Project will conform to all applicable municipal zoning ordinances and will be in conformance with the Township’s Master Plan; and

WHEREAS, the Township Council has reviewed the terms of the PILOT Agreement, and wishes to approve Nouvelle’s application on such terms; and

WHEREAS, the Township Council has determined that the Project represents an undertaking permitted by the LTTE Law; and

WHEREAS, the Township hereby finds that the relevant benefits of the Project to the including the creation of affordable housing will outweigh the costs, if any, associated with the tax exemption, which relevant benefits are further described in the PILOT Agreement; and

WHEREAS, the Township hereby determines that the assistance provided to the Project pursuant to the PILOT Agreement will be a significant inducement for Nouvelle to proceed with the Project and contribute to the feasibility of the Project.

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

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SECTION 1.

A. General

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

B. Approval of Exemption from Taxation

An exemption from taxation as set forth in the Agreement for Payment in Lieu of Taxes (attached hereto as “Exhibit A”) is hereby approved and granted to Nouvelle, LLC (“Nouvelle”) with respect to the Project known as 132 Wheatsworth Road, Hardyston, New Jersey, 07419, Block 63 And Lot 26.01 on the Township Tax Map (the “Project”), in accordance with the terms set forth in the Agreement for Payment in Lieu of Taxes (“PILOT Agreement”); provided that in no event shall the term of the PILOT Agreement exceed the earlier of thirty-five (35) years from the date of execution thereof or (ii) to the extent permitted by the LTTE Law, thirty (30) years from the Nouvelle’s receipt of a Certificate of Occupancy (as defined in the PILOT Agreement) for the Project and only so long as Nouvelle remains subject to and in compliance with the PILOT Agreement and the LTTE Law and any other agreement related to the Project or the Premises; and provided, further, that in no event shall the resulting property tax obligation in each year the property tax exemption is in effect, when combined with the Annual Service Charge as defined in the PILOT Agreement, be less than the amount of the Land Taxes (as defined in the PILOT Agreement) prior to redevelopment.

C. Execution of PILOT Agreement Authorized

(i) The Mayor, in consultation with legal counsel to the Township, is hereby authorized and directed to execute the PILOT Agreement, substantially in the form as it has been presented to the Mayor and Council, subject to additions, deletions, modifications, or revisions deemed necessary and appropriate in consultation with counsel, and any other agreements necessary to effectuate the PILOT Agreement.

(ii) The Township Clerk is hereby authorized and directed, upon the execution of the PILOT Agreement in accordance with the terms of Section C(i) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the seal of the Township upon such document.

(iii) Within thirty (30) days of its execution, the Township Clerk shall file certified copies of this ordinance and the executed PILOT Agreement with the Tax Assessor of the Township and shall forward a certified copy of this Ordinance and the executed PILOT Agreement to the Director of the Division of Local Government Services within the New Jersey Department of Community Affairs in accordance with Section 12 of the LTTE Law.

(iv) The executed copy of the PILOT Agreement shall be filed with the Office of the Township Clerk.

D. Entity Obligations

(i) The Project shall conform with all Federal and State laws and ordinances and regulations of the Township relating to its construction and use.

(ii) Nouvelle shall, in the operation of the Project, require compliance with all laws so that no person because of race, religious principles, color, national origin or ancestry, will be subject to discrimination.

(iii) Nouvelle shall, from the time the Annual Service Charge becomes effective, pay the Annual Service Charge as set forth in the PILOT Agreement.

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E. Action Regarding PILOT Agreement

The Mayor, the township Manager, the Township Clerk, and any other Township official, officer or professional, including but not limited to, Township legal counsel, and the auditor to the Township, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

SECTION 2. Severability. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. Repealer. All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this Ordinance are to the extent of such inconsistency repealed.

SECTION 4. Effect. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

SECTION 5. Availability. A copy of this Ordinance shall be available for public inspection at the offices of the Township

A motion was made by Kula to approve Ordinance 2023-12 on first reading, seconded by Miller. All in favor. Motion carried.

2023-13

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CERTAIN PORTIONS OF CHAPTER 185, ZONING OF THE REVISED GENERAL ORDINANCES TO ADDRESS MISCELLANEOUS CORRECTIONS AND CLARIFICATIONS AND TO AMEND THE STANDARDS FOR ACCESSORY USES IN RESIDENTIAL ZONES BASED UPON A COMPREHENSIVE REVIEW OF THE TOWNSHIP'S LAND USE CHAPTERS

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

Section 1. Chapter 185, Zoning, Section 185-4, Definitions, Subsection (C) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented as follows:

- a. ACCESSORY USE OR STRUCTURE is hereby repealed and replaced with the following:

ACCESSORY USE – A use of land or of a building or portion thereof customarily incident and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ACCESSORY STRUCTURE - A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

- b. LOT COVERAGE is hereby repealed and replaced with the following:

LOT COVERAGE - That portion of one lot or more than one lot which is improved or is proposed to be improved with buildings, structures, or impervious surface, including but not limited to driveways, parking lots, pedestrian walkways and other man-made improvements.

- c. The following definitions are hereby repealed and replaced with the following:

RECREATION FACILITY - A place designed and equipped for the conduct of sports and leisure time activities.

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RECREATION FACILITY, COMMERCIAL - A recreation facility operated as a business and open to the public for a fee.

RECREATION FACILITY, PERSONAL - A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupant of the principal use and their guest.

RECREATION FACILITY, PRIVATE - A recreation facility operated by a private organization and open only to bona fide members and guests.

RECREATION FACILITY, PUBLIC- A recreation facility open to the general public.

d. The following definitions are hereby added as follows:

IMPERVIOUS SURFACE - A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water

e. The following definition is hereby repealed:

BUILDING COVERAGE

Section 2. Chapter 185, Zoning, Section 185-17, Parking and storage of recreational vehicles as an accessory use to single family residence, of the aforesaid mentioned Revised General Ordinances is hereby repealed and replaced to read as follows:

§ 185-17. Parking and storage of recreational vehicles as an accessory use to single-family residence.

Recreational vehicles, including boats, boat trailers, snowmobiles and snowmobile trailers, as well as campers, tent campers, motor homes, trailers and travel trailers, may be parked in any zone, subject, however, to the following restrictions and regulations:

- A. The area in which such recreational vehicles are parked shall be paved in accordance with the requirements of Article XX, § 185-80.
- B. All other recreational vehicles shall be parked or stored in the side or rear yard areas only and shall meet the requirements applicable to accessory buildings for the zone in which they are located, with respect to setback requirements.
- C. The area, exclusive of garage area, that may be used for storage of such recreational vehicles shall not exceed 7% of the total lot area or 320 feet, whichever is less.
- D. Such recreational vehicles shall be screened from view either by fencing, not to exceed six feet in height or with a vegetative screen.
- E. Off-street parking provided for and utilized by recreational vehicles shall be in addition to any other parking provisions required by this section.
- F. Horse trailers may be considered as a recreational vehicle where horses and/or ponies for riding purposes are kept in connection with single-family residence use on the premises as a permitted accessory use.
- G. Such vehicles must be owned by the resident of the single-family dwelling.
- H. Such vehicles shall not contain any commercial lettering or advertising
- I. Habitation of any recreational vehicle is prohibited.

Section 3. Chapter 185, Zoning, Section 185-50, Agricultural Uses, Subsection (A) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

§ 185-50. Agricultural uses.

Farms, including customary farm occupations and lands which qualify as farmlands, as defined herein, shall be subject to the following regulations:

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- A. Buildings utilized for horticulture, nurseries, greenhouses and for the growing, raising, harvesting and sale of agricultural crops or for any other farm use shall be not less than 100 feet from any front, side or rear lot line, except that residential buildings may be

constructed and located in conformity with the standards for residences within those districts in which they are located.

Section 4. Chapter 185, Zoning, Article XV, Additional Regulations Governing Permitted Accessory Uses and Structures, of the aforesaid mentioned Revised General Ordinances is hereby repealed and replaced to read as follows:

ARTICLE XV

Additional Regulations Governing Permitted Accessory Uses and Structures

§ 185-53. Accessory structures in all zones.

Accessory structures not attached to a principal structure may be erected in accordance with the following regulations:

- A. Except as otherwise specifically provided in this chapter, no accessory structures shall be located in any required front yard.
- B. Except where otherwise specifically permitted by this chapter, accessory structures in multifamily and nonresidential zones shall meet the setback requirements of the principal building.
- C. No portion of any accessory structure shall be used for living quarters for people except in the case of farm tenant houses, gate keepers lodges and the like.
- D. When an accessory structure is attached to the principal building, it shall be considered as a part of the principal building and it shall comply in all respects with the requirements of this chapter applicable to the principal structure.
- E. Accessory structures shall be included in meeting the maximum impervious surface requirements for the district.
- F. Not more than three accessory structures shall be permitted in connection with a residential principal use in any residential or mixed-use zone except that any agricultural or nonresidential use allowed in these zones may have as many accessory structures as necessary.
- G. Accessory structures associated with any agricultural use may be permitted in the front yard of the principal residential use so long as it shall meet a minimum setback of 100 feet from the front lot line.
- H. Drainage pipes, inlets, headwalls, walkways, retaining walls, septic tanks wells, parking lots, driveways, docks, patios and similar accessory structures shall be exempt from the requirements set forth above except for Subsection E.

§ 185-54. Personal recreational facilities in residential zones.

The following regulations shall apply to permanent and portable swimming pools, as defined by the construction code, tennis courts, outdoor entertainment areas and similar personal recreation facilities:

- A. All accessory structures associated with the personal recreational facility that are contiguous shall be considered one accessory structure.
- B. Said use shall be erected on the same lot as the principal structure and shall require a construction permit.
- C. Said use may be erected in the side and/or rear yard and shall be not less than 15 feet from any lot line.
- D. Adequate screening, so as not to adversely affect adjoining properties, shall be required for said use if located within 20 feet of the property line.
- E. Lighting which extends the hours of operation, other than in-pool lights, shall be in conformance with the standards established at §185-129.

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- F. In the case of swimming pools, all measurements shall be from the pool apron and provision for drainage shall be approved by the Construction Official as part of the construction permit.

§ 185-55. Professional offices.

A. Such accessory uses shall be allowed only in accordance with the following requirements:

- (1) The minimum lot size shall be two acres.
- (2) The professional must reside on the premises.
- (3) A maximum of two nonresident nonprofessional employees shall be permitted.
- (4) Not more than 35% of the gross floor area of the principal building, excluding cellar areas, shall be permitted to be used for the professional office.
- (5) Not more than one non-illuminated sign not to exceed 2 1/2 square feet shall be permitted.

B. The Planning Board shall approve a site plan of the professional office which shall meet site plan review standards and requirements set forth in Chapter XVI.

§ 185-56. Fences or walls.

Fences or walls in excess of 18 inches in height shall be considered as an accessory use and installed to the standards set forth below:

A. Type of fence or wall:

Solid	Degree of Openness	
(50% or more solid)	Semi-Open	Open
(50% or more solid)	(25% up to 50%)	(Up to 25%)
Solid picket	1x2 wood screen	Split Rail
Board	Contemporary Picket	Contemporary Rail
Board and batten		
Louver panel	Cinder or concrete block laid on side	Wire Mesh
Staggered board panel		Rail & Wire Mesh
1x4 wood screen		
Brick		

(Note: "Openness" is defined as the total area of solid elements divided by the total area of fence. Translucent, transparent or clear plastic or similar materials shall be considered as solid elements.)

B. Maximum height and location:

Type of Fence	Maximum Height	Location
All	6 feet	Rear building line of principal structure to minimum required side yard or rear yard setback line
All	4 feet	Anywhere on lot

C. General regulations on fences and walls.

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- (1) No fence or wall shall be so constructed or installed so as to constitute a hazard to traffic or safety.
- (2) Open security fences up to eight feet high shall be permitted in any business or industrial zone.

(3) Hedges and other landscaping shall be exempt from the height limitations of this section but shall not be located so as to conflict with Subsection C(1) above.

(4) The face or finished side of a fence or wall shall face the adjacent property.

SECTION 5. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 7. This Ordinance may be renumbered for purposes of codification.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made by Kula to approve Ordinance 2023-13 on first reading, seconded by Miller. All in favor. Motion carried.

ORDINANCES

2ND READING: **None**

OLD BUSINESS:

Township Manager stated that the Township is moving forward with a solution to the drainage issue at 3 Beach View Court. Work is scheduled to begin within a week or two.

Township Manager stated that Royal Communications is finalizing their proposal for Fire Department repeaters and other equipment.

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #69-23 – Tax Refund - Block 36, Lot 24, QFARM – 46 Silver Grove Road – Red Hot Chili Garden, LLC

RESOLUTION #69-23

WHEREAS, Block 36 Lot 24 Qualification QFARM also known as 46 Silver Grove Rd. owned by Red Hot Chili Garden, LLC, and

WHEREAS, Red Hot Chili Garden, LLC paid taxes for February and May 2023, and received a lower assessment on their property for 2023, and

WHEREAS, Mr. Scott Holzhauser, Tax Assessor for Hardyston Township has approved this assessment for 2023, and therefore their tax payments for August and for November 2023 be refunded in the amount of \$2,821.52.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund taxes totaling \$2,821.52 for 2023.

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

2. Resolution #70-23 – Tax Refund – Block 74, Lot 21.01, QFARM – 17 Monroe Road

RESOLUTION #70-23

WHEREAS, Block 74 Lot 21.01 Qualification QFARM also known as 17 Monroe Road owned by Christine Hunsicker, and

WHEREAS, Ms. Hunsicker paid taxes for February and May 2023, and received a lower assessment on her property for 2023, and

WHEREAS, Mr. Scott Holzhauer, Tax Assessor for Hardyston Township has approved this assessment for 2023, and therefore her tax payments for August and for November 2023 be refunded in the amount of \$677.95.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund taxes totaling \$677.95 for 2023.

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

3. Resolution #71-23 – Tax Refund – Block 71, Lot 5.11, QFARM – 67 Bunn Road

RESOLUTION #71-23

WHEREAS, Block 71 Lot 5.11 Qualification QFARM also known as 67 Bunn Road owned by Nicholas and Patricia Corrado, and

WHEREAS, Mr. and Mrs. Corrado paid taxes for February and May 2023, and received a lower assessment on her property for 2023, and

WHEREAS, Mr. Scott Holzhauer, Tax Assessor for Hardyston Township has approved this assessment for 2023, and therefore her tax payments for August and for November 2023 be refunded in the amount of \$657.47.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund taxes totaling \$657.47 for 2023.

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

4. Resolution #72-23 – Lien Redemption – Block 71, Lot 9.12 – 14 Val Court

RESOLUTION #72-23

WHEREAS, at the Municipal Tax Sale held on October 12, 2022, a lien was sold on Block 71 Lot 9.12, also known as 14 Val Court, for 2021 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate #2022-007, was sold to US Bank Cust Actlien Holding, for a 0% redemption fee and a \$24,700.00 premium; and,

WHEREAS, Patrick Oliver, the owner, has effected redemption for Certificate #2022-007 in the amount of \$13,485.02.

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 \$13,485.02 payable to US Bank Cust Actlien Holding for the redemption of Tax Sale Certificate #2022-007,
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BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$24,700.00 (Premium) to the aforementioned lien holder.

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

- B. Resolution #73-23 – Commodity Resale Agreement (Gasoline & Diesel Fuel) – County of Sussex

RESOLUTION #73-23

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING AGREEMENT

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

1. Commodity Resale Agreement (Gasoline & Diesel Fuel) – County of Sussex

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

- C. Resolution #74-23 – St. Clare’s - Compliance Amendment to Emergency Medical Services Agreement

RESOLUTION #74-23

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING AGREEMENT

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

1. St. Clare’s – Compliance Amendment to Emergency Medical Services Agreement

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

- D. Resolution #75-23 – Resolution authorizing retainer agreement with the Law Firm of Kevin Madonna, PLLC to investigate and assess potential claims against various defendants related to PFAS contamination affecting Hardyston Township wells to provide legal representation in any civil action as may be filed on behalf of the Authority

RESOLUTION #75-23

RESOLUTION AUTHORIZING A RETAINER AGREEMENT WITH THE LAW FIRM OF KEVIN MADONNA, PLLC TO INVESTIGATE AND ASSESS POTENTIAL CLAIMS AGAINST VARIOUS DEFENDANTS RELATED TO PFAS CONTAMINATION AFFECTING HARDYSTON TOWNSHIP WELLS TO PROVIDE LEGAL REPRESENTATION IN ANY CIVIL ACTION AS MAY BE FILED ON BEHALF OF THE AUTHORITY

WHEREAS, Hardyston Township (the “Township”) owns and operates a well that provide drinking water to the employees and patrons of the Hardyston Township Municipal Complex); and

WHEREAS, the Township is committed to delivering clean drinking water to its employees and the patrons of the Hardyston Township Municipal Complex, and is also

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON SEPTEMBER 14, 2023

committed to identifying responsible parties whose actions impair the water quality and taking reasonable steps to avoid passing on the costs to its taxpayers for the treatment and remediation of contamination in its drinking water supplies; and

WHEREAS, the Law Office of Kevin Madonna, PLLC (the “Firm”) engages with a

team of attorneys (collectively, the “Team”) to assist public entities facing the challenges posed by contamination with per- and polyfluoroalkyl substances (“PFAS”); and

WHEREAS, the Team is comprised of attorneys with experience both in PFAS litigation and in the representation of public entities and water suppliers in cases involving groundwater and property contamination; and

WHEREAS, the Team represents various public entities in the State of New Jersey and across the nation in multi-district litigation against various defendants related to PFAS contamination; and

WHEREAS, the Firm has offered to provide representation to the Township on a contingency basis, and to be responsible for all pre-litigation investigations costs and fees pursuant to a Retainer Agreement attached hereto as **Exhibit A**,

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Hardyston Township as follows:

1. The aforesaid recitals are incorporated herein as if set forth at length;
2. The Retainer Agreement with the Firm is hereby authorized subject to the following:
 - a. Receipt from the Firm of a Business Entity Disclosure Form pursuant to N.J.S.A. 19:44A-20.8;
 - b. Receipt from the Firm of a Political Contributions Disclosure Statement pursuant to P.L. 2005, c. 271; and
 - c. Receipt from the Firm of its Business Registration Certificate pursuant to N.J.S.A. 52:32-44;
3. Subject to receipt of the items listed in paragraph 2, above, the Township Manager is hereby authorized and directed to execute the Retainer Agreement with the Firm.

This Resolution shall take effect immediately.

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

E. Hardyston Township Fire Department Command Vehicle

A motion was made by Miller to authorize the Township Manager to go out to bid for a new Command Vehicle for the Hardyston Township Fire Chief, seconded by Kula. All in favor. Motion carried.

F. Correspondence

1. West Milford Township
2. Hampton Township
3. County of Sussex
4. County of Sussex
5. State of NJ
6. Dykstra Walker
7. Dykstra Walker
8. JCP&L

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

COUNCIL COMMENTS: Councilman Kula congratulated everyone involved on a successful Hardyston Day. Councilman Cicerale proposed a speed limit study be done for Wheatsworth

Road. A motion was made by Cicerale to conduct the study, seconded by Kula. All in favor. Motion carried.

BILLS TO BE PAID: A motion was made by Kula to approve the bill list as presented, seconded by Cicerale. 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 Gino Nuzzo discussed the possibility of the Council considering adopting an ordinance prohibiting the use of outdoor wood furnaces from April 15th to October 15th of every year. Township Manager stated that she will discuss it with the Construction Official. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Miller to adjourn at approximately 7:50 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk