

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON FEBRUARY 28, 2024

The meeting was called to order by Mayor Cicerale at approximately 7:00 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Deputy Mayor Kaminski, Councilman Kula, Councilman Miller, Councilman Verrilli, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk, Township Attorney Robert Rossmeissl of Dorsey & Semrau. Township Attorney Fred Semrau 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 – January 2024
2. Tax Collector Report – January 2024
3. Construction Certificate Activity Report – January 2024
4. Construction Permit Activity Report – Hardyston – January 2024
5. Construction Permit Activity Report – Hamburg – January 2024
6. Construction Permit Activity Report – Franklin – January 2024
7. Construction Permit Activity Report – Newton – January 2024
8. Construction Permit Activity Report – Sussex – January 2024
9. Construction Permit Activity Report – Wantage – January 2024
10. Municipal Court Report – January 2024
11. Police Department Report – January 2024
12. Land Use Report – January 2024
13. Land Use Board – 2023 Annual Report
14. Department of Public Works Report - January 2024
15. Sussex County Health Department Report – January 2024

Minutes:

1. Regular Minutes of 10/25/23
2. Executive Minutes of 10/25/23

Agreements/Applications/Licenses:

1. Raffle – The Craig School
2. Raffle – Catholic Charities Diocese of Paterson
3. Vanguard Energy Partners – Operations & Maintenance

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

MANAGERS REPORT:

Township Manager reported and gave the Council updates on the following:

- 2024 Budget
- Landfill Closure
- Municipal Prosecutor
- Redevelopment Plan
- Change in Polling Location – District #7
- Reimbursements for Street Lighting
- Fire Department Equipment Upgrade

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ORDINANCES

1ST READING:

None

ORDINANCES

2ND READING:

2024-01

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF A PORTION OF BLOCK 63, LOT 1.01 CONSISTING OF .657 ACRES FROM THE TOWNSHIP OF HARDYSTON TO THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION

WHEREAS, the Township of Hardyston is the owner of property known as 3490 NJ 94, Block 63, Lot 1.01 on the Tax Map of the Township of Hardyston; and

WHEREAS, the Mayor and Township Council do hereby determine that said property is no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey, specifically., N.J.S.A. §40A:12-13(b)(1); and

WHEREAS, the Township has been approached by the State of New Jersey Department of Transportation to purchase a portion of said property for its Route 23 and Route 94 Rockfall Mitigation Project; and

WHEREAS, the Mayor and Township Council desire to sell a portion of said property as depicted on the attached description to the State of New Jersey Department of Transportation for the total sum of \$5,000; and

WHEREAS, the Township makes no representations as to the title or any other aspects of the property being sold, including utility, sewer or rights of property owners' associations.

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

SECTION 1. The Township of Hardyston hereby authorizes the sale of a portion of the property known as 3490 NJ 94, Block 63, Lot 1.01, as depicted on the attached description, to the State of New Jersey Department of Transportation for its Route 23 and Route 94 Rockfall Mitigation Project for the total sum of \$5,000.

SECTION 2. The acceptance of a deed by the State of New Jersey Department of Transportation from the Township shall extinguish any claims the State of New Jersey Department of Transportation may against the Township in connection with the quality of the title conveyed or the rights and claims of others to the property that a title search may reveal or any environmental conditions.

SECTION 3. The Mayor, Township Manager, Township Clerk and Township Attorney, and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance.

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

SECTION 5. 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.

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SECTION 6. 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 7. 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 Kaminski to approve Ordinance 2024-01 on second reading, seconded by Kula. All in favor. Motion carried.

2024-02

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND CHAPTER 88-4, ENTITLED "FEES PAYABLE TO POLICE DEPARTMENT"

WHEREAS, the Township recognizes the need to amend the various fees payable to the Police Department as set forth in Section 88-4.

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

SECTION 1.

Chapter 88-4 is hereby amended and supplemented as follows:

§ 88-4. Fees payable to Police Department.

A. Pistol permit: \$25 or as established by the NJ State Police.

B. Firearms I.D.: \$50 or as established by the NJ State Police.

C. Police reports: See § 88-8, Miscellaneous fees.

D. Uniform police employment application/test fee: \$60.

E. Charges for police services (§ 41-14).

(1) Escrow accounts.

(a) Any person or entity requesting the services of an off-duty law enforcement officer in the Hardyston Police Department shall estimate the number of hours such law enforcement services are required, which estimate shall be approved, in writing, by the Chief of Police, and shall establish an escrow account with the Treasurer of the Township of Hardyston by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth in § 88-4E(2) for the total estimated hours of service.

(b) Prior to assigning any off-duty law enforcement officers, the Chief of Police or his designee shall verify that the balance in the escrow account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Chief of Police shall not assign a request for services from any person or entity unless all fees and compensation

required in the manner described above have been deposited with the Township Treasurer. No officer shall provide any such service for more hours than are specified in the request for services.

(c) In the event the funds in such escrow account should become depleted, services of off-duty law enforcement officers shall cease and requests for further of future services shall not be performed or assigned until additional funds have been deposited in the escrow account in the manner prescribed above.

(d) The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.

(e) The person or entity requesting such services shall be responsible to notify the Township of Hardyston Police Department Dispatch Center in the event of a cancellation of such police officer services. Notification shall be made to the Dispatch Center no later than 2 hours prior to the scheduled start time. In the event there is either no cancellation notification provided to the Dispatch Center or the notification is untimely provided, the person or entity requesting such services shall remain responsible to the Township for the payment for the scheduled officer(s) of four hours of overtime pay. Such payment shall not include the Township of Hardyston, NJ administrative fee and vehicle fee set forth under Subsection E(2)(b) and (c).

(2) Rates of compensation; administrative fee; payment for services.

(a) Rates of compensation for contracting the services of a Township police officer or special officer assigned to a quasi-public duty shall be the overtime rate normally received by the Captain of the Hardyston Township Police Department as well as all statutory payroll expenses incurred by the Township of Hardyston. The minimum charge shall be for four (4) hours of pay, and all work shall be billed at a minimum of four (4) hours and in two (2) hour increments thereafter. However, should the officer who is providing such services be paid at a rate lower than the overtime rate normally received by the Captain of the Hardyston Township Police Department, the customer requesting such services shall be refunded the escrow balance remaining at the end of the project.

(b) In addition to the rates set forth under Subsection E(2)(a) above, an additional fee of 10% of the rate of compensation is hereby established to cover administrative costs, overhead and out-of-pocket expenses of the Township of Hardyston.

(c) Payment for a patrol vehicle will be \$75 per eight-hour shift or any part thereof and \$10 for each hour thereafter.

F. Registration of alarm system: \$25 (§ 53-4C).

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

SECTION 3. 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.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
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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 following adoption 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 Kaminski to approve Ordinance 2024-02 on second reading, seconded by Kula. All in favor. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #21-24 – Tax Lien Redemption – Block 16.18, Lot 3 – 15 Havenhill Rd

RESOLUTION #21-24

WHEREAS, at the Municipal Tax Sale held on October 11, 2023, a lien was sold on Block 16.18 Lot 3, also known as 15 Havenhill Road for 2022 delinquent sewer charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #2023-006, was sold to Pro Cap 8 FBO Firstrust Bank, for a 0% redemption fee and \$800.00 premium,

WHEREAS, Core Logic, on behalf of the lender, has effected redemption for Certificate #2023-006 in the amount of \$1,177.28.

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 \$1,177.28 payable to Pro Cap 8 FBO Firstrust Bank, for the redemption of Tax Sale Certificate #2023-006.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$800.00 (Premium) to the aforementioned lien holder.

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

2. Resolution #22-24 – Veteran Exemption Refund – Block 17.02, Lot 33, 13 Hornbeam Way

RESOLUTION #22-24

WHEREAS, Block 17.02 Lot 33 also known as 13 Hornbeam Way owned by Phillip and Kathryn Rozansky, and

WHEREAS, Mr. Rozansky purchased the property May 18, 2023 and the property is 100% tax exempt due to a Veteran Exemption effective December 11, 2023.

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WHEREAS, Mr. and Mrs. Rozansky paid the 4th quarter taxes to Block 17.02 lot 33, and are due a refund in the amount of \$397.51.

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be authorized to refund Mr. and Mrs. Rozansky in the amount of \$397.51.

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

B. Resolution #23-24 - Shared Service Agreement – Hamburg Borough – Street Sweeping

RESOLUTION #23-24

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING
SHARED SERVICE AGREEMENT**

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

1. Shared Service Agreement – Hamburg Borough – Street Sweeping

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

C. Resolution #24-24 - Shared Service Agreement – Ogdensburg Borough – Street Sweeping

RESOLUTION #24-24

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING
SHARED SERVICE AGREEMENT**

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

1. Shared Service Agreement – Ogdensburg Borough – Street Sweeping

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

D. Resolution #25-24 – Resolution authorizing an agreement with The International Brotherhood of Teamsters Local 125 Dispatchers Unit

RESOLUTION #25-24

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND
STATE OF NEW JERSEY, AUTHORIZING AN AGREEMENT
WITH THE INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 125 DISPATCHERS UNIT**

WHEREAS, the Township of Hardyston (hereinafter, “the Township) wishes to enter into an agreement with The International Brotherhood of Teamsters Local 125 (hereinafter, Local 125”) and employees Jessica Graves and Denise Kazella (together, “the parties”) as to employee positions, due to the expected retirement of a Township employee; and

WHEREAS, the agreement shall modify the current collective bargaining agreement, as entered between the Township and Local 125 and which expires on December 31, 2024.

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:

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1. The Mayor and Township Council hereby authorizes an agreement between the Township and The International Brotherhood of Teamsters Local 125, as attached herein

with "Exhibit A" and for the Mayor or other delegate to take all necessary other actions in contemplation of placing employees Jessica Graves and Denise Kazella in their respective employment positions.

2. This Resolution, the Agreement and its attached Exhibit shall be available for public inspection in the office of the Township Clerk.

This Resolution shall take effect immediately upon adoption.

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

- E. Resolution #26-24 – Resolution authorizing the submission of a grant submission to the New Jersey Department of Community Affairs' FY24 Local Recreation Improvement Grant Program

RESOLUTION NO. 26-24

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT SUBMISSION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS' FY24 LOCAL RECREATION IMPROVEMENT GRANT PROGRAM

WHEREAS, the Township of Hardyston desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$100,000 to carry out a project to improve the Hardyston Township Recreation Complex Pavilion and Playground Facilities,

NOW, THEREFORE, BE IT RESOLVED,

1. That the Mayor and Council of the Township of Hardyston does hereby authorize the application for such a grant; and
2. Recognizes and accepts that that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between Township of Hardyston and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that Township of Hardyston and the Department of Parks and Recreation recognize and accept that the Department of Community Affairs may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between Township of Hardyston and the Department of Parks and Recreation and the New Jersey Department of Community Affairs, and

BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successor in said title is authorized to sign the agreement, and any other documents necessary in connection therewith:

Carrine Piccolo-Kaufer
Township Manager

Frank Cicerale
Mayor

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

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- F. Resolution #27-24 – Resolution authorizing an agreement with The International Brotherhood of Teamsters Local 125 Department of Public Works

RESOLUTION #27-24

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND
STATE OF NEW JERSEY, AUTHORIZING AN AGREEMENT
WITH THE INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 125 DEPARTMENT OF PUBLIC WORKS
UNIT**

WHEREAS, the Township of Hardyston (hereinafter, “the Township) wishes to enter into an agreement with The International Brotherhood of Teamsters Local 125 Department of Public Works Unit (hereinafter, Local 125”) ; and

WHEREAS, the agreement shall modify the current collective bargaining agreement, as entered between the Township and Local 125 and which expires on December 31, 2024.

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 Mayor and Township Council hereby authorizes an agreement between the Township and The International Brotherhood of Teamsters Local 125, as attached herein with “Exhibit A” and for the Mayor or other delegate to take all necessary other actions in contemplation of providing qualified employees with the training necessary to obtain a Commercial Driver’s License.
2. This Resolution, the Agreement and its attached Exhibit shall be available for public inspection in the office of the Township Clerk.

This Resolution shall take effect immediately upon adoption.

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

**Township of Hardyston
Resolution #28-24**

Now, Therefore be it resolved by the Township Council of the Township of Hardyston,
State of New Jersey, That the following 2023 Budget Appropriation Reserve transfers be authorized:

Account From	Account #	Amount	Account To	Account #	Amount
Construction Official Salaries & Wages	01-203-22-195-001	\$ 20,000.00	Construction Official OE	01-203-22-195-021	\$ 20,000.00
General Administration OE	01-203-20-100-021	\$ 2,000.00	Finance Admin OE Unclassified	01-203-20-130-021	\$ 2,000.00
General Admin Administrative Supplies	01-203-20-101-020	\$ 1,300.00	Finance Admin OE Unclassified	01-203-20-130-021	\$ 1,300.00
General Admin Salaries & Wages	01-203-20-100-001	\$ 1,364.57	Finance Admin OE Unclassified	01-203-20-130-021	\$ 1,364.57
Elections Other Expenses	01-203-20-120-020	\$ 1,790.50	Finance Admin OE Unclassified	01-203-20-130-021	\$ 1,790.50
Police OE Unclassified	01-203-25-240-021	\$ 5,000.00	Police Tuition Reimbursement	01-203-25-240-049	\$ 5,000.00
Police Salaries & Wages	01-203-25-240-001	\$ 18,000.00	Police Software & Licensing	01-203-25-240-046	\$ 18,000.00
Communications Salaries & Wages	01-203-25-250-001	\$ 4,000.00	Street Lighting Reimbursements	01-203-31-435-022	\$ 4,000.00
Recycling OE	01-203-26-306-020	\$ 1,881.09	Street Lighting Reimbursements	01-203-31-435-022	\$ 1,881.09
Street Lighting - Municipal	01-203-31-435-021	\$ 390.88	Utility & Bulk Expense Street Lighting	01-203-31-435-020	\$ 390.88
Street Lighting - Municipal	01-203-31-435-021	\$ 2,465.70	Street Lighting Reimbursements	01-203-31-435-022	\$ 2,465.70
Utility & Bulk Expenses Telephone	01-203-31-440-020	\$ 5,469.39	Street Lighting Reimbursements	01-203-31-435-022	\$ 5,469.39
Utility & Bulk Expenses Natural Gas	01-203-31-445-020	\$ 6,725.46	Street Lighting Reimbursements	01-203-31-435-022	\$ 6,725.46
Legal OE	01-203-20-155-020	\$ 2,243.32	Planning Board OE Unclassified	01-203-21-180-021	\$ 2,243.32
Senior Citizen Bus Service	01-203-27-361-020	\$ 4,000.00	Recreation OE	01-203-28-370-020	\$ 4,000.00
		\$ 76,630.91			\$ 76,630.91

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

H. Tax Collector Resolutions

1. Resolution #29-24 – Veteran Exemption Refund – Block 20, Lot 4.01 – 46 Sand Pond Rd

RESOLUTION #29-24

WHEREAS, Block 20 Lot 4.01 also known as 46 Sand Pond Road owned by Jeffrey and Donna Roby, and

WHEREAS, Mr. and Mrs. Roby purchased the property May 15, 2006 and the property is 100% tax exempt due to a Veteran Exemption effective January 17, 2024.

WHEREAS, Corelogic, on behalf of the Roby’s mortgage lender paid 1st quarter 2024 taxes to Block 20 lot 4.01, and are due a refund in the amount of \$1,175.12.

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be authorized to refund Corelogic in the amount of \$1,175.12.

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

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2. Resolution #30-24 – Veteran Exemption Refund – Block 67.13, Lot 4, 7 Druid Lane

RESOLUTION #30-24

WHEREAS, Block 67.13 Lot 4 also known as 7 Druid Lane owned by Sabrina Mohammed, and

WHEREAS Ms. Mohammed purchased the property May 27, 2020 and the property is 100% tax exempt due to a Veteran Exemption effective February 5, 2024.

WHEREAS, Corelogic, on behalf of the Ms. Mohammed's mortgage lender paid 1st quarter 2024 taxes to Block 67.13 lot 4, and are due a refund in the amount of \$750.75.

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be authorized to refund Corelogic in the amount of \$750.75.

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

3. Resolution #31-24 – Veteran Exemption Refund – Block 68, Lot 16.11, 7 Anthony Court

RESOLUTION #31-24

WHEREAS, Block 68 Lot 16.11 also known as 7 Anthony Court owned by John Burger, and

WHEREAS Mr. Burger purchased the property February 24, 2016 and the property is 100% tax exempt due to a Veteran Exemption effective February 8, 2024.

WHEREAS, Mr. Burger paid 1st quarter 2024 taxes to Block 68 lot 16.11, and is due a refund in the amount of \$1,561.04

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be authorized to refund John Burger in the amount of \$1,561.04.

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

- I. Resolution #32-24 – Resolution authorizing an agreement with Bryan Electric Co., Inc. for the installation of two (2) ChargePoint electric vehicle charging stations at the Township municipal building

It was the consensus of the Council to table Item I, Resolution #32-24.

- J. Resolution #33-24 – Resolution approving Right-Of-Way use to United Telephone Company of New Jersey, Inc. d/b/a CenturyLink (“Brightspeed”)

RESOLUTION #33-24

A RESOLUTION OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, APPROVING RIGHT-OF-WAY USE TO UNITED TELEPHONE COMPANY OF NEW JERSEY, INC. D/B/A CENTURYLINK ('BRIGHTSPEED')

WHEREAS, United Telephone Company of New Jersey, Inc. d/b/a CenturyLink ('Brightspeed'), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the Township of Hardyston for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system; and

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WHEREAS, Brightspeed was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Brightspeed to obtain the consent of the Township of Hardyston for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is in the best interests of the Township of Hardyston and its residents to grant consent to Brightspeed; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Brightspeed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Hardyston, County of Sussex and State of New Jersey, that the Township is hereby authorized to grant Brightspeed a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system.

BE IT FURTHER RESOLVED, that the Mayor and Township Manager are hereby authorized to execute any and all documents necessary to effectuate this Resolution.

BE IT FURTHER RESOLVED, that final execution of the Use Agreement is subject to the review and approval of the Township Manager and Township Attorney.

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

K. Board Appointment - Recreation Committee – Heidi Coscia

A motion was made by Miller to appoint Heidi Coscia to the Recreation Committee, seconded by Kaminski. All in favor. Motion carried.

K. Review of Proposals for Contracted IT Consulting Services

After review of the three (3) proposals received, a motion was made by Kaminski to accept the proposal from LawSoft, Inc. and authorize the Township Manager to eliminate the IT position and restructure the Zoning Officer position, seconded by Verrilli. All in favor. Motion carried.

M. Correspondence

1. West Milford Township
2. County of Sussex
3. County of Sussex
4. State of NJ
5. State of NJ
6. JCP&L
7. Elizabethtown Gas Company

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

COUNCIL COMMENTS: None.

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. Frances McAllister inquired about the issuance of her Certificate of Occupancy for her new home. Council and Township Manager stated that she would need to speak with the Land Use Administrator. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

EXECUTIVE SESSION:

BE IT RESOLVED by the Township Council of the Township of Hardyston on the 28th day of February, 2024, 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.
 - () 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.
 - () 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: Kaminski
Seconded by: Kula

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

Motion carried.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON FEBRUARY 28, 2024

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

ADJOURNMENT: A motion was made by Kaminski to adjourn at approximately 8:50 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk