

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
MARCH 27, 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.

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 – February 2024
2. Tax Collector Report – February 2024
3. Construction Certificate Activity Report – February 2024
4. Construction Permit Activity Report – Hardyston – February 2024
5. Construction Permit Activity Report – Hamburg – February 2024
6. Construction Permit Activity Report – Franklin – February 2024
7. Construction Permit Activity Report – Newton –February 2024
8. Construction Permit Activity Report – Sussex – February 2024
9. Construction Permit Activity Report – Wantage – February 2024
10. Municipal Court Report – February 2024
11. Police Department Report – February 2024
12. Land Use Report – February 2024
13. Department of Public Works Report - February 2024
14. Sussex County Health Department Report – February 2024

Agreements/Applications/Licenses:

1. Raffle License – Wyckoff Family YMCA
2. Raffle License – Emmanuel Cancer Foundation
3. Trailer License – McDole, Elizabeth

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

MANAGERS REPORT:

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

- Grant Writer RFP
- Fire Department Equipment Upgrade

ORDINANCES

1ST READING:

2024-03

**CALENDAR YEAR 2024
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 27, 2024

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

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

WHEREAS, the Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year=s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.00% increase in the budget for said year, amounting to \$88,396.54 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Hardyston, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Township of Hardyston shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$309,387.90, and that the CY 2024 municipal budget for the Township of Hardyston be approved and adopted in accordance with this ordinance; and,

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

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

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

A motion was made by Miller to approve Ordinance 2024-03 on first reading, seconded by Kaminski. All in favor. Motion carried.

2024-04

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING THE TOWNSHIP MUNICIPAL CODE AT CHAPTER 104, HOUSING, ARTICLE III, SHORT TERM RENTAL PROPERTY, IN ORDER TO CONFORM THE CODE TO THE REQUIREMENTS OF THE DIVISION OF TAXATION FOR ADMINISTRATION OF THE MUNICIPAL OCCUPANCY TAX IN ACCORDANCE WITH N.J.S.A. 40:48F-1

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 27, 2024

WHEREAS, pursuant to N.J.S.A. § 40:48F-1 et seq., municipalities are permitted to impose upon the owners of short-term rental properties a Municipal Occupancy Tax of up to three percent (3%) when each and every short-term rental occupancy ends or there is a change of occupancy by transient occupants; and

WHEREAS, short-term rental occupancies are defined as the rental of dwelling units for periods of 90 days or fewer (“Short Term Rentals”); and

WHEREAS, it has come to the attention of the Mayor and Council of the Township of Hardyston that the New Jersey Department of the Treasury, Division of Taxation, requires certain language to be included in an ordinance establishing the imposition of the Municipal Occupancy Tax upon Short Term Rentals; and

WHEREAS, the Mayor and Council wish ensure that the Township imposes upon all eligible Short Term Rentals the Municipal Occupancy Tax of three percent (3%) authorized by N.J.S.A. § 40:48F-1.

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:

1. Chapter 104, “Housing,” Article III, “Short-Term Rental Property,” Section 104-20, “Taxation,” is hereby amended as follows:

§ 104-20 Taxation.

The properties listed in Section 104-15(B), (C), and (D) are Transient Accommodations, as defined by N.J.S.A. 54:32B-2(ggg), as these properties are professionally managed and/or are rented out via a transient space marketplace. Accordingly, pursuant to N.J.S.A. § 40:48F-1 et seq., at the end of each and every occupancy of the properties listed in Section 104-15(B), (C), and (D), which occupancy is for a period of 90 days or less, the property owner, in addition to the State Sales Tax and State Occupancy Fee, shall be subject to a 3% Municipal Occupancy Tax. This Tax shall not be imposed upon the rent for an occupancy if the purchaser, user, or consumer, is an entity exempt from the tax imposed on an occupancy under the Sales and Use Tax Act pursuant to N.J.S.A. 54:32B-9.

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.

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.

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

A motion was made by Kaminski to approve Ordinance 2024-04 on first reading, seconded by Kula. All in favor. Motion carried.

ORDINANCES

2ND READING: None

OLD BUSINESS: None

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
MARCH 27, 2024**

NEW BUSINESS:

- A. Resolution #34-24 - Resolution declaring support for the JCP&L EnergizeNJ Program BPU Docket No. EO23110793

Resolution #34-24

**A RESOLUTION OF THE TOWNSHIP OF HARDYSTON DECLARING SUPPORT
FOR THE JCP&L *EnergizeNJ* PROGRAM
BPU Docket No. EO23110793**

WHEREAS The Township of Hardyston recognizes that reliable electric service plays a crucial role in the daily lives of Township residents; and

WHEREAS The Township of Hardyston recognizes that reliable electric service also is critical to the local businesses within our community, and drives commerce in our Township and across the region; and

WHEREAS The Township of Hardyston supports efforts to upgrade our energy infrastructure to continue to provide families and businesses the reliable source of energy they need; and

WHEREAS The Township of Hardyston supports efforts to enhance the reliability and resiliency of the electric distribution system against severe weather and reduce the number of customers affected by outages and shorten the duration of outages; and

WHEREAS The Township of Hardyston has been informed that Jersey Central Power and Light Company's (JCP&L) *EnergizeNJ* Program includes approximately \$930.5 million in targeted investments above and beyond its regular annual investments to enhance JCP&L's service reliability and resiliency; and

WHEREAS The Township of Hardyston has been informed that the JCP&L plan is divided into three key investment areas: grid modernization, system resiliency and substation modernization, that will strengthen the backbone of JCP&L's local electric system, providing the foundation for smart grid capabilities in the future; and

WHEREAS The Township of Hardyston has been informed that this investment should provide approximately \$3.36 billion return in reliability benefits to customers by helping to reduce non-storm outages and improving JCP&L's ability to restore power following a major storm event; and

WHEREAS The Township of Hardyston has been informed that JCP&L estimates the initial increase on the monthly bill for an average residential customer would be about 42 cents in 2025 and after full phase-in in 2030 the additional monthly bill for an average residential customer would increase by \$4.07.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Hardyston hereby finds and declares:

That JCP&L's *EnergizeNJ* Program will benefit residents and businesses in the Township of Hardyston and throughout Sussex County by making JCP&L's electric distribution system during storm and non-storm events more resistant to storm damage and enabling the system to recover more quickly when outages do occur and increase the distribution system's resiliency, operational flexibility, safety and security.

JCP&L's *EnergizeNJ* Program should be approved by the New Jersey Board of Public Utilities.

This Resolution shall take effect immediately upon adoption.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 27, 2024

JCP&L representative Rich Rebisz gave a presentation regarding JCP&L's Infrastructure Improvement Plan (EnergizeNJ). After a brief discussion, a motion was made by Kula to approve the resolution as presented, seconded by Verrilli. All in favor. Motion carried.

B. Resolution #35-24 – Resolution supporting RevolutionNJ

RESOLUTION #35-24

A RESOLUTION OF THE TOWNSHIP OF HARDYSTON, SUSSEX COUNTY, NEW JERSEY SUPPORTING RevolutionNJ

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature created RevolutionNJ in 2018 to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey's pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation's past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events over the next ten years; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of the Nation and the role New Jersey played over the past 250 years as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, Sussex County, and Hardyston Township; and

WHEREAS, RevolutionNJ will consider the role New Jersey played during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, RevolutionNJ will highlight the role New Jerseyans played beyond the battlefield during the American Revolution when people of diverse backgrounds contributed to the development of the State and the Nation in various ways and fought for the right to life, liberty, and the pursuit of happiness; and

WHEREAS, preserving, studying, and enjoying state history strengthens communities and builds bonds between New Jersey residents as we work together toward the goals of justice and equality embedded in the United States Constitution;

NOW, THEREFORE, BE IT RESOLVED, that the Township of Hardyston hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

IT IS FURTHER RESOLVED that:

1. The Mayor and Council of the Township of Hardyston commemorates the 250th anniversary of the establishment of the United States as an independent Nation.
2. The Mayor and Council of the Township of Hardyston further urges all its residents to reflect upon the significance of this event and the role that our State and its diverse people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of the history of what we now know as New Jersey, and understanding that the revolution continues today as we uphold the revolutionary ideals articulated in our founding documents.

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

C. Resolution #36-24 – Shared Service Agreement – Town of Newton – Interim Zoning Officer

RESOLUTION #36-24

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:

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 27, 2024

1. Shared Service Agreement – Town of Newton – Interim Zoning Officer

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

- D. Resolution #37-24 – IT Services Agreement – Law Soft, Inc.

RESOLUTION #37-24

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO LAWSOFT, INC. FOR IT CONSULTING & MANAGEMENT SERVICES

WHEREAS, the Township of Hardyston has a need for IT Consulting & Management Services (‘IT Services’); and

WHEREAS, the Township, on January 19, 2024, through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq., solicited proposals from qualified firms interested in providing professional services related to same during calendar year 2024; and

WHEREAS, the Township, on February 7, 2024, received three (3) proposals (‘Proposals’) for IT Services; and

WHEREAS, the Township Administration reviewed these Proposals on the basis of several criteria, including Technical Experience, Individual and Firm Experience & Reputation, Availability & Response Time, and Cost; and

WHEREAS, the Township Administration determined that the proposal submitted by LawSoft, Inc., of Bloomingdale, NJ, is the winning proposal pursuant to the Township’s review criteria; and

WHEREAS, the Township Attorney reviewed the proposal from LawSoft, Inc. and confirms, from a legal standpoint, that LawSoft, Inc. has submitted all mandatory documents, properly completed; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “professional services” and the contract itself must be made available for public inspection.

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

1. The Township of Hardyston hereby awards and authorizes the Township Manager to execute a professional services agreement with LawSoft, Inc., located at 15 Hamburg Turnpike, Suite #2, Bloomingdale, NJ, 07403, to provide IT Consulting & Management Services pursuant to the service rate schedule in Appendix A, attached to this Resolution.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said service is performed by a person authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$39,540 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.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
MARCH 27, 2024**

5. A copy of this Resolution shall be provided to LawSoft, Inc., located at 15 Hamburg Turnpike, Suite #2, Bloomingdale, NJ, 07403, for its information and guidance.
6. A copy of this Resolution shall be available for public inspection in the office of the Clerk of the Township of Hardyston.
7. Final execution of any contract pursuant to this Resolution is subject to the review and approval of the Township Manager and Township Attorney.

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. Proclamation – Child Abuse Prevention Month

PROCLAMATION

CHILD ABUSE PREVENTION MONTH

WHEREAS, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Sussex County; and

WHEREAS, every child is entitled to be loved, cared for, nurtured, feel secure and be free from verbal, sexual, emotional and physical abuse, and neglect; and

WHEREAS, child abuse and neglect not only directly harm children, but also increase the likelihood of criminal behavior, substance abuse, health problems, and risky behavior;

WHEREAS the effects of child abuse are felt by communities as a whole, and need to be addressed by the entire community;

WHEREAS, effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community;

NOW THEREFORE, be it resolved that the Township Council of the Township of Hardyston, Sussex County does proclaim April as Child Abuse Prevention Month, and calls upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

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

F. 2024 Municipal Budget Introduction

Township Manager gave an overview of the 2024 Municipal Budget. A motion was made by Miller to approve the 2024 Municipal Budget as introduced, seconded by Kula. All in favor. Motion carried. Public hearing and adoption of the budget is scheduled for April 24, 2024.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 27, 2024

H. Correspondence

1. West Milford Township
2. Vernon Township
3. Franklin Borough
4. County of Sussex
5. State of NJ
6. Beattie Padovano
7. JCP&L

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

COUNCIL COMMENTS: Councilman Kula mentioned that the annual Easter Egg Hunt was held on Sunday, March 24, 2024. He thanked the Recreation Committee for another successful event.

BILLS TO BE PAID: A motion was made by Verrilli to approve the bill lists dated 12/27/23; 1/10/24; 3/13/24 and 3/27/24 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 Anthony Alfano asked what the overall increase would be over the 5 year period for JCP&L's Infrastructure Improvement Plan (EnergizeNJ). Council responded that the total cost would be \$4.07. 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 27th day of March, 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.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 27, 2024

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: Kula
 Seconded by: Verrilli

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

Motion carried.

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

ADJOURNMENT: A motion was made by Verrilli to adjourn at approximately 8:30 p.m., seconded by Kaminski. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
 Municipal Clerk