

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON APRIL 24, 2024

The meeting was called to order by Mayor Cicerale at approximately 7:20 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/Deputy Clerk Carrine Piccolo-Kaufer, and Township Attorney Fred Semrau of Dorsey & Semrau.

SALUTE THE FLAG

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

Monthly Reports:

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

Agreements/Applications/Licenses:

1. Raffle/Bingo Licenses – K of C Council #12649 St. John Vianney
2. Raffle – United Way of Northern NJ
3. Locality Media, Inc., dba First Due – Hardyston Township Fire Department

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

MANAGERS REPORT:

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

- Bear Can Program
- Redevelopment
- Zoning Officer Agreement
- Technical Issues/Email Status
- Landfill
- Emergency Communications Upgrade

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ORDINANCES

1ST READING:

2024-05

**AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$352,192 FROM
GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL
IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF HARDYSTON, IN THE
COUNTY OF SUSSEX, NEW JERSEY**

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

Section 1: The sum of Three Hundred Fifty-Two Thousand One Hundred Ninety-Two Dollars (\$352,192) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purpose:

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

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

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

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

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

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

A motion was made by Kula to approve Ordinance 2024-05 on first reading, seconded by Kaminski. All in favor. Motion carried.

2024-06

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,
STATE OF NEW JERSEY AMENDING CHAPTER 33, LAND USE PROCEDURES OF
THE REVISED GENERAL ORDINANCES TO INCORPORATE CHANGES TO THE
PROCEDURES FOR FILING APPLICATIONS AND CHANGES TO THE
ADMINISTRATIVE AND SCHEDULE A CHECKLISTS**

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

SECTION 1. Chapter 33, Land Use Procedures, Section 33-49, Administrative and Schedule A checklists, Attachments 1 of the aforesaid Revised General Ordinances are hereby repealed and replaced with the attached checklist:

SECTION 2. 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.

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SECTION 3. 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 4. This Ordinance may be renumbered for purposes of codification.

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

**ADMINISTRATIVE CHECKLIST
TOWNSHIP OF HARDYSTON, SUSSEX COUNTY, NEW JERSEY**

CASE NUMBER:		DATE:	
PREPARED BY:			
PROJECT NAME:			
I. ALL APPLICATIONS:	YES	WAIVER REQUESTED	
1. Application fees * Fees and escrow require separate checks.			
2. Escrow account deposit *			
3. Written explanation of fee and escrow calculation			
4. One original application package consisting of the completed application form with original signatures, completed Administrative Checklist, completed Schedule A Checklist(s), required plan(s), and any additional requirements as noted below.			
5. Seventeen collated copies of this application package and a pdf copy are required.			
6. One current quarter certification from the tax collector verifying payment of taxes, liens, and assessments.			
7. One copy of the legal notice			
8. List of other agency approvals required and one copy of the application to or approval from each agency. Attach one original list to the original application packet and one copy of the list to each of the 17 packets.			
9. List of any variances requested including a reference to the ordinance section and a description of the variance (s) requested. Attach one original list to the original application packet and one copy of the list to each of the 17 packets.			
10. List of waivers being requested from the Administrative Checklist and Schedule A Checklist (technical). Attach a copy of the list to each packet.			
11. Provide photographs of on-site conditions taken within six months of the date of submission.			
II. ADDITIONAL REQUIREMENTS: ALL SITE PLAN APPLICATIONS			
1. 18 copies of building plans showing elevations and floor plans of any proposed building			
2. 18 copies of a Fire Suppression Plan in accordance with the requirements of Chapter 147, Section 8, Subsection O of the Township's Revised General Ordinances.			
3. 18 copies of the Affordable Housing Compliance Plan in accordance with the requirements of Chapter 185, Section 90.1 of the Township's Revised General Ordinances.			
III. ADDITIONAL REQUIREMENT: AMENDED SITE PLAN AND/OR AMENDED SUBDIVISION			
1. Identify, describe, and list the changes made to the original application form and plans. Attach one original list to the original application and one copy to each of the 17 application packets.			
2. Provide one original and 17 copies of an Affordable Housing Compliance Plan. Attach the original plan to the original application, and attach one copy to each of the 17 application packets.			
IV. ADDITIONAL REQUIREMENT: FINAL SUBDIVISIONS			
1. Provide confirmation from the tax assessor that the proposed lot numbers and street addresses are correct. Attach the original confirmation to the original application, and attach one copy to each of the 17 application packets.			
2. Acknowledgement of the Tax Map Maintenance Fee as required by §88-3.5(A)			

** Stormwater Management Plan – 4 Copies required

A motion was made by Miller to approve Ordinance 2024-06 on first reading, seconded by Kaminski. All in favor. Motion carried.

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ORDINANCES

2ND 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)**

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 and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Verrilli to approve Ordinance 2024-03 on second reading, seconded by Miller. All in favor. Motion carried.

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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**

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.

Township Attorney Robert Rossmeissl gave an overview of the ordinance and the purpose of the ordinance, so that the Township complies with State law and regulations in order to collect Hotel/Motel Occupancy Fees.

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A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Verrilli to approve Ordinance 2024-04 on second reading, seconded by Miller. All in favor. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #39-24 – Tax Lien Redemption – Block 41, Lot 4 – 119 Snufftown Rd

RESOLUTION #39-24

WHEREAS, at the Municipal Tax Sale held on October 11, 2023, a lien was sold on Block 41 Lot 4, also known as 119 Snufftown Road for 2022 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate #2023-007, was sold to Getro Maceno, for a 18% redemption fee and \$0.00 premium,

WHEREAS, Good to Be Home Title Agency, on behalf of the owner, has effected redemption for Certificate #2023-007 in the amount of \$6,473.67.

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 \$6,473.67 payable to Getro Maceno, for the redemption of Tax Sale Certificate #2023-007.

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

- B. Resolution #40-24 – Resolution authorizing the Township of Hardyston to enter into The New Jersey Cooperative Purchasing Alliance Cooperative Pricing Agreement

RESOLUTION #40-24

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF HARDYSTON
TO ENTER INTO THE NEW JERSEY COOPERATIVE PURCHASING ALLIANCE
COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Bergen, hereinafter referred to as the "Lead Agency " has offered voluntary participation in the New Jersey Cooperative Purchasing Alliance # CK04- a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on April 24th, 2024 the governing body of the Township of Hardyston, County of Sussex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

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NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Hardyston.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor of the Township of Hardyston is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

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

- C. Resolution #41-24 – Renewal - Facility Use Agreement for Seniors – Use of Ogdensburg Fire Department

RESOLUTION #41-24

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. Facility Use Agreement – Hardyston Seniors – Ogdensburg Fire Department

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

- D. Resolution #42-24 – Resolution authorizing the award of a professional services contract without competitive bidding to Civil Solutions for 2024 tax map maintenance and geographic information system support

RESOLUTION #42-24

**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
WITHOUT COMPETITIVE BIDDING TO CIVIL SOLUTIONS FOR 2024 TAX MAP
MAINTENANCE AND GEOGRAPHIC INFORMATION SYSTEM SUPPORT**

WHEREAS, the Township of Hardyston has a need for 2024 Tax Map Maintenance and Geographic Information System ('GIS') support; and

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

WHEREAS, funds are available for this purpose; and

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

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

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

CIVIL SOLUTIONS PRICING SCHEDULE

1. Hosting the Web GIS data and Viewer (myIDV) for 1 year: \$1,200
2. Tax Map Maintenance, Collaboration Center & Map Viewer: \$6,000

2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$7,200 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township’s official newspaper as required by law.
5. A copy of this resolution shall be provided to Donald A. Smith III of Civil Solutions, at 215 Bellevue Ave., P.O. Box 579, Hammonton, NJ 08037, for his information and guidance.
6. A copy of this Resolution shall be available for public inspection in the office of the Clerk of the Township of Hardyston.

This Resolution shall take effect immediately upon adoption.

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

E. 2024 Municipal Budget Public Hearing/Adoption

Township Manager Carrine Piccolo-Kaufer gave a verbal and written presentation of the 2024 Municipal Budget.

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

A motion was made by Miller to approve the 2024 Municipal Budget as presented, seconded by Verrilli. All in favor. Motion carried.

F. Correspondence

1. Byram Township
2. Franklin Borough
3. County of Sussex
4. Elizabethtown Gas Co.

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

COUNCIL COMMENTS: Councilman Miller, on behalf of the Economic Development Commission, gave an update on the following:

- Claremont Distillery
- Napa Auto Parts – Maple Tree Plaza
- Route 94 – Typography Difficulties
- Dunkin Donuts – Drive Thru - Maple Tree Plaza
- Website Update

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BILLS TO BE PAID: A motion was made by Verrilli to approve the bill list of 4/10/24 in the amount of \$424,462.88 and the bill list of 4/24/24 in the amount of 1,887,422.23, which includes payroll for pay period ending 4/15/24, as presented, seconded by Kaminski. 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 Brandon Padula asked the Council to visit his property on Beaver Run Road. Attorney Fred Semrau updated the Council on the Indian Field Tax Court matter. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Verrilli to adjourn at approximately 8:12 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk