

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 26, 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 Miller, Councilman Verrilli, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk, Township Attorney Fred Semrau and Township Attorney Robert Rossmeissl of Dorsey & Semrau. Councilman Kula was absent from this meeting.

SALUTE THE FLAG

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

Monthly Reports:

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

Agreements/Applications/Licenses:

1. Raffle – St. Jude The Apostle Church
2. Raffle – Sussex County Association of Realtors Charitable Foundation
3. Amusement License – Tony's (Route 23 – Stockholm)

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:

- Route 23/Holland Mountain Road Intersection – traffic signal concerns
- Loitering ordinance amendment
- Staffing Updates – DPW and Zoning
- Route 94 Redevelopment Plan
- National Fitness Campaign – Horizon BC/BS Fitness Court
- Fire Truck funding opportunities

ORDINANCES

1ST READING:

2024-08

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON AMENDING CHAPTER 104, "HOUSING" OF THE TOWNSHIP CODE TO ESTABLISH A NEW ARTICLE IV ENTITLED "LEAD-BASED PAINT HAZARD INSPECTION REQUIREMENTS FOR RENTAL DWELLINGS" IN ORDER TO ESTABLISH A LEAD-BASED PAINT HAZARD INSPECTION PROGRAM

WHEREAS, the Township of Hardyston is required to maintain a lead-based paint hazard inspection program under N.J.S.A. 52:27D-437.16.

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

SECTION 1: Chapter 12, Building and Housing, Section 12.10, "Lead-Based Paint Hazard Inspection Requirements for Rental Dwellings" is created as follows:

Article IV: Lead-Based Paint Hazard Inspection Requirements for Rental Dwellings

§104-21 Definitions.

The following definitions shall apply to this article:

COMMON INTEREST COMMUNITY: A real estate development or neighborhood in which the property is burdened by servitudes requiring property owners to contribute to maintenance of commonly held property or to pay dues or assessments to an owners' association that provides services or facilities to the community.

DUST WIPE SAMPLING: A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

LEAD INSPECTOR: A person certified by the Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17-1.1 et seq. This includes the ability to perform dust wipe sampling.

LEAD-BASED PAINT HAZARD: Any condition that causes exposure to lead from lead-contaminated dust or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

LEAD-FREE CERTIFICATION: A certification that confirms that a lead-based paint inspection was performed and that no lead-based paint exists in the dwelling unit or that all lead-based paint hazards have been fully abated.

LEAD-SAFE CERTIFICATION: A certification that confirms that a lead-based paint inspection was performed and no lead-based paint hazards were found. This certification is valid for two years from the date of issuance.

TENANT TURNOVER: The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

VISUAL ASSESSMENT: A visual examination for deteriorated paint or visible surface dust, debris, or residue.

VISUAL ASSESSOR: A person that is certified to perform a visual assessment.

§104-22 Lead-based paint inspection.

- A. A lead inspector for the Township of HARDYSTON shall inspect every single-family, two-family, and multiple rental dwelling located within the Township of HARDYSTON for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq., as may be amended from time to time.

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- B. The property owner or landlord may, in lieu of having the dwelling inspected by the Township's lead inspector, directly hire a private lead inspector who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq., as may be amended from time to time.
- C. In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:
- (1) Has been certified to be free of lead-based paint;
 - (2) Was constructed during or after 1978;
 - (3) Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on multiple use dwelling under the Hotel and Multiple Dwelling Law; See N.J.S.A. 55:13A-1 et seq.
 - (4) Is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
 - (5) Has a valid lead-safe certification.
- D. If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Township's lead inspector or visual assessor, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.
- E. If no lead-based paint hazards are identified, then the Township's lead inspector or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years.
- F. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:
- (1) Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Hardyston at the time of the cyclical inspection.
 - (2) Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.
 - (3) Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.
- G. The fees for a lead-based paint inspections shall be as follows:
- (1) The fee for a visual assessment \$250 per unit performed by the Township's third party lead inspector.
 - (2) The fee for the filing of a lead-safe certification or lead-free certification shall be \$50.

- (3) In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.
- (4) In accordance with N.J.S.A. 52:27D-437.16(h), an additional state fee of \$20 per dwelling unit inspected by the Township's lead inspector or the owner's private lead inspector shall be assessed for the purposes of the Lead Hazard Control Assistance Act (N.J.S.A. 52:27D-437.1 et, seq.) unless the unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20. The fees collected pursuant to this subsection shall be paid directly to the Township and shall be deposited into the Lead Hazard Control Assistance Fund.
- (5) Re-inspection/clearance by the Township's third-party lead inspector, \$320 per unit.
- (6) Fees charged by the Township's third-party lead inspector shall be billed directly by such vendor to the party requesting the inspection.

§104-23 Violations and penalties.

In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of § 104-22 subsections D and F shall be as follows:

- A. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
- B. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection is conducted or remediation efforts have been initiated.

SECTION 2. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 3. All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect immediately after final passage and publication as prescribed by law.

A motion was made by Miller to approve Ordinance 2024-08 on first reading, seconded by Kaminski. All in favor. Motion carried.

2024-09

ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY LOCATED AT 3610 ROUTE 94 AND 3605 ROUTE 94, AND DESIGNATED, RESPECTIVELY, AS BLOCK 16, LOT 8.01 AND BLOCK 14, LOT 24.01, ON THE TAX MAP OF THE TOWNSHIP OF HARDYSTON, WITHOUT CONDEMNATION PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ, AND AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HARDYSTON IN ORDER TO CODIFY SAID REDEVELOPMENT PLAN

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It was the consensus of the Council to table Ordinance 2024-09 to the July meeting.

ORDINANCES
2nd READING:

ORDINANCE 2024-07

ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY LOCATED AT 43 LASINSKI ROAD AND 141 OLD PROSPECT SCHOOL ROAD, AND DESIGNATED, RESPECTIVELY, AS BLOCK 75 LOT 53 AND BLOCK 75, LOTS 72.01 AND 72.02, ON THE TAX MAP OF THE TOWNSHIP OF HARDYSTON, WITHOUT CONDEMNATION PURSUANT TO N.J.S.A. 40A:12A ET SEQ, AND AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HARDYSTON IN ORDER TO CODIFY SAID REDEVELOPMENT PLAN

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment or areas in need of rehabilitation, as such terms are defined in the Act; and

WHEREAS, the Township of Hardyston is interested in the redevelopment of the properties identified as Block 75, Lots 53, 72.01, and 72.02 on the Township tax map ('Redevelopment Area'); and

WHEREAS, the Township on August 24, 2022, approved Resolution #76-22, authorizing a preliminary investigation in order to determine whether the Redevelopment Area is an area in need of Non-Condemnation Redevelopment pursuant to the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq., as amended, specifically pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Township on December 14, 2022, approved Resolution #121-22, authorizing Joseph H. Burgis, of Burgis Associates, Inc., to complete an Initial Assessment, a power point presentation, and an Area in Need of Redevelopment Study in connection with the Redevelopment Area; and

WHEREAS, the Township on July 26, 2023, approved Resolution #66-23, authorizing Joseph H. Burgis, of Burgis Associates, Inc., to prepare a Redevelopment Plan for the Redevelopment Area ('Redevelopment Plan'); and

WHEREAS, the Redevelopment Plan having been completed and the Township Council and Administration having reviewed same, the Township Council wishes to adopt the Redevelopment Plan as the ordinance governing development in the Redevelopment Area.

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

SECTION 1. The Township approves the Redevelopment Plan prepared by Burgis Associates, Inc. and dated May 10, 2024, concerning the properties identified as Block 75, Lots 53, 72.01, and 72.02 on the Township tax map, which is attached hereto as Appendix A ('Lasinski Road Redevelopment Plan').

SECTION 2. The zoning map of the Township of Hardyston is hereby amended to incorporate the provisions of the Lasinski Road Redevelopment Plan.

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.

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SECTION 4. The Lasinski Road Redevelopment Plan is hereby incorporated into the Township's General Legislation, specifically Chapter 185, 'Zoning.'

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.

ATTACHMENT A

LASINSKI ROAD REDEVELOPMENT PLAN

Do to the size and scope of this document and for the purposes of advertising, Attachment A is available for viewing on the official Township website: hardyston.com. In addition, any member of the public may request a printed copy of the Redevelopment Plan by contacting the Hardyston Township Municipal Clerk's office during regular business hours.

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 2024-05 on second reading, seconded by Kaminski. All in favor. Motion carried.

OLD BUSINESS:

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

- A. 3490 Rt. 94 Redevelopment Site
- B. Energy Audit
- C. Street Lighting
- D. Sign Ordinance Amendment
- E. First Aid Squad Building
- F. Solar Project – Lasinski Road

NEW BUSINESS:

- A. Board Appointment – Recreation Committee – Dean Carrigan

A motion was made by Kaminski to appoint Dean Carrigan to the Recreation Committee, seconded by Verrilli. All in favor. Motion carried.

- B. Resolution #51-24 - Resolution accepting a proposal for an ice cream vendor at the Hardyston Concerts in the Park from VKAT, LLC (The Scoop)

RESOLUTION #51-24

RESOLUTION ACCEPTING PROPOSAL FROM VKAT, LLC (THE SCOOP)

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

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

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

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- C. Resolution #52-24 – Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Holland Mountain Road Resurfacing Phase 2 Project

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

- D. Resolution #53-24 – Resolution authorizing the public display of fireworks at Hardyston Day on September 6, 2024 (Rain Date September 7th)

RESOLUTION #53-24

RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS AT HARDYSTON DAY ON SEPTEMBER 6, 2024 (RAIN DATE SEPTEMBER 7th)

WHEREAS, the Hardyston Township Recreation Committee has submitted an application to the Hardyston Township Council for permission for the public display of fireworks on September 6, 2024 (rain date - September 7, 2024) in conjunction with the Township's Hardyston Day events; and

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

NOW, THEREFORE, BE IT RESOLVED by the Hardyston Township Council, in accordance with Chapter 94 of the Hardyston Township Code regarding "Fire Prevention" and the Uniform Fire Code, that permission is hereby granted to the Hardyston Township Recreation Committee for the public display of fireworks on September 6, 2024; and

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

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

- E. Resolution #54-24 – 2024 – 2025 Annual Liquor License Renewal

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

RESOLUTION #54-24

WHEREAS, the following Liquor License is to be renewed effective July 1, 2024, for a one year period; and

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

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NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2024 for the following license holder.

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

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

F. Resolution #55-24 – 2024 – 2025 Annual Liquor License Renewal

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

RESOLUTION #55-24

WHEREAS, the following Liquor License is to be renewed effective July 1, 2024, for a one year period; and

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

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2024 for the following license holder.

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

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

G. Resolution #56-24 – 2024 – 2025 Annual Liquor License Renewal

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

RESOLUTION #56-24

WHEREAS, the following Liquor License is to be renewed effective July 1, 2024, for a one year period; and

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

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2024 for the following license holder.

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

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

H. Resolution #57-24 – 2024 – 2025 Annual Liquor License Renewal

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

RESOLUTION #57-24

WHEREAS, the following Liquor License is to be renewed effective July 1, 2024, for a one year period; and

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

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NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2024 for the following license holder pursuant to N.J.S.A. 33:1-12.39.

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

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

I. Resolution #58-24 – 2024 – 2025 Annual Liquor License Renewal

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

RESOLUTION #58-24

WHEREAS, the following Liquor License is to be renewed effective July 1, 2024, for a one year period; and

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

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2024 for the following license holders.

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

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

J. Resolution #59-24 – 2024 – 2025 Annual Liquor License Renewal

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

RESOLUTION #59-24

WHEREAS, the following Liquor License is to be renewed effective July 1, 2024, for a one year period; and

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

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2024 for the following license holders.

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

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

- K. Resolution #60-24 – Resolution authorizing the award of a Professional Services Contract to LEW Environmental Services for professional environmental consultant services related to the management of lead testing of certain rental units

RESOLUTION #60-24

**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 LEW ENVIRONMENTAL SERVICES FOR PROFESSIONAL ENVIRONMENTAL CONSULTANT SERVICES RELATED TO THE MANAGEMENT OF LEAD TESTING OF CERTAIN RENTAL UNITS
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WHEREAS, the Township of Hardyston requires professional services for staffing to support the management of lead testing of certain rental units in the Township of Hardyston in order to comply with N.J.S.A. 52:27D-437.1, et seq.; and

WHEREAS, LEW Environmental Services, of Mine Hill, NJ, is qualified in training and experience to perform such services and has submitted a proposal, a copy of which is attached hereto, setting forth the terms and conditions of the lead testing; and

WHEREAS, LEW Environmental Services has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed the Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11 et. seq.) requires that a resolution authorizing the payment of such professional fees, without competitive bidding must be publicly advertised; and

WHEREAS, the Township Manager and Township Attorney have reviewed the proposal submitted by LEW Environmental Services and recommend approval of same; and

WHEREAS, a professional services agreement has been prepared, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, the Township of Hardyston will not incur any fee from LEW Environmental Services, as all fees are billable to and payable by the property owner.

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. That the proposal for professional services for staffing to support management of lead testing of certain rental units in the Township of Hardyston, submitted by LEW Environmental Services, a copy of which is attached hereto, be and is hereby approved; and
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with LEW Environmental Services, 181 US Highway 46, Mine Hill, New Jersey 07803 for Professional Environmental Consultant Services related management of lead testing of certain rental units in the Township of Hardyston as per N.J.S.A. 52:27D-437.1 et seq., as detailed in their submitted proposal number 2578, dated May 28, 2024, with the fixed rates of services which is the responsibility of the property owners.
3. This contract is awarded without competitive bidding as an Extraordinary, Unspecifiable Service under the provisions of the Local Public Contracts Law (40A:11-5(1)(a)(i)) because the services defined cannot reasonably be described by written specifications to assure that the qualitative and quantitative assessment of the problems involved, which require expertise, extensive training and proven reputation in the field of endeavor are obtained.
4. A copy of this Resolution shall be provided to LEW Environmental Services, at 181 US Highway 46, Mine Hill, New Jersey 07803, for its information and guidance.
5. Final execution of any contract pursuant to this Resolution is subject to the review and approval of the Township Manager and Township Attorney.

BE IT FURTHER RESOLVED, in accordance with the requirements of N.J.S.A. 40A:11-5, the Township Clerk is hereby directed to post a copy of this resolution on the bulletin board of the Township Municipal Building and publish a brief public notice stating the nature, duration, service and amount of the contract herein awarded, and stating that said contract and this resolution are on file and available for public inspection in the office of the Municipal Clerk.

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

- L. Resolution #61-24 - Resolution awarding contract for Old Quarry Road & Campbell Drive to Morris County Cooperative Pricing Council Vendors

RESOLUTION #61-24

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
DIVISION OF LOCAL AID
AND ECONOMIC DEVELOPMENT
RECOMMENDATION OF AWARD
STATE AID PROJECT**

BE IT RESOLVED

that the Hardyston Township Committee

hereby recommends to the New Jersey Department of Transportation that the contract for

Old Quarry Road & Campbell Drive Improvements
(Name of Project)

in the Township of Hardyston County of Sussex
(Name of Municipality)

previously awarded to **the following 2023 Morris County Cooperative Pricing Council Vendors:**

Schifano Construction Corporation (MCCPC Contract #6) whose bid amounted to \$ 112,319.50

Cifelli & Son General Contracting, Inc. (MCCPC Contract #6) whose bid amounted to \$ 4,125.00

Campbell Foundry Company (MCCPC Contract #14) whose bid amounted to \$ 2,590.00

Denville Line Painting, Inc. (MCCPC Contract #36) whose bid amounted to \$ 745.60

whose bids amounted to **\$ 119,780.10** be rescinded; and

BE IT RESOLVED

that the Hardyston Township Committee

hereby recommends to the New Jersey Department of Transportation that the contract for

Old Quarry Road & Campbell Drive Improvements
(Name of Project)

in the Township of Hardyston County of Sussex
(Name of Municipality)

be awarded to **the following 2024 Morris County Cooperative Pricing Council Vendors:**

Riverview Paving, Inc. (MCCPC Contract #6) whose bid amounted to \$ 104,084.50

Cifelli & Son General Contracting, Inc. (MCCPC Contract #6) whose bid amounted to \$ 3,742.50

Campbell Foundry Company (MCCPC Contract #14) whose bid amounted to \$ 2,800.00

Denville Line Painting, Inc. (MCCPC Contract #36) whose bid amounted to \$ 747.60

whose bids amounted to **\$ 111,374.60** subject to the approval of the Department.

That the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

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

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M. Resolution #62-24 – Resolution authorizing an agreement with The International Brotherhood of Teamsters Local 125 DPW Unit

RESOLUTION #62-24

**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 DPW UNIT**

WHEREAS, the Township's Water/Sewer Operator, retired effective June 1, 2024, and

WHEREAS, the Township employed a replacement operator Mr. Scott Way in the same titled position of Water/Sewer Operator; and

WHEREAS, with the retirement of the prior Water/Sewer Operator, Mr. Way is the sole employee responsible for the daily operation and oversight of the Hardyston Township Municipal Utilities Authority ("MUA"); and

WHEREAS, the position of Water/Sewer Operator is subject to the terms and conditions of a Collective Negotiation Agreement (hereinafter "CNA") entered between the parties, and attached herein as "Exhibit A." and

WHEREAS, the Mayor and Township Council of the Township of Hardyston, upon the recommendation of the Township Manager and the Director of Public Works, believe it appropriate to increase Mr. Way's hourly rate of pay to that of the previous Water/Sewer Operator, but because there is no difference in title within the current CNA, the CNA neither contemplates nor does it allow such a change in salary; and

WHEREAS, neither Mr. Way nor Local 125 has any objection to increasing the salary for Mr. Way to serve as the Township's Water Sewer Operator and at the rate of the previous Water/Sewer Operator of \$43.24 per hours, and in consideration of the all terms of the CNA as executed between the Township and Local 125, and which remains in full force and effect through December 31, 2024; and

WHEREAS, the Mayor and Township Council wish to make this raise in hourly rate retroactive to June 1, 2024, when Mr. Way began serving in the role; and

WHEREAS, the parties agree that these actions shall not serve as future precedent, nor have any precedential value moving forward; and

WHEREAS, and in consideration of the foregoing, the parties herein agree to waive the provisions of Article XIV Job Posting/Bidding within the CNA so as to allow Mr. Way to continue in the position at the above referenced rate of pay.

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 Council hereby authorizes the Mayor or such other delegate to enter into an agreement with The International Brotherhood of Teamsters Local 125 DPW Unit, and to take all necessary other actions in contemplation of the above actions.
2. This resolution and agreement 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 Verrilli to approve the resolution as presented, seconded by Kaminski. All in favor. Motion carried.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 26, 2024

- N. Resolution #63-24 – Resolution authorizing the award of a Professional Services Agreement to SRECTrade, Inc. for management and transaction services for the Township's Solar Renewable Energy Credits (SRECS)

RESOLUTION #63-24

**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 AGREEMENT TO SRECTRADE,
INC. FOR MANAGEMENT AND TRANSACTION SERVICES FOR THE TOWNSHIP'S
SOLAR RENEWABLE ENERGY CREDITS (SRECS)**

WHEREAS, the Township of Hardyston requires professional services for management and transaction services for the Township's Solar Renewable Energy Credits, also known as its SRECs ('Services'); and

WHEREAS, SRECTrade, Inc., is qualified in training and experience to perform such Services and has submitted a proposal, a copy of which is attached hereto, setting forth the terms and conditions for the Services; and

WHEREAS, SRECTrade, Inc. has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed the Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11 et. seq.) requires that a resolution authorizing the payment of such professional fees without competitive bidding must be publicly advertised; and

WHEREAS, the Township Manager and Township Attorney have reviewed the proposal submitted by SRECTrade, Inc. and recommend approval of same; and

WHEREAS, a professional services agreement has been prepared, a copy of which is attached hereto and incorporated herein by reference.

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. That the proposal for professional services for management and transaction services for the Township's Solar Renewable Energy Credits, submitted by SRECTrade, Inc., a copy of which is attached hereto, be and is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with SRECTrade, Inc., 500 Fifth Ave, 55th Floor, New York, NY 10110 for management and transaction services for the Township's Solar Renewable Energy Credits, as detailed in their submitted proposal, dated May 30, 2024, pursuant to which SRECTrade, Inc. shall be compensated at the fee rate of 3.5% of the total cost of each transaction, with a \$2.50 per-transaction fee minimum.
3. This contract is awarded without competitive bidding as an Extraordinary, Unspecifiable Service under the provisions of the Local Public Contracts Law (40A:11-5(1)(a)(i)) because the services defined cannot reasonably be described by written specifications to assure that the qualitative and quantitative assessment of the problems involved, which require expertise, extensive training and proven reputation in the field of endeavor are obtained.
4. A copy of this Resolution shall be provided to SRECTrade, Inc., 500 Fifth Ave, 55th Floor, New York, NY 10110, for its information and guidance.
5. Final execution of any contract pursuant to this Resolution is subject to the review and approval of the Township Manager and Township Attorney.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 26, 2024

BE IT FURTHER RESOLVED, in accordance with the requirements of N.J.S.A. 40A:11-5, the Township Clerk is hereby directed to post a copy of this resolution on the bulletin board of the Township Municipal Building and publish a brief public notice stating the nature, duration, service and amount of the contract herein awarded, and stating that said contract and this resolution are on file and available for public inspection in the office of the Municipal Clerk.

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

O. Correspondence

1. Sandyston Township
2. Sandyston Township
3. Frankford Township
4. Frankford Township
5. Montague Township
6. Montague Township
7. Lafayette Township
8. Lafayette Township
9. Green Township
10. Green Township
11. Franklin Borough
12. Franklin Borough
13. County of Sussex
14. State of NJ
15. State of NJ
16. State of NJ
17. State of NJ

Deputy Mayor Kaminski and the Council discussed Items #11 and #12. A motion was made by Kaminski to approve the correspondence as presented, seconded by Miller. All in favor. Motion carried.

COUNCIL COMMENTS: Deputy Mayor Kaminski suggested forming a subcommittee to meet with surrounding towns regarding shared service opportunities. It was the consensus of the Council to have Mayor Cicerale and Deputy Mayor Kaminski on the subcommittee.

Mayor Cicerale wanted to thank Officers Nudo, Reeves and Carbery for their prompt response to an accident that his contractor had while working in Mayor Cicerale's home.

BILLS TO BE PAID: A motion was made by Verrilli to approve the bill list of 6/12/24 in the amount of \$1,859,081.26 and the bill list of 6/26/24 in the amount of \$496,837.25 which includes payroll for pay period ending 5/30/24 and 6/15/24, 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. Tony Alfano, on behalf of the Hardyston Township Board of Education, asked the Council if he could obtain a mailing list so they can send out a quarterly newsletter to residents. Township Manager stated that she would provide him with a list. Mr. Alfano also inquired about truancy laws and enforcement. Council suggested the Board of Education meet with the Prosecutor.

Kathy Judd and Jean Barrett thanked the Township Manager for contacting the NJDOT regarding their traffic light concerns on Holland Mountain Road.

Joanne Roof commented on the complaints regarding the parking of her RV on her property.

A representative from the NJ Libertarian Party thanked the Council for considering repealing the Township ordinance regarding loitering.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 26, 2024

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 26th day of June, 2024, that:

1. Prior to the conclusion of this **Workshop 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: Verrilli
 Seconded by: Kaminski

MOTION	YES	NO	ABSTAIN	ABSENT
Kula	_____	_____	_____	___x___
Miller	___x___	_____	_____	_____
Verrilli	___x___	_____	_____	_____
Kaminski	___x___	_____	_____	_____
Cicerale	___x___	_____	_____	_____

Motion carried.

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

ADJOURNMENT: A motion was made by Verrilli to adjourn at approximately 9:30 p.m., seconded by Kaminski. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
 Municipal Clerk