

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 25, 2024**

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

Minutes:

1. Regular Minutes of 8/28/24
2. Workshop Minutes of 8/28/24
3. Executive Minutes of 8/28/24

Agreements/Applications/Licenses:

1. IDEMIA Identity & Security USA, LLC – Maintenance and Support Agreement – Police Dept.
2. Raffle – Wynona’s House, Inc.
3. Raffle – K of C Council #12649 St. John Vianney Church
4. Bingo – K of C Council #12649 St. John Vianney Church
5. Raffle – K of C Council #12649 St. John Vianney Church
6. Bingo – K of C Council #12649 St. John Vianney Church

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

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MANAGERS REPORT:

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

- Shared Service Agreement - CFO
- Rt. 23 and Holland Mountain Road Traffic Signals
- Wheatsworth Park Improvements
- Fire Department Equipment Grants
- NAPA Auto Parts Grand Opening

ORDINANCES

1ST READING:

2024-19

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE
OF NEW JERSEY REPEALING CHAPTER 116, LOITERING, OF THE TOWNSHIP
MUNICIPAL CODE**

WHEREAS, over time, changes have arisen in state and federal law that impact the Revised General Ordinances of the Township of Hardyston; and

WHEREAS, the Township Council of the Township of Hardyston has requested that the Township Municipal Attorney review the legality of the Township's ordinance concerning loitering; and

WHEREAS, upon review, the Township Municipal Attorney has determined that the Township's ordinance concerning loitering, codified as Chapter 116 of the Township Municipal Code, is unlawful as written, as the New Jersey Supreme Court has held that the New Jersey Code of Criminal Justice manifests both a "clear design for uniform statewide treatment" and a "complete system of law" sufficient to compel an inference that the Legislature intended Chapter 33 of the Code to preempt local loitering laws; and

WHEREAS, the Township Council wishes accordingly to repeal Chapter 116 of the Township Municipal Code.

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

SECTION 1. Chapter 116, "Loitering," of the Township Municipal Code is hereby repealed in its entirety.

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

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.

A motion was made by Miller to approve Ordinance 2024-19 on first reading, seconded by Verrilli. All in favor. Motion carried.

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ORDINANCES

2nd READING:

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**

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 16, Lot 8.01, and Block 14, Lot 24.01 on the Township tax map ('Redevelopment Area'); and

WHEREAS, the Township on November 20, 2019, adopted a resolution authorizing and directing the then-Planning Board of the Township ("Board") to conduct a preliminary investigation to determine whether certain properties, identified as Block 16, Lots 8.01 and 3.03 and Block 14, Lot 24.01, or any portions thereof ("Study Area"), meet the criteria set forth in the Redevelopment Law and should be designated as a Non-Condemnation Redevelopment Area, as that term is defined by the Redevelopment Law; and

WHEREAS, the Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condemnation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

WHEREAS, as part of its preliminary investigation, the Board caused the firm of Heyer, Gruel & Associates, the Board's Consulting Planner, to prepare an Area In Need of Redevelopment Investigation Study ("Area in Need Study") for the Board for its consideration in determining whether the Study Area should be designated a Non-Condemnation Redevelopment Area; and

WHEREAS, in addition to the foregoing, Heyer, Gruel & Associates prepared a map showing the boundaries of the proposed redevelopment area and locations of the parcels of property included therein, along with a statement setting forth the basis for its investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, a public hearing was conducted by the Board on December 10, 2020, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3), at which hearing the Board reviewed the Area in Need Study, the map and associated documents, and heard testimony from Heyer, Gruel & Associates and others, and at which hearing members of the general public were given an opportunity to be heard and to address questions to the Board concerning the potential designation of the Study Area as a Non-Condemnation Redevelopment Area; and

WHEREAS, after completing its investigation and public hearing on this matter, the Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A.

40A:12A-5 et seq., for designating Block 16, Lot 8.01 and Block 14, Lot 24.01 of the Study Area

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as a Non-Condensation Redevelopment Area, and that said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

WHEREAS, after completing its investigation and public hearing on this matter, the Board concluded that there was insufficient evidence to qualify Block 16, Lot 3.03 of the Study Area as a Non-Condensation Redevelopment Area; and

WHEREAS, the Board further concluded that there was sufficient credible evidence to support findings that any designation of the Study Area or as a Non-Condensation Study Area shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the Study Area; and

WHEREAS, in accordance with the Redevelopment Law and as memorialized by Resolution, dated January 28, 2021, the Board recommended to the Township Council that Block 16, Lot 8.01 and Block 14, Lot 24.01 be designated as a Non-Condensation Redevelopment Area; and

WHEREAS, the Township Council considered the Board's recommendation at a duly noticed special meeting on February 9, 2021, at which meeting members of the general public were given an opportunity to be heard and to address questions concerning the potential designation of the Study Area as a Non-Condensation Redevelopment Area; and

WHEREAS, the Township Council on February 10, 2021 approved Resolution #12-21, accepting the recommendation from the Board and finding that Block 16, Lot 8.01 and Block 14, Lot 24.01 are deemed to be a Non-Condensation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, Resolution #12-21 further authorized the firm of Heyer, Gruel & Associates to prepare a Redevelopment Plan for the Study Area, including an outline for the planning, development, and redevelopment of the Study Area pursuant to N.J.S.A. 40A:12A-7 and to present same to the Planning Board and Township Council; and

WHEREAS, Heyer, Gruel & Associates has prepared this Redevelopment Plan, which Redevelopment plan is attached to this Ordinance as Attachment A; and

WHEREAS, the Redevelopment Plan having been completed and the Township Council and Administration having reviewed same, and the Township Council wishing 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 and adopts the Redevelopment Plan prepared by Heyer, Gruel & Associates, completed July 2024, concerning the properties identified as Block 16, Lot 8.01 and Block 14, Lot 24.01 on the Township tax map, which is attached hereto as Appendix A ("Route 94 Redevelopment Plan").

SECTION 2. The zoning map of the Township of Hardyston is hereby amended to incorporate the provisions of the Route 94 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.

SECTION 4. The Route 94 Redevelopment Plan is hereby incorporated into the Township's General Legislation, specifically Chapter 185, 'Zoning.'

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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

ROUTE 94 REDEVELOPMENT PLAN

Due 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 Miller to approve Ordinance 2024-09 on second reading, seconded by Kula. All in favor. Motion carried.

2024-13

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW FIRE TRUCK BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$2,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than twothirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Hardyston, in the County of Sussex, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$2,100,000, said sum, except as provided below, being inclusive of all appropriations heretofore made therefor and including the sum of \$100,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

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For the financing of said improvement or purpose, including for the purposes of applicable United States Treasury regulations the reimbursement of expenditures heretofore or hereafter made therefor, and to meet the part of said \$2,100,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$2,000,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$2,000,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition, by purchase, of new fire fighting equipment for the preservation of life and property in and by the Township, including one (1) ladder fire truck for use by the Hardyston Township Fire Department, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose pursuant to this bond ordinance is \$2,000,000.

The estimated cost of said purpose is \$2,100,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$100,000 down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is twenty (20) years.

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The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,000,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$75,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the acting chief financial officer or the treasurer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond

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ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond 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 Miller to approve Ordinance 2024-13 on second reading, seconded by Kula. All in favor. Motion carried.

2024-14

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, SUSSEX COUNTY, NEW JERSEY AMENDING AND MODIFYING CHAPTER 185 “ZONING”, ARTICLE XXV “STORMWATER MANAGEMENT”, OF THE TOWNSHIP OF HARDYSTON GENERAL CODE

WHEREAS, the Township of Hardyston (the “Township”) regulates the control and discharge of stormwater through the use of stormwater best management practices and nonstructural stormwater management strategies; and

WHEREAS, on July 17, 2023, the New Jersey Department of Environmental Protection (“NJDEP” or the “Department”) adopted amended stormwater management rules at N.J.A.C. 7:8-1, et seq. (the “Amended Rules”), which require municipalities to revise their stormwater control Ordinances in accordance with the Amended Rules.

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

1. **Section 185-106. Definitions** is hereby amended and supplemented to add the following:

PUBLIC ROADWAY OR RAILROAD - A pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

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PUBLIC TRANSPORTATION ENTITY – A Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

2. Section 185-108E. Stormwater Management Requirements for Major Development is hereby amended as follows:

Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Subsection D(15), (16), (17), and (18). When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater best management practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: <https://dep.nj.gov/stormwater/bmp-manual/>

3. Section 185-108P(2)(b). Stormwater Management Requirements for Major Development is hereby amended as follows:

(b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm is infiltrated.

4. Section 185-108P(4)(a). Stormwater Management Requirements for Major Development is hereby amended as follows:

(a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

5. Section 185-108R(2). Stormwater Runoff Quantity Standards is hereby amended as follows:

(a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

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(c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

(d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

6. Section 185-109. Calculation of Stormwater Runoff and Groundwater Recharge is hereby amended as follows:

A. Stormwater runoff shall be calculated in accordance with the following:

(1) The design engineer shall calculate runoff using the following method:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

(2) For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

(3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

(4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 - Urban Hydrology for Small Watersheds or other methods may be employed.

(5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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B. Groundwater recharge may be calculated in accordance with the following: New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at: <https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf> or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

(1) The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. The data is available at: https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj ; and

(2) The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the application multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03
Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this

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chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	10-year Design Storm
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

7. Section 185-110. Sources for Technical Guidance is hereby amended as follow:

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department’s website at: <https://dep.nj.gov/stormwater/bmp-manual/>.

(1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

(2) Additional maintenance guidance is available on the Department’s website at: <https://dep.nj.gov/stormwater/maintenance-guidance/>

B. Submissions required for review by the Department should be mailed to: The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625- 0420

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8. **Section 185-112(C)(2)(b). Safety Standards for Stormwater Management Basins** is hereby amended as follow:

(b) The overflow grate spacing shall be no greater than two inches across the smallest dimension

9. Severability:

All Ordinances or parts of Ordinances of the Township of Hardyston heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

10. Effective Date:

All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved. This Ordinance shall take effect immediately upon its final passage, approval and publication as provided 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 Miller to approve Ordinance 2024-14 on second reading, seconded by Verrilli. All in favor. Motion carried.

2024-15

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY
AMENDING CHAPTER 60, ANIMALS, OF THE TOWNSHIP GENERAL CODE TO ESTABLISH REGULATIONS
PROHIBITING THE FEEDING OF WILDLIFE IN ANY PUBLIC PARK OR PROPERTY OWNED BY THE
TOWNSHIP OF HARDYSTON**

WHEREAS, the Township of Hardyston has long had a Tier B Municipal Stormwater General Permit in accordance with the New Jersey Department of Environmental Protection ('NJDEP') Stormwater Management Regulations at N.J.A.C 7:8-1, et seq.; and

WHEREAS, the NJDEP has indicated its intent to reassign to 'Tier A' designation under the Municipal Separate Storm Sewer System permit program ('Permit Program') all New Jersey municipalities previously designated 'Tier B' ('Reassignment Plan'); and

WHEREAS, as a condition of the NJDEP Municipal Stormwater Management program Tier A municipalities are required to adopt additional regulations prohibiting the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Hardyston in order to protect the environment, public health, safety and welfare; and

WHEREAS, the Mayor and Township Council have reviewed the recommended regulations and believe that the changes promote the peace, health, public safety of the residents of the Township and are in the public interest.

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

SECTION 1. Chapter 60 "Animals" is hereby amended and supplemented to replace and add the following sections:

§60-29. Wildlife Feeding Prohibited.

No person shall feed, in any public park or on any other property owned or operated by the Township of Hardyston, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or

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rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program) and baiting in the legal taking of fish and game.

§60-30. Violations and penalties.

Any person found guilty of violating any provision of this chapter shall, upon conviction thereof, be subject to one or more of the following: imprisonment in the county jail or any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or a fine not exceeding \$1,000, or a period of community service not exceeding 90 days; provided, however, that the minimum fines shall be established as follows:

- A. Failure to obtain license (§§ 60-3, 60-10 and 60-12): \$50.
- B. Dogs running at large (§§ 60-12G and 60-22): \$50.
- C. Disturbing the peace (barking or crying): \$50.
- D. Dogs attacking person: \$100.
- E. Removal of tag, attaching a tag wrongfully (§ 60-11A): \$50.
- F. Dogs attacking other animals: \$100.
- G. Interference with an officer: \$100.
- H. Defecation (§ 60-24A, B, C and D): \$50.

§60-31. Enforcement

It shall be the duty of the Animal Control Officer to enforce the provisions of this chapter.

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.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law.

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

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

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 Miller to approve Ordinance 2024-15 on second reading, seconded by Verrilli. All in favor. Motion carried.

2024-16

ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE BY ESTABLISHING CHAPTER 153, STORM SEWERS

WHEREAS, the Township of Hardyston has long had a Tier B Municipal Stormwater General Permit in accordance with the New Jersey Department of Environmental Protection ('NJDEP') Stormwater Management Regulations at N.J.A.C 7:8-1, et seq.; and

WHEREAS, the NJDEP has indicated its intent to reassign to 'Tier A' designation under the Municipal Separate Storm Sewer System permit program ('Permit Program') all New Jersey municipalities previously designated 'Tier B' ('Reassignment Plan'); and

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WHEREAS, as a condition of the NJDEP Municipal Stormwater Management program Tier A municipalities are required to adopt additional regulations to manage municipally owned and maintained storm sewer systems by prohibiting illicit connections and the improper disposal of waste, requiring retrofitting of existing storm drain inlets and establishing requirements for the storage of salt and other solid de-icing materials in order to protect the environment, public health, safety and welfare; and

WHEREAS, the Mayor and Township Council have reviewed the recommended regulations and believe that the changes promote the peace, health, public safety of the residents of the Township and are in the public interest.

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

SECTION 1. Chapter 153 "Storm Sewers" is hereby established to read as follows:

Chapter 153 Storm Sewers

Article I. Purpose & Definitions.

§ 153-1. Purposes.

The purposes of this chapter are to:

- A. Prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Hardyston.
- B. Prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Hardyston.
- C. Require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Hardyston.
- D. Prevent stored salt and other solid de-icing materials from being exposed to stormwater established requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Township of Hardyston.
- E. Prescribe penalties for failure to comply with the requirements and standards of this chapter.

§153-2. Definitions.

For the purpose of this Chapter, the following terms, phrases, words, and their derivations, shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

De-icing materials – Any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

Domestic sewage – Waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

Illicit connection - Any physical or non-physical connection that discharges the following to a municipal separate storm sewer system (unless that discharge is authorized under a NJPDES permit other than the NJPDES permit for discharges from that system):

- (1) Domestic sewage;
- (2) Non-contact cooling water, process wastewater, or other industrial waste (other than stormwater); or

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(3) Any category of non-stormwater discharges that a permittee for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.26(d)(2)(iv)(B)(1) or 122.34(b)(3)(iii).

(4) Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

Industrial waste – Non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act.

Impervious surface – A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

Municipal separate storm sewer system (MS4) - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Hardyston or other public body, and is designed and used for collecting and conveying stormwater.

NJPDES permit – A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

Non-contact cooling water – Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

Permanent structure – A permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- (5) Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- (6) The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- (7) The structure shall be erected on an impermeable slab;
- (8) The structure cannot be open sided; and
- (9) The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

Person - Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Process wastewater – Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water. Resident – A person who resides on a residential property where de-icing material is stored.

Stormwater - Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities or is conveyed by snow removal equipment.

Storm drain inlet – The point of entry into the storm sewer system.

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Article II. Illicit Connections.

§153-3. Regulated Activities.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Hardyston any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§153-4. Exemptions.

None

§153-5. Enforcement.

This Article shall be enforced by the Police Department, Zoning Official, Municipal Engineer, and/or Public Works Director.

§153-6. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the fines and penalties as provided in Chapter 1, General Provisions.

Article III. Improper Disposal of Waste.

§153-7. Regulated Activities.

The spilling, dumping, or disposal of materials other than stormwater that causes the discharge of pollutants to the municipal separate storm sewer system operated by the Township of Hardyston is prohibited.

§153-8. Exemptions.

- A. Potable water line flushing and discharges from potable water sources, excluding the discharge of filter backwash and first flush water from potable well development/redevelopment activities utilizing chemicals in accordance with N.J.A.C. 7:9D. The volume of first flush water, which is a minimum of three times the volume of the well water column, shall be handled and disposed of properly;
- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters) excluding winter months;
- C. Air conditioning condensate (excluding contact and non-contact cooling water; and industrial refrigerant condensate);
- D. Irrigation water (including landscape and lawn watering runoff);
- E. Flows from springs, riparian habitats, wetlands, water reservoir discharges and diverted stream flows;
- F. Residential car washing water and dechlorinated swimming pool discharges from single family residential homes;
- G. Sidewalk, driveway, and street wash water;
- H. Flows from firefighting activities including the washing of fire fighting vehicles;
- I. Flows from clean water rinsing of beach maintenance equipment immediately following use and only if the equipment is used for its intended purpose;
- J. Rinsing of beach maintenance equipment is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.
- K. Flows from clean water rinsing of equipment and vehicles used in the application of salt and deicing materials. Prior to rinsing, all equipment shall be cleaned using dry methods such as shoveling and sweeping. Recovered materials are to be returned to storage or properly discarded; and

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- L. Rinsing of deicing equipment is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§153-9. Enforcement.

This Article shall be enforced by the Police Department, Zoning Official, Municipal Engineer, and/or Public Works Director.

§153-10. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the fines and penalties as provided in Chapter 1, General Provisions.

Article IV. Private Storm Drain Inlet Retrofitting.

§153-11. Regulated Activities.

- A. No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:
 - (1) Already meets the design standard below to control passage of solid and floatable materials; or
 - (2) Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.
- B. The below design standard applies to the following types of storm drain inlet retrofit projects unless a more stringent standard is specified by the municipality's Stormwater Control Ordinance:
 - (1) Privately-owned or operated storm drain inlets (e.g., condominium association) must be retrofitted where the storm drains are:
 - (a) In direct contact with any repaving, repairing (excluding individual pothole repair), or resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen); or
 - (b) In direct contact with any reconstruction or alteration of facilities. This does not include single family homes.
- C. Grates in pavement or other ground surfaces shall meet either of the following standards:
 - (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate standards described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (see www.state.nj.us/transportation/about/publicat/pdf/BikeComp/introtofac.pdf); or
 - (2) A grate where each individual clear space in that grate has an area of no more than seven (7.0) square inches or is not greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.
 - (a) Examples of grates subject to this standard include grates in grate inlets; the grate portion (noncurb opening portion) of combination inlets; grates on storm sewer manholes; ditch grates; trench grates; and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads, (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors used to collect stormwater from the surface into a storm drain or surface water body.
 - (b) For curb-openings inlets, including curb-opening inlets in combination inlets, the clear space in the curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than

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seven (7.0) square inches or be no greater than two (2.0) inches across the smallest dimension.

§153-12. Exemptions:

The following exemptions from the design standard apply:

- A. Where each individual clear space in the curb opening in existing curb-opening inlets does not have an area of more than nine (9.0) square inches;
- B. Where the review agency determines that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- C. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - (1) A rectangular space four and five-eighths inches long and one and one-half inches wide; or
 - (2) A bar screen having a bar spacing of 0.5 inches;
 - (a) Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).
- D. Where flows are conveyed through a trash rack that has parallel bars with one inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in N.J.A.C. 7:8; or
- E. Where the Department determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet the standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§153-13. Enforcement:

This ordinance shall be enforced by the Police Department, Zoning Official, Municipal Engineer, or Public Works Director.

§153-14. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the fines and penalties as provided in Chapter 1, General Provisions for each storm drain inlet that is not retrofitted to meet the design standard.

Article V. Privately-Owned Salt Storage.

§153-15. Deicing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - (1) Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - (2) Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 - (3) Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 - (4) Loose materials shall be covered as follows:
 - (5) The cover shall be waterproof, impermeable, and flexible;

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- (6) The cover shall extend to the base of the pile(s);
 - (7) The cover shall be free from holes or tears;
 - (8) The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - (9) Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (a) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 - (10) Containers must be sealed when not in use; and
 - (11) The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 April 15.
 - C. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
 - D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

§153-16. Exemptions:

- A. Residents may store de-icing materials for personal use (not for a commercial operation or business) outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the deicing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.
- B. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.
- C. This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§153-17. Enforcement:

This ordinance shall be enforced by the Police Department, Zoning Official, Municipal Engineer, or Public Works Director.

§153.18. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Violations left uncorrected after the expiration of such time period shall result in fines and penalties as provided in Chapter 1, General Provisions.

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.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

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SECTION 4. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law.

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

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

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 Miller to approve Ordinance 2024-16 on second reading, seconded by Verrilli. All in favor. Motion carried.

2024-17

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY
AMENDING CHAPTER 152, SOLID WASTE OF THE TOWNSHIP GENERAL CODE TO CREATE NEW ARTICLES
REGULATING THE DISPOSAL OF YARD WASTE AND PET WASTE**

WHEREAS, the Township of Hardyston has long had a Tier B Municipal Stormwater General Permit in accordance with the New Jersey Department of Environmental Protection ('NJDEP') Stormwater Management Regulations at N.J.A.C 7:8-1, et seq.; and

WHEREAS, the NJDEP has indicated its intent to reassign to 'Tier A' designation under the Municipal Separate Storm Sewer System permit program ('Permit Program') all New Jersey municipalities previously designated 'Tier B' ('Reassignment Plan'); and

WHEREAS, as a condition of the NJDEP Municipal Stormwater Management program Tier A municipalities are required to adopt additional regulations for the proper management and disposal of pet, solid, and residential yard waste in order to protect the environment, public health, safety and welfare; and

WHEREAS, the Mayor and Township Council have reviewed the recommended regulations and believe that the changes promote the peace, health, public safety of the residents of the Township and are in the public interest.

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

SECTION 1. Chapter 152 "Solid Waste" is hereby amended and supplemented to add the following article.

Article III. Yard Waste.

§152-9. Definitions.

For the purposes of this Article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense includes the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Containerized – the placement of yard waste in a trash can, bucket, bag, or other container to prevent yard waste from spilling or blowing out into the street and contaminating stormwater.

Person – Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Street – An improved or unimproved public road in a city or town which includes driving lanes, shoulders, gutters, curbs, sidewalks, and parking areas.

Yard Waste – Loose leaves and grass clippings.

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§152-10. Regulated Activities:

- A. No person shall sweep, rake, blow, or otherwise place yard waste into the street.
- B. For non-containerized (loose) yard waste collection: Placement of loose yard waste must be at least 10 feet away from any storm drain inlet and no sooner than 7 days prior to a scheduled and announced collection.
- C. For containerized yard waste collection: Yard waste shall be placed in an appropriate container at the curb or along the street for collection.
- D. Placement of such yard waste on the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the person responsible for placement of the yard waste shall be in violation of this ordinance and must remove the yard waste immediately.

§152-11. Exemptions:

None.

§152-12. Enforcement:

This Article shall be enforced by the Police Department, Zoning Official, Municipal Engineer, or Public Works Director.

§152-13. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the fines and penalties as provided in Chapter 1, General Provisions.

SECTION 2. Chapter 152 "Solid Waste" is hereby amended and supplemented to add the following article.

Article IV. Pet Waste.

§152-14. Definitions:

For the purpose of this Article, the following terms, phrases, words, and their derivations, shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Owner/Keeper – Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

Person – Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Pet – Any domesticated animal kept for companionship.

Pet solid waste – Feces from any domesticated animal.

Proper disposal – Placement in a designated waste receptacle, or other suitable container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

§152-15. Regulated Activities:

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

§152-16. Exemptions:

Any owner or keeper who requires the use of a disability assistance animal for disabilities such as vision or hearing loss, or other physical disabilities, shall be exempt from the provisions of this section while such animal is being used for that purpose. This exemption is not applicable to pets that are exclusively emotional support animals.

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§152-17. Enforcement:

This Article shall be enforced by the Police Department or Zoning Official.

§152-18. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the fines and penalties as provided in Chapter 1, General Provisions.

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.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

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

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 Miller to approve Ordinance 2024-17 on second reading, seconded by Verrilli. All in favor. Motion carried.

2024-18

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY
AMENDING CHAPTER 114, LITTERING OF THE TOWNSHIP GENERAL CODE TO AMEND AND
SUPPLEMENT THE DEFINITION OF LITTERING**

WHEREAS, the Township of Hardyston has long had a Tier B Municipal Stormwater General Permit in accordance with the New Jersey Department of Environmental Protection ('NJDEP') Stormwater Management Regulations at N.J.A.C 7:8-1, et seq.; and

WHEREAS, the NJDEP has indicated its intent to reassign to 'Tier A' designation under the Municipal Separate Storm Sewer System permit program ('Permit Program') all New Jersey municipalities previously designated 'Tier B' ('Reassignment Plan'); and

WHEREAS, as a condition of the NJDEP Municipal Stormwater Management program, Tier A municipalities are required to adopt additional regulations to control littering in order to protect the environment, public health, safety and welfare; and

WHEREAS, the Mayor and Township Council have reviewed the recommended regulations and believe that the changes promote the peace, health, public safety of the residents of the Township and are in the public interest.

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

SECTION 1. Chapter 114 "Littering" is hereby amended and supplemented to modify and/or add certain definitions at §114-1, as follows:

§114-1. Definitions.

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Litter – Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

Litter Receptacle -- A container suitable for the depositing of litter.

Person -- Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

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.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law.

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

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

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 Miller to approve Ordinance 2024-18 on second reading, seconded by Verrilli. 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. Street Lighting
- C. First Aid Squad Building
- D. Solar project – Lasinski Road

NEW BUSINESS:

- A. Tax Collector Resolution
 - 1. Resolution #80-24 – Overpayment Refund – Block 71, Lot 11.01 QFARM – 89-139 Big Spring Road

RESOLUTION #80-24

WHEREAS, Block 71, Lot 11.01 QFARM and Block 71, Lot 11.01 also known as 89-139 Big Spring Road owned by HMS Day Farm, LLC, and

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WHEREAS, the Tax Assessor, Scott Holzhauer deleted Block 71, Lot 11.01 and merged it with block 71 lot 11.01 QFARM for 2024.

WHEREAS HMS Day Farm, LLC paid property taxes for the first two quarters of 2024 on Block 71, Lot 11.01 and Block 71, Lot 11.01 QFARM and there is now an overpayment of \$7,050.64.

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be authorized to refund HMS Day Farm, LLC in the amount of \$7,050.64.

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

- B. Resolution #81-24 – Resolution authorizing an amendment to the agreement entered into by the Township and by Blue Diamond Disposal, Inc. for recycling collection, which shall extend the agreement for one (1) year

RESOLUTION #81-24

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO
THE AGREEMENT ENTERED INTO BY THE TOWNSHIP AND BY BLUE DIAMOND
DISPOSAL, INC. FOR RECYCLING COLLECTION, WHICH SHALL EXTEND THE
AGREEMENT FOR ONE (1) YEAR**

WHEREAS, on October 26, 2022, the Township of Hardyston ('Township') entered into an agreement ('Agreement') with Blue Diamond Disposal, Inc. ('Blue Diamond'), for the collection of recycling in the Township; and

WHEREAS, the Township retained the option to extend the agreement for three (3) one (1) year extensions; and

WHEREAS, the Township Manager has recommended that the Township Council accept the option to extend the Agreement for one (1) year, which year shall encompass the period of **January 1, 2025** through **December 31, 2025** ('Extension'), at the current service level and cost; and

WHEREAS, the Township Council finds that the services under the Agreement are being performed in an effective and efficient manner; and

WHEREAS, sufficient funds are available for the Extension.

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

1. The Mayor and Clerk of the Township of Hardyston are hereby authorized and directed to execute the Amendment to Agreement for the collection of recycling in the Township, attached hereto.

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2. A copy of this Resolution shall be available for public inspection in the office of the Clerk of the Township of Hardyston.

3. This Resolution shall take effect immediately.

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

- C. Resolution #82-24 – Resolution awarding a contract for the purchase of a 105’ aerial ladder truck from Pierce through the Houston Galveston Area Council Purchasing Cooperative Contract #FS12-23

RESOLUTION #82-24

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDED A
CONTRACT FOR THE PURCHASE OF A 105’ AERIAL LADDER TRUCK FROM
PIERCE THROUGH THE HOUSTON GALVESTON AREA COUNCIL PURCHASING
COOPERATIVE CONTRACT #FS12-23**

WHEREAS, the Township of Hardyston is in need of a new ladder truck, which was included as part of the fire department’s capital plan and discussed by the Council during the August 28, 2024 public Council meeting; and

WHEREAS, the Township began participating in the Houston Galveston Area Council Purchasing Cooperative in September of 2015; and

WHEREAS, through its participation in the Houston Galveston Area Council Purchasing Cooperative, the Township has received a quote for the ladder truck that is within budget and acceptable to the Township; and

WHEREAS, the purchase of goods and services through a State agency by local contracting units, without advertisement for bid, is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12 *et seq.*; and

WHEREAS, Pierce is an authorized vendor under the Houston Galveston Area Council Purchasing Cooperative contract #FS12-23; and

WHEREAS, the Township of Hardyston desires to purchase the Pierce Aerial Ladder Truck, with a 23A-106- Custom Chassis, Tandem Rear Axle, and 105’ Aerial-1032, for a total purchase price of \$1,933,294.43; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$1,933,294.43 for this purpose, which funds were appropriated by bond ordinance #2024-13.

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

1. The purchase of the Pierce Aerial Ladder Truck, with 23A-106- Custom Chassis, Tandem Rear Axle, and 105’ Aerial -1032 from Fire & Safety Services Ltd., pursuant to its proposal, attached hereto, at a total price not to exceed \$1,933,294.43 is hereby approved under the Houston Galveston Area Council Purchasing Cooperative contract #FS12-23.

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2. The Mayor and Township Manager are hereby authorized and directed on behalf of the Township to execute a purchase order to Fire & Safety Services Ltd. for the purchase of the Pierce aerial ladder truck at a total price not to exceed \$1,933,294.43

This Resolution shall take effect immediately upon adoption.

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

- D. Resolution #83-24 – Resolution appointing a temporary Chief Financial Officer.

RESOLUTION #83-24

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, APPOINTING A TEMPORARY CHIEF
FINANCIAL OFFICER**

WHEREAS, the Office of the Chief Financial Officer of the Township of Hardyston ('Township') is set to become vacant as of October 1, 2024; and

WHEREAS, N.J.S.A. 40A:9-140.10 requires that every municipality have a Chief Financial Officer ('CFO'), who shall be appointed by the municipality's governing body; and

WHEREAS, pursuant to N.J.S.A. 40A:9-140.13, when a vacancy occurs in the office of CFO following the appointment of a certified municipal finance officer to that office, a person who does not hold a municipal finance officer certificate can be appointed to a one-year term, with a reappointment for no more than two additional one-year terms, to serve as a temporary CFO; and

WHEREAS, the Township Council wishes to appoint Carrine Piccolo-Kauer to serve a temporary appointment as CFO of the Township of Hardyston, for a one-year term, commencing on October 1, 2024 and terminating on September 31, 2025 pursuant to N.J.S.A. 40A:9-140.13.

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

1. The Mayor and Council of the Township of Hardyston hereby appoint Carrine Piccolo-Kauer to serve a temporary appointment as CFO of the Township of Hardyston, for a one-year term, commencing on October 1, 2024 and terminating on September 31, 2025, pursuant to N.J.S.A. 40A:9-140.13.

2. A copy of this Resolution shall be available for public inspection in the office of the Clerk of the Township of Hardyston.

3. This Resolution shall take effect immediately.

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

- E. Correspondence

1. Lafayette Township
2. Lafayette Township
3. Franklin Borough
4. Schenck Price Smith & King LLP

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

COUNCIL COMMENTS: Councilman Kula asked the Township Manager to reach out to the Township's representative from JCP&L and have them attend a future Council meeting.

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BILLS TO BE PAID: A motion was made by Verrilli to approve the bill list of 9/11/24 in the amount of \$309,451.86 and the bill list of 9/25/24 in the amount of \$1,987,438.68 which includes payroll for pay period ending 8/30/24 and 9/15/24, 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.

PUBLIC COMMENT (in accordance with P.L. 2002, c.80): A motion was made and seconded to open the meeting to the public. All in favor. Motion carried.

The following individuals presented public comments:

1. Anthony Rosta – Hardyston Township Fire Chief thanked the Township Manager and Council for approving the purchase of the new fire truck and for all of their support.
2. Brian Tobachnick – (Hardyston) Thanked the Township Manager and Council for approving the purchase of the new fire truck and expressed concerns about the redevelopment project on Lasinski Road.
3. Charles Markarian – (Hardyston) Asked for clarification regarding the solar project on Lasinski Road.
4. Katherine – (Hardyston) Expressed concerns about the redevelopment project on Lasinski Road.
5. Adam Irish – (Hardyston) Expressed concerns about certain social media comments and posts.
6. Bill Walsh - (Hardyston) Expressed concerns about the redevelopment project on Lasinski Road.
7. Edward Rotunda - (Hardyston) Expressed concerns about the redevelopment project on Lasinski Road.
8. Kathy – (Sparta) Expressed concerns about the redevelopment project on Lasinski Road.

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 8:00 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk