

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

The meeting was called to order by Mayor Kaminski at approximately 7:14 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 Verrilli, Councilman Kula, Councilman Miller, Councilman Cicerale, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk, and Township Attorney Robert Rossmeissl of Dorsey & Semrau.

SALUTE THE FLAG

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

Monthly Reports:

1. Municipal Clerk Report – June 2025
2. Tax Collector Report – June 2025
3. Construction Certificate Activity Report – June 2025
4. Construction Permit Activity Report – Hardyston – June 2025
5. Construction Permit Activity Report – Hamburg – June 2025
6. Construction Permit Activity Report – Franklin – June 2025
7. Construction Permit Activity Report – Newton – June 2025
8. Construction Permit Activity Report – Sussex – June 2025
9. Construction Permit Activity Report – Wantage – June 2025
10. Police Department Report – June 2025
11. Municipal Court Report – June 2025
12. Zoning Officer Report – June 2025
13. Land Use Report – June 2025
14. Sussex County Health Department Report – June 2025
15. Department of Public Works – June 2025

Minutes:

1. Regular Minutes of 6/25/25

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

MANAGERS REPORT:

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

- St. Clare's - EMS
- Planet Networks – Phones/Internet
- Fire Prevention Shared Service Agreements – Sparta and Byram
- Potential Temporary Tax Collector Shared Service Agreement with Hamburg
- Display of Hardystonite in Municipal Building Lobby
- Vulcan (Eastern Concrete Materials)
- 911/Emergency Communication Siren Issues
- Wheatsworth Park

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 23, 2025**

ORDINANCES

1ST READING:

2025-08

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,
STATE OF NEW JERSEY AUTHORIZING ELIZABETHTOWN GAS COMPANY,
ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, LAY, MAINTAIN, AND
OPERATE FOR A PERIOD OF 25 YEARS, THE NECESSARY MAINS,
CONDUCTORS, PIPES AND CONCOMITANT APPURTENANCES FOR THE
PURPOSE OF CONVEYING, STORING, SUPPLYING AND DISTRIBUTING
GAS FOR LIGHT, HEAT, POWER AND OTHER PURPOSES FOR PUBLIC
AND PRIVATE USE AND CONSUMPTION ALONG AND UNDER ALL THE
STREETS, AVENUES, PARKS, PARKWAYS, HIGHWAYS OR OTHER PUBLIC
PLACES WITHIN THE TOWNSHIP OF HARDYSTON IN THE COUNTY OF
SUSSEX AND STATE OF NEW JERSEY**

WHEREAS, Elizabethtown Gas Company, a corporation of the State of New Jersey and a public utility subject to the jurisdiction of the New Jersey Board of Public Utilities was granted Municipal Consent to construct, maintain, and operate a gas line for the distribution of natural and mixed gas throughout Hardyston Township (hereinafter, the "Service") pursuant to Ordinance number 94-2 adopted on March 15, 1994 (hereinafter, "Municipal Consent," or the "Franchise"); and

WHEREAS, the Service provided by Elizabethtown Gas Company pursuant to the Franchise has generally been acceptable to the Township; and

WHEREAS, Elizabethtown Gas Company has made application to extend the Township's Municipal Consent for the Service; and

WHEREAS, the Township of Hardyston has received, reviewed and considered additional information provided by Elizabethtown Gas Company and its request to extend the Township's Municipal Consent for the Service; and

WHEREAS, the Township Council has determined that it is reasonable and necessary for Elizabethtown Gas Company to continue to provide the Service throughout the Township; and

WHEREAS, the Township of Hardyston desires to extend its Municipal Consent to Elizabethtown Gas Company.

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. Grant of Municipal Consent

Pursuant to N.J.S.A., 48:3-11, the Mayor and Township Council of the Township of Hardyston hereby grant Elizabethtown Gas Company, a Corporation of the State of New Jersey (hereinafter "Elizabethtown") with principal offices located at 520 Green Lane, Union, New Jersey 07083, its successors and assigns, a nonexclusive consent, right and privilege for the use, without impairment of, or obstruction to the public use, of the roads, streets, parks, avenues, ways, and other public places of the Township of Hardyston to construct, lay, maintain, and operate for a period of twenty-five (25) years, the necessary mains, conductors, pipes and concomitant appurtenances for the purpose of conveying, storing,

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

supplying and distributing natural and mixed gas for heat, power, light and other purposes for public and private use and consumption, along in, or under the following described Service Area: all of the streets, avenues, alleys, parks, parkways, highways, or other public places within the Township, and other public places that now exist or may be hereinafter be laid out by the municipal authorities of the said Township or dedicated to said Township.

SECTION 2. Conditions on Grant of Municipal Consent

The Municipal Consent granted herein is expressly conditioned upon the following:

- (a) the written acceptance of Elizabethtown of the terms and conditions of this municipal Consent Ordinance within thirty (30) days of its final adoption.
- (b) the New Jersey Board of Public Utilities (hereinafter "N.J.B.P.U.") approval of the Consent herein granted and the issuance of such other grants or approvals as determined by the N.J.B.P.U.
- (c) Elizabethtown shall satisfy all Statutory requirements of N.J.S.A. 48:13-1 et seq. regarding the proper organization and operation of Public Utilities engaged in the distribution of natural and mixed gas, and shall remain subject to the jurisdiction of and comply with all Rules and Regulations of the United States Department of Transportation, Office of Pipeline Safety and the N.J.B.P.U. as well as the Ordinances of the Township of Hardyston.
- (d) Elizabethtown shall construct and continuously maintain and operate its distribution line within the service area in a safe and efficient manner, and maintain such gas distribution lines in a state of good operation and repair and including all streets, roads, and public rights-of-way within the Township of Hardyston wherein its lines are located.
- (e) the construction, operation and maintenance of the gas distribution system within the rights-of-way of the Township of Hardyston shall in no way place any obligation, financial or otherwise, or any liability of any kind, upon the Township of Hardyston and no obligation is to attach for the construction, operation and maintenance of the said gas distribution system to the Township.
- (f) any and all regulating pits and venting structures or like facilities shall not be located along the public rights-of-way comprising the Service Area.

SECTION 3. Construction; Installation; Restoration.

- A. Construction. In each and every case in which road openings or excavation of any nature are required or made for the purposes aforesaid, Elizabethtown shall restore, all such public and private lands or facilities to as good a condition as existed at the commencement of the said work or such better condition, at its sole cost and expense. All such openings and installation and maintenance shall be undertaken in strict compliance with the standards imposed by the N.J.B.P.U., any other regulatory agency, and all applicable Township Ordinances, with such work to be done in a careful, prudent and workmanlike manner, and within such time limitations as shall be best for the proper safeguard of the public.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 23, 2025**

- B. Relocation. If at any time during the period of this Municipal consent, the Township of Hardyston finds it necessary to alter or change the grade of any street, road or other public right-of-way or area, Elizabethtown shall, upon reasonable notice by the Municipality, remove and relocate its distribution line and pipes at the expense of Elizabethtown.
- C. Restoration. In the event that Elizabethtown shall refuse or neglect, after ten (10) days notice in writing by a representative of the Township, to restore any disturbed area at its cost and expense, and in compliance with all applicable Municipal Ordinances in effect at the time, to its pre-existing or better condition, any street, road, pavement, driveway or other reserves after having made an opening or excavation, the necessary work to accomplish such restoration may be done by the Township of Hardyston, and thereafter, Elizabethtown shall be
- D. liable for the actual and necessary costs thereof, and shall immediately pay such costs to the Township upon receiving notice thereof.
- E. Preconditions to Undertaking Construction. Elizabethtown shall give to the Township of Hardyston, through its duly designated representative, written notice of its intention to open or excavate any street or other public place in accordance with the Township of Hardyston's Ordinance regulating the excavation and opening of streets, roads and highways, with the exception that such notice requirement shall be waived in the event of an emergent circumstance such that such emergency will affect public health or safety. As soon as practically possible after the occurrence of such emergent circumstance, Elizabethtown shall give prompt written notice to the Township of any emergency opening or excavation that Elizabethtown shall undertake.

SECTION 4. Indemnification, Performance Bond, Liability.

- A. Indemnification. Elizabethtown, its successors and assigns, by the acceptance of the grants, rights and privileges conferred by this ordinance, shall at all times and does hereby and will indemnify and hold harmless, the Township of Hardyston and all of its subsidiary agencies, officials and employees for any and all claims of whatsoever kind or nature arising from or relating to the construction, installation, maintenance, laying, repairing, inspecting, or altering of maintains conductors, pipes and appurtenances thereto, and any other facilities, and including, but not by way of limitation, any damages, penalties, costs, attorney's fees and charges for personal injury, property damage or otherwise, based upon Elizabethtown's negligence or the negligence of its agents, servants, employees or independent contractors.
- B. Performance Bond. Prior to the commencement or any construction or installation under this Municipal Consent, Elizabethtown shall execute and deliver to the Clerk of the Township and subject to prior review and approval by the Township Attorney, a Bond in the amount of \$10,000.00 guaranteeing the faithful performance of all of its obligations and undertakings under this Ordinance, which Bond shall be enlarged or renewed from time to time as the Council may require.
- C. Liability Insurance. Elizabethtown agrees to maintain and keep in full force and effect, at its sole expense, and at all times during the terms and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 23, 2025**

duration of this Municipal Consent, sufficient liability insurance naming the Township of Hardyston as an additional insured party, and insuring and indemnifying the Township against any loss by any such claim, suite, judgment, execution or as follows:

- a. Elizabethtown shall carry Worker's Compensation Insurance with Statutory limits.
- b. Elizabethtown shall at all times, maintain a Comprehensive General Liability Insurance Policy with a single limit amount of \$1,000,000.00 covering liability for any death, personal injury, property damage or other liability arising out of its construction and operation of the gas distribution systems herein and in addition, an excess liability (or "umbrella") policy in the amount of \$3,000,000.00.
- c. Elizabethtown shall furnish to the Township of Hardyston a certified copy or Certificate of Insurance of each of the Policies as set forth herein.

SECTION 5. Duration of Consent

- A. Term. The Municipal consent granted to Elizabethtown herein is for a period of twenty-five (25) years from the effective date of this Ordinance.
- B. Public Hearing. Immediately prior to the twenty-five (25) year expiration of this Consent, the Township of Hardyston shall conduct public hearings regarding the performance of Elizabethtown with the terms of this Municipal Consent. The public hearing shall be duly advertised and shall provide any opportunity for all interested persons to participate.
- C. Extension. Upon the conclusion of the public hearings as set forth herein, the Township of Hardyston shall consider such extension and such additional conditions as the record of the public hearings may warrant.
- D. Notice of Proceedings. Elizabethtown shall give the Municipality timely written notice of at least fifteen (15) days in advance of all proceedings initiated by Elizabethtown or the N.J.B.P.U. or other Regulatory Agency, when such proceedings may affect the commitments, this Municipal Consent or relationship between Elizabethtown and the Municipality, whether or not such notice is required by law. All submissions provided to such Regulatory Agency by Elizabethtown shall also be provided to the Township of Hardyston.

SECTION 6. Severability.

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court or Competent jurisdiction, such Order or Judgment shall not effect or invalidate this remainder of any such article, section, subsection, paragraph or clause, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 7. 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 8. Effective Date.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 23, 2025**

This Municipal Consent Ordinance shall become effective upon adoption and publication according to law, and only upon written acceptance of this Municipal Consent by Elizabethtown, which written acceptance shall be filed with the Clerk of the Municipality within thirty (30) days of the date after which Elizabethtown receives notice of the passage of this Ordinance, and approval of the franchise hereby granted by the New Jersey Board of Public Utilities.

Attorney for Elizabethtown Gas, Richard Valenti and Mark Kelly, Sales Manager for Elizabethtown Gas were present to answer any questions the Council might have regarding this ordinance. 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 Kula to approve Ordinance 2025-08 on first reading, seconded by Cicerale. All in favor. Motion carried.

2025-09

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
AUTHORIZING A SPECIAL ASSESSMENT FOR THE DEER TRAIL LAKE
COUNTRY CLUB INC. DAM REPAIR PURSUANT TO A DAM RESTORATION
LOAN FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION'S DAM RESTORATION LOAN PROGRAM**

WHEREAS, in 2022, Deer Trail Lake Country Club, Inc. ('Deer Trail Lake'), a private lake community located in Stockholm, NJ, notified the Township of Hardyston that its Dam on Fawn Lake, a high hazard dam, is in urgent need of repair, and that a successful application to the Dam Restoration Loan Program is the only viable pathway for Deer Trail Lake to address this need in the near-term future; and

WHEREAS, Deer Trail Lake indicated its intent, accordingly, to apply for a Dam Restoration Loan ('Dam Loan Application') via the New Jersey Department of Environmental Protection ('NJDEP') Dam Restoration Loan Program; and

WHEREAS, the NJDEP requires the municipal government in the municipality wherein a private lake dam restoration is to occur to act as co-borrower of funds in the event of default by the private lake association; and

WHEREAS, Deer Trail Lake requested that the Township commit to act as co-borrow for purposes of its Dam Loan Application; and

WHEREAS, the Township in 2022 approved Resolution #14-22, tentatively committing to serve as co-borrower in connection with the Dam Loan Application, subject to certain conditions; and

WHEREAS, the Township's tentative commitment pursuant to Resolution #14-22 was contingent upon the Township approving subsequent legislation and entering into an agreement with Deer Trail Lake whereby the Township reserves the power to levy a special assessment ('Special Assessment') against both the residential and/or common properties of Deer Trail Lake in the event that Deer Trail Lake ultimately defaults on its repayment of any Dam Restoration Loan for which the Township is co-borrower; and

WHEREAS, the Township made clear that it would not enter into a co-borrower agreement with Deer Trail Lake on any Dam Restoration Loan until the

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

Township had first approved legislation establishing its power to levy the Special Assessment; and

WHEREAS, Deer Trail Lake provided the Township with a letter from the NJDEP indicating acceptance by NJDEP of Deer Trail Lake's Dam Loan Application, as well as a loan agreement between NJDEP, Deer Trail Lake, and the Township (the 'Loan Agreement'); and

WHEREAS, pursuant to the Loan Agreement, Deer Trail Lake would obtain through the Dam Restoration Loan Program a loan of two million four hundred twenty thousand (\$2,420,000) dollars to finance its repair of the dam on Fawn Lake (the 'Project'); and

WHEREAS, the Loan Agreement cannot become effective unless/until executed by the Township; and

WHEREAS, N.J.S.A. 58:4-12 authorizes the Township to assess the amount of the principal, interest, and costs for the loan against the real property benefited by the loan, together with interest and penalties; and

WHEREAS, N.J.S.A. 58:4-12 authorizes the collection of the Assessment in the same manner as assessments for local improvements; and

WHEREAS, the Mayor and Township Council are aware of the importance of ensuring that the Project be successfully completed.

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

- 1) The Township is empowered to levy a special assessment (the 'Special Assessment') for the full cost of the principal, interest, and any associated costs, fees, or penalties expended to complete the improvements and repairs of the Fawn Lake dam (the 'Project') to the satisfaction of the New Jersey Department of Environmental Protection, together with all costs associated with establishing and enforcing the Special Assessment, as provided pursuant to N.J.S.A. 58:4-12.
- 2) The procedures for making and collecting this prospective Special Assessment, which are set forth in N.J.S.A. 40:56-1 et seq. and N.J.S.A. 40:49-6, have been and shall be properly followed, with the prospective Special Assessment constituting a first and paramount lien on the affected property pursuant to N.J.S.A. 40:56-33 and with a record of same being maintained in accordance with N.J.S.A. 40:56-41.3.
- 3) The Township will not contribute to the repayment of any part of the costs of this Project.
- 4) The Township Clerk shall cause a notice of this proposed Special Assessment to be mailed to the owners of real estate impacted by the Special Assessment prior to the future Special Assessment for the Project. The notice shall contain a description of the property impacted

sufficiently to identify it. Such notice shall be served in accordance with law and proof of service shall be filed with the tax office within ten (10)

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

days after such service. A copy of the list of affected property owners is attached to this Ordinance as Exhibit A.

- 5) If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.
- 6) 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.
- 7) This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

EXHIBIT A

Block	Lot	Property Location
33	2.01	2 ALPINE RD
33	9.07	5 ALPINE RD
33	3	6 ALPINE RD
33	9.08	9 ALPINE RD
33	4	12 ALPINE RD
33	5	16 ALPINE RD
33	8	18 ALPINE RD
33	9.01	19 ALPINE RD
34	11	1 BEECH CT
34	12	3 BEECH CT
34	14	7 BEECH CT
34	15	9 BEECH CT
34	16	11 BEECH CT
36	9.15	1 BUCK HAVEN TR
36	9.05	2 BUCK HAVEN TR
36	9.14	3 BUCK HAVEN TR
36	9.13	5 BUCK HAVEN TR
36	9.07	6 BUCK HAVEN TR
36	9.12	7 BUCK HAVEN TR

36	9.08	8 BUCK HAVEN TR
36	9.11	9 BUCK HAVEN TR
36	9.09	10 BUCK HAVEN TR
36	9.10	11 BUCK HAVEN TR
26	2	4 CUB LN
25	1.02	5 CUB LN
26	3	6 CUB LN
36	11.03	2 DEER TR
23	2.02	4 DEER TR
22	5	7 DEER TR
23	2.01	8 DEER TR
22	4	9 DEER TR
22	3	11 DEER TR
22	2	15 DEER TR
25	2	16 DEER TR
22	1.02	17 DEER TR
25	1.01	18 DEER TR
25	4	20 DEER TR
22	1.01	21 DEER TR
30	1	25 DEER TR
30	2	27 DEER TR
31	4	28 DEER TR
30	3	29 DEER TR
31	3	30 DEER TR
30	4	31 DEER TR
31	2	32 DEER TR
30	5	35 DEER TR
30	6	37 DEER TR
31	1.04	38 DEER TR
30	7	39 DEER TR
31	1.05	40 DEER TR
34	1.01	43 DEER TR
33	9.04	44 DEER TR
33	9.05	46 DEER TR
34	2	47 DEER TR
33	10	50 DEER TR
34	3	51 DEER TR

33	13	52 DEER TR
34	4	53 DEER TR
33	14	54 DEER TR
33	15	56 DEER TR
34	6	57 DEER TR
33	16	58 DEER TR
21	15.02	59 DEER TR
33	17	60 DEER TR
21	16	61 DEER TR
36	9.04	1 DOE RUN
36	9.03	3 DOE RUN
36	9.16	6 DOE RUN
36	9.02	7 DOE RUN
36	9.17	8 DOE RUN
36	9.35	9 DOE RUN
36	9.34	11 DOE RUN
36	9.24	14 DOE RUN
36	9.33	15 DOE RUN
36	9.25	16 DOE RUN
36	9.32	17 DOE RUN
36	9.26	18 DOE RUN
36	9.31	19 DOE RUN
36	9.27	20 DOE RUN
36	9.30	21 DOE RUN
33	9.02	22 DOE RUN
36	9.29	23 DOE RUN
33	9.12	24 DOE RUN
36	9.28	25 DOE RUN
33	9.11	26 DOE RUN
33	6	27 DOE RUN
33	9.10	28 DOE RUN
34	8	3 DOGWOOD TR
34	9.01	5 DOGWOOD TR
21	15.01	6 DOGWOOD TR
21	14	10 DOGWOOD TR
34	9.02	11 DOGWOOD TR
21	13	14 DOGWOOD TR

21	12	18 DOGWOOD TR
21	11	22 DOGWOOD TR
34	9.03	25 DOGWOOD TR
21	10	26 DOGWOOD TR
34	9.04	29 DOGWOOD TR
21	9	30 DOGWOOD TR
21	8	32 DOGWOOD TR
21	7	34 DOGWOOD TR
29	5	2 FAWN LAKE RD
29	4	4 FAWN LAKE RD
31	5	5 FAWN LAKE RD
29	3	6 FAWN LAKE RD
29	2	8 FAWN LAKE RD
32	1	9 FAWN LAKE RD
32	2	11 FAWN LAKE RD
32	3	13 FAWN LAKE RD
28	1	14 FAWN LAKE RD
32	4	15 FAWN LAKE RD
32	5.01	19 FAWN LAKE RD
32	5.03	21 FAWN LAKE RD
33	1	22 FAWN LAKE RD
32	6	23 FAWN LAKE RD
33	2.02	24 FAWN LAKE RD
32	7	25 FAWN LAKE RD
33	2.03	26 FAWN LAKE RD
32	8	27 FAWN LAKE RD
33	2.04	28 FAWN LAKE RD
32	9	29 FAWN LAKE RD
32	10.01	31 FAWN LAKE RD
33	2.06	32 FAWN LAKE RD
32	10.02	33 FAWN LAKE RD
33	2.07	34 FAWN LAKE RD
32	10.03	35 FAWN LAKE RD
32	11	37 FAWN LAKE RD
33	12	38 FAWN LAKE RD
33	11	40 FAWN LAKE RD
32	13	41 FAWN LAKE RD

32	14	43 FAWN LAKE RD
32	15	45 FAWN LAKE RD
28	5	5 FOX DEN LN
27	2	6 FOX DEN LN
28	6	7 FOX DEN LN
27	1	8 FOX DEN LN
23	1	2 FOX TR
25	3	3 FOX TR
24	6	6 FOX TR
26	1	7 FOX TR
24	4	10 FOX TR
26	8	11 FOX TR
26	7	15 FOX TR
26	6	17 FOX TR
28	4	20 FOX TR
26	5	21 FOX TR
28	2	26 FOX TR
29	1	29 FOX TR
27	4	1 LAUREL DR
24	2	2 LAUREL DR
27	5	3 LAUREL DR
27	6	5 LAUREL DR
24	1.01	6 LAUREL DR
27	7	7 LAUREL DR
24	1.02	10 LAUREL DR
29	6	1 PARTRIDGE RD
29	7	3 PARTRIDGE RD
25	1.03	4 PARTRIDGE RD
29	8.01	5 PARTRIDGE RD
29	8.02	7 PARTRIDGE RD
26	4	8 PARTRIDGE RD
29	9	9 PARTRIDGE RD
29	10	11 PARTRIDGE RD
36	9.23	1 WHITE TAIL CT
36	9.18	2 WHITE TAIL CT
36	9.22	3 WHITE TAIL CT
36	9.19	4 WHITE TAIL CT

36	9.21	5 WHITE TAIL CT
36	9.20	6 WHITE TAIL CT

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

A motion was made by Kula to approve Ordinance 2025-09 on first reading, seconded by Miller. All in favor. Motion carried.

ORDINANCES

2ND READING:

ORDINANCE 2025-05

ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING ARTICLE XIX, SIGNS, OF CHAPTER 185, ZONING, OF THE MUNICIPAL CODE OF THE TOWNSHIP OF HARDYSTON TO REMOVE AND REVISE CERTAIN OBSOLETE AND DUPLICATIVE PROVISIONS

WHEREAS, it has come to the attention of the Township Council of the Township of Hardyston that certain provisions the Township Municipal Code regulating signs in the Township have become obsolete; and

WHEREAS, the Township Council wishes to remove such obsolete provisions;
and

WHEREAS, in reviewing the Township Municipal Code accordingly, the Township Council has observed and wishes to revise certain other provisions that are duplicative;
and

WHEREAS, the Township Council believes these removals and revisions to the provisions of the Municipal Code regulating signs will simplify residents’ ability to adhere to same.

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. Article XIX of Chapter 185, “Signs,” is amended as follows:

§185-68 Purpose, Intent, and Scope.

Purpose, intent and scope. It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and nondiscriminatory sign standards. The sign regulations in this section are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech, and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. In order to preserve and enhance the Township as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the Township is a highly contributive means by which to achieve this desired end. These sign regulations have been prepared with the intent of enhancing the visual environment of the Township and promoting its continued well-being, and are intended to:

- A. Promote the free flow of traffic and protect pedestrians, bicyclists and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting or illegible signs.
- B. Promote the use of signs that are aesthetically pleasing and of appropriate scale to the building(s) to which they relate.
- C. Promote the use of signs that are integrated with the surrounding buildings and landscape.
- D. Promote the use of signs that are compatible with the Township's character.

- E. Provide functional flexibility, encourage variety, and create an incentive to relate signage to basic principles of good design.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

- F. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic.
- G. Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs.
- H. Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain.
- I. Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function.
- J. Preclude signs from conflicting with the principal permitted use of the site and adjoining sites
- K. Preserve, conserve, protect and enhance the aesthetic quality and scenic beauty of all districts of the Township.
- L. Protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness or movement.
- M. Protect property values by ensuring that sign types, as well as the number of signs, are in harmony with buildings, neighborhoods and conforming signs in the area.
- N. Preserve and enhance the character of the Township.

§185-69 General regulations.

- A. Except as otherwise provided for in this Chapter, no sign shall be constructed, displayed or erected unless written application has been made to the Zoning Officer by the owner of the property and a permit issued upon payment of a fee as set from time to time by the Township Council, and as incorporated herein under §186-77.
- B. When a sign is a temporary sign as permitted in § 185-71, the property owner or applicant shall submit a plot plan or survey indicating the location of the sign, unless exempt from this requirement pursuant to superseding State or Federal law. The Zoning Officer will determine if the proposed location is safe and out of the public right-of-way. In the event that the Zoning Officer has concerns regarding the location of the proposed sign, the Township Engineer will make a determination and, if necessary, recommend an alternative location. This subsection shall not be applicable to temporary signs that are also exempt, pursuant to §185-70.1.
- C. When a permanent sign is not included as part of an approved site plan, the property owner or applicant shall apply to the Zoning Officer for approval. The required application shall include a plot plan or survey detailing the sign location,

setbacks, sight triangle, and sign specifications including compliance with the standards established at §185-76.

D. All signs and supporting structures shall be maintained in a structurally safe condition and in good repair, including the maintenance of legibility and all

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

lighting elements. The owner of the premises shall be responsible for the maintenance of the ground area surrounding signs in a neat and clean condition, and all landscaping shall be maintained in good repair.

E. Directional signs having areas of less than two square feet are exempt from area and location regulations, except they shall be located a minimum of five feet from any property line.

F. The applicant shall comply with all applicable county, state and federal sign regulations.

G. No sign shall constitute a hazard to the traveling public, as determined by the Township Zoning Officer or the Township Engineer.

H. Whenever the Zoning Officer shall determine that there is a violation of any sign regulation, he or she shall direct that the sign shall be removed or brought into compliance within a specified time.

§185-70 Prohibited signs.

The following signs shall be prohibited in all zoning districts:

- A. Any sign which does not pertain to an occupant, service or product actually occupying or provided on the premises where such sign is located.
- B. A sign attached to any building which projects more than six inches from the wall to which it is attached or which extends above the wall to which it is attached.
- C. A roof sign which extends above the highest point of the roof to which it is attached.
- D. Banners, streamers, advertising flags, twirlers and like objects, except as permitted for temporary signs in **§ 185-71**.
- E. Signs posted on fences, posts, utility poles or trees (except for "no trespassing," "no hunting" signs and similar restrictive signs).
- F. Signs posted on municipal property without the consent of the governing body.
- G. Signs standing, installed or painted on sidewalks or curbs.
- H. Exterior moving, rotating, blinking or flashing signs of any nature, except for electronic message signs as permitted in **§ 185-76.1**.
- I. Pole signs, except as permitted in **§ 185-73, 185-74 and 185-76**.
- J. Sandwich boards, banners, placards, or other forms of advertisement, except as permitted for temporary signs in **§ 185-71**.
- K. Sandwich boards, banners, placards, or other forms of advertisement which are carried by, worn by, or otherwise held by one or more individuals.
- L. Signs posted within a public right-of-way without the consent of the public agency which controls the affected right-of-way.

§185-70.1 Exempt signs.

The following signs shall be exempt from obtaining a zoning permit but shall comply with all placement and size requirements for the type of sign category under which they are classified (temporary, window signs and lettering, specific uses, multi-use/multi-tenant structures, residential, and nonresidential):

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

- A. Public signs or notices (sign on behalf of a municipal, county, state, or federal agency).
- B. Sign face changes on existing legally conforming signs.
- C. Directional signs such as "No Parking," "No Loading," "Entrance."
- D. Community organization signs (neighborhood association, church, civic organization).
- E. Real estate signs for residential sales and rent in all residential zones (not to exceed four square feet).
- F. American, state, county and Township flags.
- G. Yard sale/garage sale signs. (Such signs shall be removed within 24 hours of the end of the event.)

§185-71 Temporary Signs in all zones.

Temporary signs, as defined in **§ 185-4**, and inclusive of all sign types explicitly referenced in this subsection, shall be permitted as follows:

- A. Temporary signs shall be permitted identifying architects, builders, brokers and contractors on premises where a building is being constructed, altered or repaired. No sign shall be displayed for a period exceeding the time required for such construction, alteration or repair or for one year, whichever is less. Unless affixed to the principal building, such signs shall be set back at least 10 feet from all property lines. There shall be no more than one such sign on any property. Said sign shall not exceed six square feet in size and shall not stand more than four feet above ground level.
- B. One temporary sign shall be permitted announcing that the property on which it is located is for sale or rent, provided that such sign shall be displayed for only so long as such property is for sale or rent and shall be removed within seven days after such sale or rental. Unless such sign is attached to the principal building, it shall be no closer than 10 feet to any property line. Such sign shall not exceed six square feet in size, nor stand more than four feet above ground level. Commercial sales and rental real estate signs shall not exceed 15 square feet.
- C. Signs locating and advertising subdivision of land projects requiring site plan approvals, which have received preliminary or final approval by the Township, provided that each such sign shall not exceed 24 square feet in area, shall not exceed two in number and shall not be located closer than 20 feet to any property line. Such sign permits shall be valid for not more than one year. All such signs shall be renewed annually by January 31. Such signs shall be removed, in the case of land subdivision, when either 75% of the lots created have been built upon or after 75% of the lots have been sold by the developer, or any combination thereof. In the case of projects receiving site plan approval, such signs shall be removed upon the issuance of a certificate of occupancy.
- D. Grand opening signs, including suspended signs, banners, streamers, advertising flags, twirlers and like objects in nonresidential zones may be allowed by permit from the Township Zoning Officer for a period not to exceed 90 days for

new business grand openings. Grand opening signs shall be erected no more than 30 days prior to the grand opening and shall be removed not more than 60

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

days after the grand opening. Grand opening signs must be a minimum of 10 feet from any property line.

- E. Special promotion and event signs, including banners, streamers, advertising flags, twirlers, suspended signs and sandwich board signs, in nonresidential zones may be granted by permit from the Township Zoning Officer. Special promotion and event signs may be displayed for not more than 30 consecutive days within any established business quarter. A waiver from the above requirements and restrictions can be requested from the Township Council. Special promotion and event signs must be a minimum of 10 feet from any property line and shall not impede, restrict, or otherwise interfere with sight distances in and around the special promotion and event signage.
- F. Sandwich board signs as defined in **§ 185-4** shall not exceed 36 inches in height, and each side of the sign shall not exceed seven square feet in area. Sandwich board signs may only be displayed during business hours and shall not have internal or external illumination, contain moving parts, or have balloons, streamers, pennants or similar adornment attached to them. Sandwich board signs must be a minimum of 10 feet from any property line.
- G. Suspended signs as defined in **§ 185-4** shall not exceed 60 inches in width and 30 inches in height. The bottom edge of the suspended sign shall be a minimum of seven feet from the ground/sidewalk to avoid obstructing the entrance to the establishment.
- H. All temporary signs, as defined in **§ 185-4** and not otherwise explicitly regulated by the above provisions of this subsection, shall be limited to the size of 16 square feet.

§185-72 Window lettering and window signs.

Window lettering and signs shall be permitted only in the business zones. For the purpose of enforcing this chapter, window lettering and signs shall not be construed as signs but shall be subject only to the following restrictions:

- A. All window lettering and window signs shall be inside the window.
- B. Permanent window lettering and window signs shall be permitted only if the space confining such lettering and signs or the background upon which it appears does not exceed 40% of the window area. Any painted area of any window shall be construed as window lettering or signs, whether or not such area actually contains lettering or advertising.
- C. Window lettering or window signs shall pertain only to that establishment occupying that portion of the premises where the window is located.
- D. Temporary window lettering or window signs, advertising special sales or events, shall be permitted subject to the following restrictions:
 - (1) Such lettering or window signs shall be subject to the length-of-time restrictions established for temporary grand opening and special sales or events signs pursuant to § 185-71;

- (2) Such window lettering or window signs, in conjunction with permanent window lettering or signs, shall not cover, in the aggregate, more than 40% of the window area.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

- E. Illuminated window lettering and window signs which are not continuously lit or which blink, flash, flicker, use sequential lighting, have a revolving message display, or otherwise produce a glare that interferes with pedestrian or vehicular traffic are prohibited.
- F. All window lettering and signs shall be maintained in good repair.

§185-73 Sign regulations for specific uses.

- A. Convenience Stores/Service station signs. Convenience stores, automotive service stations, gas stations and public garages shall be permitted to display only the following signs:
- 1) One temporary sign, located at a minimum of five feet from the property line, specifically advertising product specials or seasonal servicing of motor vehicles, provided that each face of such sign does not exceed eight square feet.
 - 2) One nonmoving, freestanding pole sign advertising the name of the store, service station or garage and/or the principal products sold, including any special company or brand name, insignia or emblem, provided that the actual sign area does not exceed 30 square feet for each face, and further provided that the bottom of each sign face shall be at least 10 feet above ground level and the total height of the sign from the ground to the top of the sign face shall not exceed 20 feet. The sign shall be located no closer than five feet to any property line.
 - 3) Additional signs or lettering displayed over individual entrance doors or bays, bearing legends, essentially the same or similar to the following: "washing, lubrication, repairs, mechanic on duty." There shall be no more than one such sign over each entrance or bay, such signs shall not exceed six square feet in size, nor shall the lettering on such signs be greater than 12 inches high.
 - 4) Customary lettering or other insignia which is an integral part of a fuel pump and consisting only of fuel name, lead warning sign, price indicator and any other sign or signs as required by law. Such sign shall not exceed three square feet in aggregate area on each pump.
 - 5) A single, nonilluminated credit card sign, not exceeding four square feet in size, may be placed on or near each pump island.
 - 6) Window Signs/Lettering shall be permitted in accordance with the standards at §185-72
 - 7) Other signs that may be required by law.
- B. Signs accessory to parking areas, private and public. In all zones, signs designating entrance or exit, and/or street address, to or from a parking area shall be limited to one sign with a maximum area of four square feet for each exit or entrance. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of 32 square feet shall be permitted. Private driveway signs indicating the private nature of a driveway shall be permitted, provided that the size of any such signs shall not

exceed four square feet. All such signs shall be located five feet from a property line and have a maximum height of four feet.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

- C. Farm signs. In zones permitting agricultural and/or farming uses, the following signs are permitted:
 - 1) One identification sign, not more than 18 square feet in area, identifying the farm, the address of the owner, and the type of farm.
 - 2) If seasonal produce is sold on site, not more than two additional signs advertising seasonal farm produce available, the total area of which shall not exceed 16 square feet. Such signage shall not be permanent and shall be permitted and erected and/or displayed only during the time such seasonal produce is available.

§185-74 Signs for multi-use or multi-structure developments on 10 acres or more. Shopping centers, industrial parks, multifamily developments, multi-tenanted structures or multi-structure developments shall be governed by the following regulations:

- A. Each such development as part of its site plan shall submit a signing plan to the Land Use Board. Such signing plan shall include details on:
 - 1) Letter Style
 - 2) Lighting
 - 3) Color
 - 4) Construction and materials
 - 5) Height of sign
 - 6) Height above grade or below roofline
 - 7) Locations
 - 8) Standards
- B. The signing plan shall be based on an integrated design theme to include all of the elements in Subsection A(1) through (8) above. All of the above elements shall be designed to be in harmony and consistent with each other, the architecture and materials of the principal structure and the landscaping plan. The Land Use Board, in its sole discretion, shall determine if a proposed signing plan meets the goals and objectives of this section.
- C. The total area of all signs affixed to nonresidential structures shall not exceed 20% of the building facade of the structure. The total area of all signs affixed to residential structures shall not exceed 2% of the building facade of the structure.
- D. Canopy or awning signs shall be permitted in accordance with §185-76 as a substitute for the signs permitted in accordance with this subsection.
- E. Modifications to an approved signing plan may be made by application to the Zoning Officer and shall comply with the requirements set forth in this subsection. If there is any question as to the suitability of any sign or as to its meeting the requirements of this chapter, the Zoning Officer may refer the application for said sign to the Land Use Board for review and approval.

§185-75 Signs in residential districts.

The following types of signs shall be permitted in residential districts:

- A. Signs accessory to parking areas for institutional uses. Signs designating entrance or exits to or from a parking area shall be limited to one sign for each such exit or entrance, with a maximum size of four-square feet for each sign. One sign per parking area designating the conditions of use or identity of such

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

parking area and limited to a maximum size of 32 square feet shall be permitted. Private driveway signs indicating the private nature of a driveway shall be permitted, provided that the size of any such sign shall not exceed four square feet.

- B. Nameplate and identification signs for single-family dwellings. A sign indicating the name or address of the occupant may be permitted, provided that the sign shall be no larger than two square feet on each face. A permitted home occupation may be included with the name of the occupant.
- C. Institutional signs. Signs of schools, colleges, churches and other institutions of a similar public or semipublic nature may be erected and maintained, provided that:
 - 1) The size of any freestanding sign shall not exceed 100 square feet and not more than one such sign is placed on a property, unless such property fronts upon more than one street, in which instance a sign may be erected on each frontage.
 - 2) Signs may be affixed to a maximum of two walls of a structure. The total sign area on each wall shall not exceed 2% of the wall, whichever is less.

§185-76 Signs in other nonresidential districts.

The following signs shall be permitted in nonresidential districts not regulated by § 185-74 of this article.

- A. Number and size of exterior wall signs. Exterior wall signs on front façade of the building upon which they are affixed shall be permitted, provided:
 - 1) Exterior wall signs shall not exceed 20% of the facade of the building upon which they are located.
 - 2) Each establishment shall be allotted its proportionate share of the total sign area in a ratio of its frontage to the total building frontage.
 - 3) No such sign shall extend farther than six inches from the face of the building wall to which it is attached.
 - 4) The bottom of said sign shall be at least 7 feet above the ground level or sidewalk below the sign.
- B. Rear and side wall signs. Rear and side wall signs shall be permitted on walls with frontage along a public roadway or parking area, provided that:
 - 1) No such sign shall extend farther than six inches from the face of the building wall to which it is attached.
 - 2) The bottom of said sign shall be at least 7 feet above the ground level or sidewalk below the sign.
 - 3) The height of any such sign shall not exceed four feet or 25% of the height of the building wall to which it is attached, whichever is the lesser.
 - 4) The total of the widths of any such signs shall not exceed 75% of the width of the building wall to which they are attached.
- C. Canopy/awning signs: a non-residential building containing a canopy or overhang along the building wall and over a sidewalk shall be permitted one sign suspended from or attached to the ceiling of the canopy or overhang for each business establishment subject to the following limitations and requirements:
 - 1) Said sign shall be located in front of the commercial establishment.

- 2) Said sign shall be erected perpendicular to the face of the building wall.
- 3) The bottom of said sign shall be at least 10 feet above the sidewalk below the sign.
- 4) Said sign shall not extend beyond the canopy or overhang.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

- 5) Said sign shall not exceed 10 inches in height nor four feet in width.
- 6) Said sign shall contain only the name of the commercial establishment or the name or description of the principal products sold or services rendered.

D. Freestanding signs. There shall be permitted one freestanding pole or monument-type sign on any single property, except that the Land Use Board may authorize an additional freestanding sign if the property has access from more than one public street, and provided that:

1) Pole signs shall:

- a. Have a sign face that is at least 10 feet above the ground level and the total height of the sign shall not exceed 20 feet above the ground level.
- b. Be at least five feet from any property line.
- c. Not exceed 60 square feet of area on each face.
- d. As used for multi-tenant properties, not exceed 80 square feet of area on each face and 25 feet in height. The sign may include one sign for each business establishment located on the premises displayed in a ladder fashion below the principal sign surface..

2) Monument signs shall:

- a. Not exceed 10 feet in height.
- b. Be at least 15 feet from any property line and shall be placed in such a way as to not impose on the line of sight.
- c. Not exceed 50 square feet in area on each face.

3) The base of said signs shall be appropriately landscaped and maintained.

§185-76.1 Electronic Message Signs.

Electronic signs, as defined in **§ 185-4**, shall be permitted in the B-1, B-2, 1-1, 1-2 and R-C Zones, subject to the following conditions, and shall require approval by the Township of Hardyston Township Zoning Officer:

- A. Shall be consistent with the requirements set forth for freestanding signs in § 185-76, including height, setbacks, and maximum area.
- B. Shall be no more than 36 square feet.
- C. Messages shall change at no less than twenty-second intervals and shall not blink, flash or flicker rapidly when changing as to cause a distraction to drivers.
- D. Illuminated signs shall be turned off between the hours of 9:00 p.m. and 6:00 a.m. when located on lots immediately adjacent to residential districts.

§185-76.2 Message Board signs.

Message board signs, as defined in **§ 185-4**, shall be permitted in the B-1, B-2, R-C, I-1 and I-2 Zones, subject to the following conditions:

- A. Message board signs shall be consistent with the requirements set forth for freestanding signs in **§ 185-76**, including height, setbacks, and maximum area.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

- B. Message board signs may be installed as part of an existing freestanding permanent sign, subject to the requirements of **§ 185-76**.
- C. New permanent message board signs shall require approval by the Township of Hardyston Zoning Officer.
- D. Illuminated message board signs shall be turned off between the hours of 9:00 p.m. and 6:00 a.m. when located on lots immediately adjacent to residential districts.

§185-76.3 Fees.

Application for all new sign uses requiring approval by the Township of Hardyston Zoning Officer or Land Use Board, pursuant to Article XIX, shall be accompanied by a one-time application fee of \$100 per sign.

Applications to replace an existing sign, which received prior approval from the Zoning Officer or appropriate Land Use Board, shall be accompanied by an application of \$25 per sign.

§185-76.4 Penalties.

Any person(s) who violates any of the provisions of Article XIX shall be subject to the penalties set forth in the Township's General Penalty Ordinance, Chapter 1, of the Township Code of Ordinances, and each day that the violation persists shall be considered a separate and distinct offense. The Municipal Court shall have jurisdiction to enforce and collect any such penalty imposed in a summary manner and in accordance with the Penalty Enforcement Law, N.J.S.A. 2A:58-1, et seq.

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 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 Kula to approve Ordinance 2025-05 on second reading, seconded by Miller. All in favor. Motion carried.

2025-06

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,
STATE OF NEW JERSEY AMENDING ARTICLE III, SUPPLEMENTARY
ZONE DISTRICT REGULATIONS, OF CHAPTER 185, ZONING, OF THE**

**MUNICIPAL CODE OF THE TOWNSHIP OF HARDYSTON TO SUPPLEMENT
REGULATIONS GOVERNING THE PARKING OF RECREATIONAL
VEHICLES AT SINGLE-FAMILY RESIDENCES
MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 23, 2025**

WHEREAS, it has come to the attention of the Township Council that the Township Municipal Code lacks certain critical restrictions on the use for habitation of recreational vehicles and trailers at single-family residences; and

WHEREAS, it has come to the attention of the Township Council also that revisions are necessary for certain provisions of the Township Municipal Code concerning the parking of recreational vehicles and trailers at single-family residences; and

WHEREAS, the Township Council wishes to address these concerns, modifying the Township Municipal Code accordingly.

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. Article III of Chapter 185, "Zoning," is amended as follows:

§185-17 Parking and storage of recreational vehicles as an accessory use to single-family residence.

Recreational vehicles, including boats, boat trailers, snowmobiles and snowmobile trailers, as well as campers, tent campers, motor homes, trailers, and travel trailers, may be parked in any zone, subject, however, to the following restrictions and regulations:

- A. All recreational vehicles shall be parked or stored in the side or rear yard areas only, unless parked in an approved parking area in accordance with the requirements of Article XX, §185-80.
- B. Off-street parking provided for and utilized by recreational vehicles shall be in addition to any other parking provisions required by this section.
- C. Recreational vehicles parked or stored pursuant to this section must be owned by the resident of the single-family dwelling.
- D. Habitation of or sleeping in any recreational vehicle parked or stored pursuant to this section is prohibited.
- E. Recreational vehicles parked or stored pursuant to this section shall not be connected with any electric, water, gas or sanitary sewer facilities.
- F. No recreational vehicles shall be parked or stored at a single-family residence during such time as the residence is not being occupied, except for vacation absences.
- G. Recreational vehicles shall be maintained in a condition that allows them to be readily moved (for example, with inflated wheels and not "on blocks").
- H. No recreational vehicle exceeding 40 feet in length is permitted to be parked or stored on a residential lot.
- I. Recreational vehicles shall not be stored, parked, or maintained so as to create a dangerous or unsafe condition that presents an unreasonable obstacle to access to the property or structures thereon by emergency personnel or prevent the safe travel of vehicular traffic on adjacent roadways.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 23, 2025**

- J. No parked or stored recreational vehicle shall eliminate any off-street parking area required at the property by local or state regulations or zoning approvals.

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 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 2025-06 on second reading, seconded by Kula with Verrilli and Cicerale voting “No”. All in favor. Motion carried.

2025-07

**AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE
OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE
TOWNSHIP OF HARDYSTON, NEW JERSEY TO CSC TKR, LLC**

WHEREAS, the governing body of Township of Hardyston (hereinafter referred to as the “Township”) determined that CSC TKR, LLC (hereinafter referred to as “the Company” or “Cablevision”) had the technical competence and general fitness to operate a cable television system in the Municipality (as defined in Section 1 of this Ordinance), and by prior ordinance granted its municipal consent for Cablevision’s predecessor in interest, Service Electric Cable television of New Jersey, Inc. (“SECTV”) to obtain a non-exclusive franchise (the “Franchise”) for the placement of facilities and the establishment of a cable television system in the Municipality; and

WHEREAS, by application for renewal consent filed with the Township and the Office of Cable Television on or about October 17, 2019, SECTV, and now Cablevision as its successor in interest, has sought a renewal of the Franchise; and

WHEREAS, on or about July 14, 2020; with the prior approval of the Board of Public Utilities of the State of New Jersey (hereinafter the “Board”) Cablevision completed its purchase of the assets of SECTV, including the cable television franchise with, and the cable television system within the territorial limits governed by, the Township, and

WHEREAS, the Township having held public hearings has made due inquiry to review Cablevision’s performance under the Franchise, and to identify the Township’s future cable-related needs and interests and has concluded that Cablevision has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Township’s future cable-related needs and interests;

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

WHEREAS, the Township has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided Cablevision's proposal for renewal embodies the commitments set forth below, the Township's municipal consent to the renewal of the Franchise should be given; and

WHEREAS, imposition of the same burdens and costs on other competitors franchised by the Township is a basic assumption of the parties;

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

SECTION 1. DEFINITIONS

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) "Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) "Application" shall mean Cablevision's application for Renewal of Municipal Consent, which application is on file in the Township Clerk's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) "Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) "Township" shall mean the governing body of the Township Hardyston in the County of Sussex, and the State of New Jersey.
- (e) "Company" shall mean CSC TKR, LLC ("Cablevision") the grantee of rights under this Ordinance.
- (f) "FCC" shall mean the Federal Communications Commission.
- (g) "Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) "Federal Regulations" shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) "Municipality" shall mean the area contained within the present municipal boundaries of the Township of Hardyston in the County of Warren, and the State of New Jersey.
- (j) "Standard installation" shall mean the installation of drop cable to a customer's premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (k) "State" shall mean the State of New Jersey.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

- (l) “State Regulations” shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to Cablevision was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the Township having received all comments regarding the qualifications of Cablevision to receive this consent, the Township hereby finds Cablevision possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that Cablevision’s operating and construction arrangements are adequate and feasible.

SECTION 3. GRANT OF AUTHORITY

The Township hereby grants to Cablevision its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the Municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of five (5) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If Cablevision seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Township and Cablevision shall be bound by the terms of this municipal consent until such time as Cablevision converts the municipal consent (and any certificate of approval) into a system-wide franchise.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to Cablevision shall apply to the entirety of the Municipality and any property hereafter annexed.

SECTION 7. SERVICE AREA

Cablevision shall be required to proffer video programming service along any public right-of-way to any person’s residence within the “primary service area,” as it exists on the effective date of any written approval order by the Board of this consent, at Cablevision’s schedule of rates for standard and nonstandard installation.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

SECTION 8. EXTENSION OF SERVICE

Pursuant to the requirements of the Board, as ordered in its approval of the transfer of the Franchise from SECTV to Cablevision (Docket No. CM20030211, effective July 6, 2020), upon request, Cablevision shall extend service along any public right of way outside its primary service area to those residences or small businesses within the franchise territory which are located in areas that have a residential home density of twenty-five (25) homes per mile or greater (as measured from the then existing primary service area), or areas with less than twenty-five (25) homes per mile where residents and/or small businesses agree to share the cost of such extension in accordance with the line extension formula as provided by the Company in its application for municipal consent.

SECTION 9. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, Cablevision shall pay to the Township, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Municipality. The Company may use electronic funds transfer to make any payments to the Township required under this Ordinance. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Township and Cablevision shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Township to require payment of a franchise fee by Cablevision that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

Cablevision may use electronic funds transfer to make any payments to the Municipality required under this Ordinance.

SECTION 10. FREE SERVICE

Cablevision shall, upon written request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Municipality as listed in **Exhibit A** of this Ordinance.

SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS

Cablevision shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Municipality:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Township shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Township, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Township so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS

Cablevision shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 13. LOCAL OFFICE OR AGENT

Cablevision shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 14. DESIGNATION OF COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Township pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 15. LIABILITY INSURANCE

Cablevision agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

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SECTION 16. PERFORMANCE BOND

Cablevision shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the Township in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

SECTION 17. RATES

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

SECTION 18. EMERGENCY USES

Cablevision shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Township pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the Township is unable to make full use of the cable television system as contemplated herein. The Township shall utilize the state-approved procedures for such emergency uses.

SECTION 19. EQUITABLE TERMS

In the event that the service of another multi-channel video program provider not subject to the Township's regulatory authority within the Municipality creates a significant competitive disadvantage to Cablevision, the Company shall have the right to request from the Township lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Township agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Township acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Township shall be under no obligation to support Cablevision's request for such relief from the Board.

In any subsequent municipal consent, Township shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Township's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Township agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

SECTION 20. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, Cablevision at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless Cablevision, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

A. Cablevision shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Municipality as described in the Application for municipal consent. All Cablevision support for PEG access shall be for the exclusive benefit of Cablevision's subscribers.

B. The Township agrees that Cablevision shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Township is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Township's provision of PEG access programming on such channel.

C. Cablevision shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

SECTION 22. EMPLOYEE IDENTIFICATION

A. Each employee of the Company who routinely comes into contact with members of the public at their places of residence must wear a picture identification card clearly indicating his or her employment with the Company. The photograph on the identification card shall prominently show the employee's name and/or identification number. Such employee shall prominently display such identification card and shall show it to all such members of the public. Each employee of any contractor or subcontractor of the Company who routinely comes into contact with members of the public at their places of residence must wear a picture identification card clearly indicating his or her name, the name of such contractor or subcontractor and the name of the Company.

B. Notwithstanding any other provision of law regulating door-to-door solicitation or other sales activities undertaken on public or private property within the Municipality, including any licensing or permit obligations required for such activities, the obligations set forth in this Section 22 of this ordinance shall be the sole conditions governing the authorization and identification required for the entrance onto public or private property imposed upon Company or its employees, agents, contractors or subcontractors for the purpose of selling, marketing or promoting services offered by the Company to residents of the Municipality.

SECTION 23. INCORPORATION OF APPLICATION

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Township by the Company except as modified herein, are binding upon Cablevision as terms and conditions of this consent. The Application and any other written amendments thereto submitted by Cablevision in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 24. CONSISTENCY WITH APPLICABLE LAWS

This consent shall be construed in a manner consistent with all applicable federal, State and local laws; as such laws, rules and regulations may be amended from time to time.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 23, 2025**

SECTION 25. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 26. NOTICE

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Altice USA
1 Court Square West, 47th Floor
Long island City, NY 11101
Attention: Senior Vice President for Government Affairs
With a copy to:

CSC TKR, LLC
c/o Altice USA
1 Court Square West
Long island City, NY 11101
Attention: Legal Department

Notices to the Township shall be mailed to:
Township of Hardyston
149 Wheatsworth Road
Hamburg, NJ 07419
Attention: Township Manager

Notwithstanding anything herein to the contrary, regulatory notices from the Franchisee to the Township which are required pursuant to federal and state law and regulations may be served electronically upon the Township, instead of by first class mail as described above, to an email address provided by the Township.

**SECTION 27. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY
APPROVAL**

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7. In accordance with N.J.S.A. 48:5A-25.1, the terms of this Ordinance will no longer be in effect upon Cablevision converting the municipal consent (and any certificate of approval) into a system-wide franchise.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon the passage, and publication as required by law.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

**EXHIBIT A
MUNICIPAL AND SCHOOL LOCATIONS TO RECEIVE FREE CABLE SERVICE**

The following locations shall receive cable service pursuant to the terms in Section 10 of this Ordinance.

Hardyston Volunteer Fire Co.
3 Colson Terrace
Stockholm, NJ, 07460

Wallkill Valley Regional High School
10 Grumm Road
Hamburg, NJ 07419

Hardyston Township Middle School
183 Wheatsworth Road
Hamburg, NJ 07419

Hardyston Township Municipal Building
149 Wheatsworth Road
Hamburg, NJ 07419

Hardyston Township Road Department
248 N Church Road
Franklin, NJ 07416

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 Kula to approve Ordinance 2025-07 on second reading, seconded by Miller. 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. Resolution #63-25 – Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Wheatsworth Road Phase 1 Project

A motion was made by Kula to approve the resolution as presented, seconded by Verrilli. All in favor. Motion carried. The resolution is on file in the Clerk's Office.

- B. Resolution #64-25 - Resolution authorizing the use of a Source Well National Contract for the Township of Hardyston, Department of Public Works

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

Resolution #64-25

A Resolution Authorizing the Use of a Sourcewell National Contract for the Township of Hardyston, Department of Public Works

WHEREAS, the Department of Public Works of the Township of Hardyston (the “Department”) has made it known that it has become necessary to upgrade the Department’s equipment with the purchase of a new loader (the “Loader”); and

WHEREAS, after having conducted a search for vendors that would achieve the Department’s goals, it has been determined that the Loader may be procured through a nationally-recognized and accepted cooperative purchasing contract between Sourcewell (NJPA) and Volvo Construction Equipment North America, LLC; and

WHEREAS, pursuant to N.J.S.A. 52:34-6.2b(3) (as amended by P.L. 2011, c.139) and LFN 2012-10, a New Jersey municipality may purchase goods and services without public bidding under the Local Public Contracts Law through the use of a nationally-recognized and accepted cooperative purchasing contract that has been developed utilizing a competitive bidding or contracting process by another contracting unit within New Jersey or another state; and

WHEREAS, Sourcewell is a service cooperative operating under the laws of the State of Minnesota and is a political subdivision of the State of Minnesota; and

WHEREAS, the subject cooperative purchasing contract was awarded by Sourcewell to Volvo Construction Equipment North America, LLC utilizing a competitive contracting process; and

WHEREAS, also pursuant to N.J.S.A. 52:34-6.2b(3) (as amended by P.L. 2011, c.139) and LFN 2012-10, prior to making purchases under nationally-recognized and accepted cooperative purchasing contracts, the municipality must determine that the use of the cooperative purchasing contract shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered; and

WHEREAS, the Township has determined that its use of the Sourcewell cooperative purchasing contract to procure the Loader will result in cost savings to the Township; and

WHEREAS, consistent with the Sourcewell cooperative purchasing contract and needs of the Fire Department, Volvo Construction Equipment North America, LLC has submitted a proposal to provide one Volvo L35HS Compact Wheel Loader to the Township for the sum of \$52,689 with trade-in of the township-owned 2023 JCB 3CX-12; and

WHEREAS, the Sourcewell National Contract advertised and received bids for the purchase of the Loader pursuant to Solicitation Number RFP #011723; and

WHEREAS, the Township Chief Financial Officer has determined that sufficient funds are available for acquisition of the Volvo L35HS Compact Wheel Loader.

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

- 1) The Mayor and Township Clerk are hereby authorized and directed to effectuate the contract for purchase of the Volvo L35HS Compact Wheel Loader from Volvo Construction Equipment North America, LLC, whose delivering dealership is Hoffman Equipment of Piscataway, NJ, at a total cost of \$52,689, with trade-in of the township-owned 2023 JCB 3CX-12, and without public bidding, as permitted by law.
- 2) The Mayor and Township Clerk are hereby authorized and directed to execute said contract and related contract documents.
- 3) A copy of this Resolution and the contract documents shall be available for public inspection in the office of the Clerk of the Township of Hardyston.
- 4) 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.

- C. Resolution #65-25 - Resolution authorizing the use of a Source Well National Contract
for the Township of Hardyston, Department of Public Works

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

Resolution #65-25

A Resolution Authorizing the Use of a Sourcewell National Contract for the Township of Hardyston, Department of Public Works

WHEREAS, the Department of Public Works of the Township of Hardyston (the “Department”) has made it known that it has become necessary to upgrade the Department’s equipment with the purchase of a new excavator (the “Excavator”); and

WHEREAS, after having conducted a search for vendors that would achieve the Department’s goals, it has been determined that the Excavator may be procured through a nationally-recognized and accepted cooperative purchasing contract between Sourcewell (NJPA) and Volvo Construction Equipment North America, LLC; and

WHEREAS, pursuant to N.J.S.A. 52:34-6.2b(3) (as amended by P.L. 2011, c.139) and LFN 2012-10, a New Jersey municipality may purchase goods and services without public bidding under the Local Public Contracts Law through the use of a nationally-recognized and accepted cooperative purchasing contract that has been developed utilizing a competitive bidding or contracting process by another contracting unit within New Jersey or another state; and

WHEREAS, Sourcewell is a service cooperative operating under the laws of the State of Minnesota and is a political subdivision of the State of Minnesota; and

WHEREAS, the subject cooperative purchasing contract was awarded by Sourcewell to Volvo Construction Equipment North America, LLC utilizing a competitive contracting process; and

WHEREAS, also pursuant to N.J.S.A. 52:34-6.2b(3) (as amended by P.L. 2011, c.139) and LFN 2012-10, prior to making purchases under nationally-recognized and accepted cooperative purchasing contracts, the municipality must determine that the use of the cooperative purchasing contract shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered; and

WHEREAS, the Township has determined that its use of the Sourcewell cooperative purchasing contract to procure the Excavator will result in cost savings to the Township; and

WHEREAS, consistent with the Sourcewell cooperative purchasing contract and needs of the Fire Department, Volvo Construction Equipment North America, LLC has submitted a proposal to provide one Volvo ECR50F Compact Excavator to the Township for the sum of \$76,042; and

WHEREAS, the Sourcewell National Contract advertised and received bids for the purchase of the Excavator pursuant to Solicitation Number RFP #011723; and

WHEREAS, the Township Chief Financial Officer has determined that sufficient funds are available for acquisition of the Volvo ECR50F Compact Excavator.

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

- 1) The Mayor and Township Clerk are hereby authorized and directed to effectuate the contract for purchase of the Volvo ECR50F Compact Excavator from Volvo Construction Equipment North America, LLC, whose delivering dealership is Hoffman Equipment of Piscataway, NJ, at a total cost of \$76,042, without public bidding, as permitted by law.
- 2) The Mayor and Township Clerk are hereby authorized and directed to execute said contract and related contract documents.
- 3) A copy of this Resolution and the contract documents shall be available for public inspection in the office of the Clerk of the Township of Hardyston.
- 4) 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.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

D. Resolution #66-25 – Salary Resolution Amendment

RESOLUTION #66-25

2025 SALARY & WAGES FOR TOWNSHIP OFFICIALS AND EMPLOYEES

BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages shall be paid as follows effective August 1, 2025:

<u>Position</u>	<u>Hourly Salary</u>
Secretary/Clerical Temporary	\$18.00/hour

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

E. Resolution #67-25 – Resolution authorizing refund of Municipal portion of handgun carry permit fee upon submission of receipt

RESOLUTION #67-25

A RESOLUTION OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING REFUND OF MUNICIPAL PORTION OF HANDGUN CARRY PERMIT FEE UPON SUBMISSION OF RECEIPT

WHEREAS, pursuant to N.J.S.A. 2C:58-4, applicants for permits to carry a handgun are required to pay an application fee in the amount of \$200, of which \$150 is paid to the municipality and \$50 is paid directly to the Superintendent of the State Police; and

WHEREAS, the Township of Hardyston recognizes that the statutory fee structure imposes financial burdens on applicants and wishes to ease that burden for residents by requiring payment of only the portion of the application fee allocated for the Township that is necessary for the administrative costs required to actually process a handgun carry permit application; and

WHEREAS, the Township has determined that the administrative costs required to actually process a handgun carry permit application are approximately \$50; and

WHEREAS, accordingly, the Township sees fit to amend its handgun carry permit application process, to collect only \$50 of the portion of the application fee allocated for the Township pursuant to N.J.S.A. 2C:58-4.

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

- 1) Amended handgun carry permit application fee: effective immediately, the Township shall collect only \$50 for its portion of the handgun carry permit application fee pursuant to N.J.S.A. 2C:58-4.
- 2) Any applicant who has paid the \$150 municipal application fee for a handgun carry permit on or after January 1, 2025, and who submits a valid receipt showing payment, may apply to the Township’s Chief Financial Officer (CFO) for a refund of \$100, representing the portion of the statutory fee paid to the Township under N.J.S.A. 2C:58-4 that is in excess of what the Township requires for its application permitting costs.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 23, 2025

- 3) Procedure: Refunds shall be issued upon applicant's submission to the CFO of (a) proof of payment, and (b) confirmation that the application was processed through the Township of Hardyston.
- 4) Limitation: This refund policy applies only to the municipal portion of the fee and does not apply to any amounts remitted by the applicant directly to the State of New Jersey or other agencies. Refunds shall be available only for payments made on or after January 1, 2025.
- 5) Effective Date: This resolution shall take effect immediately upon adoption.
- 6) Administrative Oversight: The Township CFO is hereby authorized to administer this refund program and to require any reasonable documentation necessary to confirm eligibility.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be made available to the public and posted on the Township website for informational purposes.

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

F. Board Appointment – Recreation Committee

A motion was made by Kula to appoint Jessica Papp to the Recreation Committee with a term expiring 12/31/25, seconded by Miller. All in favor. Motion carried.

G. Correspondence

1. West Milford Township
2. West Milford Township
3. Hamburg Borough
4. County of Sussex
5. State of NJ
6. Dykstra Walker Design Group
7. Map Engineering, Inc.
8. Ogdensburg Borough

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

COUNCIL COMMENTS:

Councilman Verrilli commended the Hardyston Township Police Department for the work they do everyday.

Councilman Cicerale inquired about stormwater inventory, data centers and automatic doors for the entrance to the municipal building.

BILLS TO BE PAID: A motion was made by Kula to approve the bill list of 7/09/25 in the amount of \$200,384.80 and the bill list of 7/23/25 in the amount of \$4,409,562.57, which includes payroll for pay period ending 7/15/25 as presented, seconded by Miller. All in favor. Motion carried.

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Resident Vally Cicerale inquired as to whether affordable housing obligations change when new builders take over a project. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Kula to adjourn at approximately 8:22 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk