

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 9, 2017**

The meeting was called to order by Mayor Kula at approximately 7:00 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Deputy Mayor Miller, Councilwoman Hamilton, Councilman Cicerale, Councilman Verrilli, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau.

**SALUTE THE FLAG**

**SWEARING IN CEREMONY** – Mayor Kula administered the Oath of Office to Patrolman Justin Edelbach

**POLICE DEPARTMENT AWARDS** – Police Chief Bret Alemy presented a Life Saving Medal and a Letter of Commendation to the following officers and dispatchers for their exceptional service:

Life Saving Medal

Sgt. Bonfiglio  
Det. White  
Ptlm. Nudo  
Det. Varcadipane  
Sgt. Calandra  
Ptlm. Worman  
Ptlm. Edelbach

Letter of Commendation

Disp. Gunderman  
Disp. Graves

**RECOGNITION OF FIRE SCHOOL GRADUATES** – Mayor Kula introduced and congratulated Firefighter Cameron Blake, Firefighter Branden Kopf, Firefighter Leah Struble, Firefighter Nick Martucci and Firefighter Greg Stiansen for successfully completing Firefighter 1 training at Morris County Fire Academy.

**PROCLAMATION** – Mayor Kula stated that the Council has prepared a proclamation recognizing Adriana Purcell for her outstanding community spirit, leadership and service to the Township of Hardyston and declaring September 16, 2017 Adriana Purcell Day.

**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 2017
2. Tax Collector Report – June 2017
3. Construction Certificate Activity Report – June 2017
4. Construction Permit Activity Report – Hardyston – June 2017
5. Construction Permit Activity Report – Hamburg – June 2017
6. Construction Permit Activity Report – Franklin – June 2017
7. Construction Permit Activity Report – Newton – June 2017
8. Construction Permit Activity Report – Sussex – June 2017
9. Construction Permit Activity Report – Wantage – June 2017
10. Littell Community Center Report – June 2017
11. Sussex County Health Department Report – May 2017
12. Sussex County Health Department Report – June 2017
13. Police Department Report – June 2017
14. Municipal Court Report – June 2017
15. Land Use Report – June/July 2017
16. Municipal Clerk Report – July 2017
17. Tax Collector Report – July 2017
18. Construction Certificate Activity Report – July 2017

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19. Construction Permit Activity Report – Hardyston – July 2017
20. Construction Permit Activity Report – Hamburg – July 2017
21. Construction Permit Activity Report – Franklin – July 2017
22. Construction Permit Activity Report – Newton – July 2017
23. Construction Permit Activity Report – Sussex – July 2017
24. Construction Permit Activity Report – Wantage – July 2017
25. Police Department Report – July 2017

**Agreements/Applications/Licenses:**

1. Raffle License – The Nicholas Wihlborg Foundation
2. Raffle License – The Rose House
3. Amusement License – Tony’s Pizza – Route 23 - (Anthony Pignataro Corp)

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

**ORDINANCES**

**1st READING:** **None**

**ORDINANCES**

**2nd READING:** **2017-05**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,  
STATE OF NEW JERSEY AMENDING CHAPTER 94, FIRE PREVENTION, ARTICLE I,  
ENFORCEMENT OF UNIFORM FIRE SAFETY ACT, TO SPECIFY A LATE FEE FOR  
NON-PAYMENT OF ANNUAL REGISTRATION FEE FOR NON-LIFE-HAZARD USES**

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

**SECTION 1.** Chapter 94, Fire Prevention, Section 94-10B, Inspections, permits and fees, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

**§94.10. Inspections, permits and fees.**

- B. Each nonresidential use that is not classified as a life-hazard use under N.J.A.C. 5:70-2.4 shall be registered with the Hardyston Township Fire Prevention Bureau. The owner of the premises and/or operator of the non-life hazard use shall submit a completed registration form and pay the fee set forth in the Hardyston Township Code, Chapter 88, Fees, prior to commencing operation of the non-life-hazard use. A penalty shall accrue, in addition to the registration fee, if a non-life hazard use is not so registered prior to commencing operation. The non-life-hazard use shall thereafter be registered annually during the month of January. A late registration penalty shall accrue on February 1, and a late fee of \$250 shall be assessed for non-payment of the annual registration fee.

**SECTION 2.** All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

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

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**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 Hamilton to approve Ordinance 2017-05 on second reading, seconded by Miller. All in favor. Motion carried.

**NEW BUSINESS:**

- A. Resolution #45-17 – Resolution authorizing the public display of fireworks at Hardyston Day on September 22, 2017 (Rain Date September 23<sup>rd</sup>)

**RESOLUTION #45-17**

**RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS  
AT HARDYSTON DAY ON SEPTEMBER 22, 2017 (RAIN DATE SEPTEMBER 23<sup>rd</sup>)**

**WHEREAS**, the Hardyston Township Recreation Committee has submitted an application to the Hardyston Township Council for permission for the public display of fireworks on September 22, 2017 (rain date - September 23, 2017) in conjunction with the Township's Hardyston Day events; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Hardyston Township Council, in accordance with Chapter 94 of the Hardyston Township Code regarding "Fire Prevention" and the Uniform Fire Code, that permission is hereby granted to the Hardyston Township Recreation Committee for the public display of fireworks on September 22, 2017; and

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

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

- B. Resolution #46-17 – Resolution authorizing the amendment of the current shared service agreement with the Town of Newton for Construction Department Services to include Plumbing Sub-Code Official services

**RESOLUTION #46-17**

**RESOLUTION AUTHORIZING THE FOLLOWING  
CONTRACT/AGREEMENT AMENDMENT**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston that the following contract/agreement amendment is hereby authorized:

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- Expand current Shared Service Agreement with the Town of Newton for Construction Department Services to include Plumbing Sub-Code Official services

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

C. Board Appointment – Planning Board

Following an informal interview, a motion was made by Hamilton and seconded by Miller to appoint Sally Anne Goodson to the Hardyston Township Planning Board as an Alternate 1 member. All in favor. Motion carried.

D. Temporary Sign Ordinance Amendment

A discussion was held with the Zoning Officer regarding banners and signs that are being put up by local businesses, and whether the length of time that these banners and signs can be displayed, as well as other restrictions, should be amended. It was the consensus of the Council to have the Zoning Officer draft an amendment to the current ordinance regarding temporary signs for Council review.

E. Correspondence

1. Lafayette Township
2. Lafayette Township
3. Hamburg Borough
4. Hamburg Borough
5. Stanhope Borough
6. Township of Clark
7. Township of Clark
8. State of NJ
9. State of NJ
10. State of NJ
11. State of NJ
12. State of NJ

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

**BILLS TO BE PAID:** A motion was made by Hamilton to approve the bill list as presented, seconded by Cicerale. 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 Frank Lacatena asked if it was the Council's common practice to interview potential volunteers for the various boards before making an appointment. The Council stated that an informal interview has been the practice for several years now. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**EXECUTIVE SESSION:**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston on the 9th day of August, 2017, that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
2.
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.

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- ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- ( ) b. (4) A collective bargaining agreement including negotiations.
- ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- ( X ) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege. (Hamburg Shared Service Agreement; Sparta Mountain; Veteran Property Tax; North Church Water System, High Ridge Properties)
- ( ) b. (8) Personnel matters.
- ( ) b. (9) Deliberations after a public hearing that may result in penalties.

3. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Motion to adopt: Cicerale  
Seconded by: Verrilli

<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Miller	<u>  x  </u>	_____	_____	_____
Hamilton	<u>  x  </u>	_____	_____	_____
Kula	<u>  x  </u>	_____	_____	_____
Cicerale	<u>  x  </u>	_____	_____	_____
Verrilli	<u>  x  </u>	_____	_____	_____

Motion carried.

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

Township Attorney stated that a group has asked the Township to show support in a court case against the NJ Department of Environmental Protection regarding the Sparta Mountain Forest Stewardship Plan. A motion was made by Miller and seconded by Hamilton to participate in the appeal process against the NJDEP regarding the Sparta Mountain Forest Stewardship Plan by serving as an amicus. All in favor. Motion carried.

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

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk