

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
SEPTEMBER 27, 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 Verrilli, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau and Leslie Phiefer of Dorsey & Semrau. Councilman Cicerale arrived at approximately 7:12 p.m.

**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. Sussex County Health Department Report – July 2017
2. Sussex County Health Department Report – August 2017
3. Municipal Court Report – August 2017

**Agreements/Applications/Licenses:**

1. Raffle License – St. Joseph’s Wayne Hospital Foundation, Inc.
2. Raffle License – Hardyston Township PTA
3. Raffle License – K of C #5563 Gen Judson Kilpatrick Council
4. GTBM, Inc. – Info-Cop Software Agreement Renewal - Police Department

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

**ORDINANCES**

**1st READING:**

**2017 – 08**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CERTAIN PORTIONS OF CHAPTER 185, ZONING, OF THE REVISED GENERAL ORDINANCES TO ADDRESS SIGN CONTROLS ON A TOWNSHIP WIDE BASIS AND STANDARDS FOR FENCES IN INDUSTRIAL ZONES**

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

**Section 1.** Chapter 185, Zoning, Section 185-4, Definitions, Subsection (C) of the aforesaid Revised General Ordinances is hereby revised and supplemented to amend and add the following definitions:

SIGN, MESSAGE BOARD- permanent sign with a manually changeable copy.

**Section 2.** Chapter 185, Zoning, Article XIX, Signs, Section 185-71, Temporary Signs, Subsection (B) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

- 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 fifteen (15) square feet.

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**Section 3.** Chapter 185, Zoning, Article XIX, Signs, Section 185-71, Temporary Signs, Subsection (E) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

- E. Special promotion and event signs including banners, streamers, advertising flags, twirlers, suspended signs and sandwich board signs in non-residential zones may be granted by permit from the Township Zoning Officer. Special promotion and event signs may be displayed for not more than thirty (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 ten (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.

**Section 4.** Chapter 185, Zoning, Section 185-73, Signs for Specific Uses, aforesaid mentioned Revised General Ordinances is hereby revised and supplemented add Subsection D as follows:

D. Farm Signs. In zones permitting agricultural and/or farming uses, the following signs are permitted:

- (1) One identification sign, not more than eighteen (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 sixteen (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.

**Section 5.** Chapter 185, Zoning, Article XIX, Signs, Section 185-76.1, Electronic Message Board Signs of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

**§ 185-76.1. Electronic Message Signs.**

Electronic signs as defined in §185-4 shall be permitted in the B-1, B-2, I-1, I-2 and R-C zones subject to the following conditions and shall require approval by the Township of Hardyston Planning Board and/or Zoning Board of Adjustment.

- A. Shall be consistent with the requirements set forth for freestanding signs in § 185-76, including height, setbacks, and maximum area.
- B. Shall contain block letters only and shall consist of only one color on a neutral color background.
- C. Shall be no more than thirty-six (36) square feet.
- D. Messages shall change at no less than twenty (20) second intervals and shall not blink, flash or flicker rapidly when changing as to cause a distraction to drivers.
- E. Messages shall contain no more than three (3) lines of text.
- F. 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.

**Section 6.** Chapter 185, Zoning, Article XIX, Signs, of the aforesaid mentioned Revised General Ordinances is hereby amended as follows to add §185-76.2, in order to establish regulations and standards for message board signs.

**§ 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.
- B. Message board signs shall consist of letters and numbers only using only one color on a neutral color background.

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- C. Message board signs may be installed as part of an existing freestanding permanent sign subject to the requirements of § 185-76.
- D. New permanent message board signs shall require approval by the Township of Hardyston Planning Board and/or Zoning Board of Adjustment.
- E. 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.

**Section 7.** Chapter 185, Zoning, Article XV, Additional Regulations Governing Permitted Accessory Uses & Structures, Section 185-56, Fences or Walls, Subsection (B) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

B. Maximum height and location:

<b>Type of Fence</b>	<b>Maximum Height</b>	<b>Location</b>
All	6 feet	Rear building line of principal structure to minimum required side yard or rear yard setback line, except in the Industrial Zones where fences may be installed anywhere in the side or rear yard.
All	4 feet	Anywhere on lot

**SECTION 8.** 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 9.** 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 10.** This Ordinance may be renumbered for purposes of codification.

**SECTION 11.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made by Verrilli to approve Ordinance 2017-08 on first reading, seconded by Miller. All in favor. Motion carried.

**2017-09**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CERTAIN PROVISIONS OF CHAPTER 88, FEES, OF THE REVISED GENERAL ORDINANCES TO INCLUDE ANNUAL REGISTRATION FEES FOR NON-LIFE-HAZARD USES AND FIRE SUPPRESSION SYSTEMS**

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

**SECTION 1.** Chapter, 88 Fees, Section 88-2 Construction Code Fees, Subsection (D), of the aforesaid Revised General Ordinances is hereby amended to read as follows:

**§88-2. Construction code fees.**

D. Fire protection subcode fees are as follows:

(1) Wet or dry sprinkler suppression systems as per the following numbers of heads:

<b>Number of Heads</b>	<b>Fee</b>
1 to 20	\$100
21 to 100	\$150
101 to 400	\$300
401 to 1,000	\$600
Over 1,000	\$850

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- (2) Fee for each standpipe: \$200.
- (3) Fee for each gas- or oil-fired appliance not connected to the plumbing system: \$55.
- (4) Commercial kitchen exhaust system, each: \$100.
- (5) Independent pre-engineered suppression systems, each: \$100.
- (6) Fuel storage tanks (underground or aboveground, installation only) each:

<b>Capacity (gallons)</b>	<b>Fee</b>
1 to 1,000	\$55
1,001 to 4,000	\$100
Over 4,000	\$150

- (7) Smoke or heat detectors:

<b>Number of Detectors</b>	<b>Fee</b>
1 to 20	\$55
21 to 100	\$75
101 to 200	\$100
201 to 400	\$150
401 to 1,000	\$250
Over 1,000	\$350

- (a) Each Supervisory, signaling & other devices: \$8.
- (8) Manual or automatic alarm systems: \$75.
- (9) Central control system: \$75.
- (10) The fire protection subcode fee shall be a minimum of \$55 for single-family dwellings and \$75 for all other structures.

**(11) *Non-life-hazard Uses (\$94-10B).***  
***Annual Registration Fee: \$25.***  
***Late Fee: \$250.***

**(12) *Fire suppression tanks (\$94-10-C).***  
***Annual Registration Fee: \$25.***  
***Late Fee: \$50.***

**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.

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

A motion was made by Hamilton to approve Ordinance 2017-09 on first reading, seconded by Verrilli. All in favor. Motion carried.

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ORDINANCES

2nd READING:

2017-06

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,  
STATE OF NEW JERSEY SUPPLEMENTING CHAPTER 163, TAXATION, OF THE  
CODE OF THE TOWNSHIP OF HARDYSTON BY ESTABLISHING ARTICLE III,  
PROPERTY TAX REFUNDS, §163-5, 100% DISABLED VETERAN TAX REFUNDS**

**WHEREAS**, pursuant to N.J.S.A. 54:4-3.30, the dwelling house and the lot whereupon the same is erected, of any citizen and resident of this State, honorably discharged or released under honorable circumstances, from active service, in time of war, in any branch of the Armed Forces of the United States, who has been or shall be declared by the United States Veterans Administration or its successor to have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100 percent permanent disability, and not so evaluated solely because of hospitalization or surgery and recuperation, sustained through enemy action, or accident, or resulting from disease contracted while in such active service, shall be exempt from taxation on proper claim made therefor; and

**WHEREAS**, pursuant to N.J.S.A. 54:4-3.31, upon review and approval of the required documentation by the municipal tax assessor, the assessor shall allow said exemption from taxation for the tax year in which the claim was filed; and

**WHEREAS**, pursuant to N.J.S.A. 54:4-3.32, the governing body of each municipality, by appropriate resolution, may return all taxes collected on property from prior years which would have been exempt had proper claim been timely made in writing; and

**WHEREAS**, the statutory intent to grant discretion to the governing body of every municipality has been affirmed by recent court decisions that have held that a municipality has discretion to grant or deny a taxpayer a retroactive refund of property taxes that has been paid from the effective date of the disability as determined by the United States Department of Veterans Affairs as set forth in N.J.S.A. 54:4-3.32; and

**WHEREAS**, the Mayor and Municipal Council of the Township of Hardyston desire to establish a formal policy providing that a retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the current year of the submission of a proper claim to the tax assessor as required by N.J.S.A. 54:4-3.30 and, if timely filed, the prior year, but in no event greater than a twenty-four month period in the aggregate.

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

**SECTION 1.** Chapter 163, Taxation, of the Code of the Township of Hardyston is hereby amended and supplemented to establish **Article III, Property Tax Refunds, §163-5. 100% Disabled Veteran Tax Refunds**, which shall read in its entirety as follows:

**ARTICLE III. Property Tax Refunds**

**§ 163-5. 100% Disabled Veteran Tax Refunds.**

A refund of property taxes pursuant to N.J.S.A. 54:4-3.32 shall be granted provided that the applicant submits a complete application to the tax assessor as required by N.J.S.A. 54:4-3.30. The refund of taxes may be granted retroactively only to the date that the complete application was submitted to the tax assessor.

**SECTION 2.** All Ordinances of the Township of Hardyston that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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**SECTION 3.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Hamilton to approve Ordinance 2017-06 on second reading, seconded by Miller. All in favor. Motion carried.

**NEW BUSINESS:**

A. Tax Collector Resolution

1. Resolution #50-17 – Disabled Veteran Tax Exemption Refund – Lewis Osbun – Block 60.04, Lot 13 – 40 Stonehedge Drive

**RESOLUTION # 50-17**

**WHEREAS,** Block 60.04 Lot 13 also known as 40 Stonehedge Drive Hardyston, and owned by Lewis Osbun, and

**WHEREAS,** on May 31, 2017 Mr. Osbun was approved for a permanently Disabled Veteran and has full exempt status, thru the Department of Veteran Affairs, and

**WHEREAS,** Mr. Scott Holzhauser Tax Assessor for Hardyston Township has approved this exemption for 2017 with refunding a partial payment for June taxes, the Homestead Rebate and the August 1, 2017 tax payment.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund to Mr. Osbun the amount of \$ 3,749.18 for a partial payment for June taxes, Homestead Rebate and the August quarterly taxes that were paid.

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

B. Resolution #51-17 – Chapter 159 – DOT – Wits End Road

**RESOLUTION #51-17**

**STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION MUNICIPAL AID PROGRAM FOR WITS END ROAD**

**WHEREAS,** N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

**WHEREAS,** Said Director may also approve the insertion of any item of appropriation for equal amount,

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**SECTION I.**

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2017, in the sum of \$160,000.00, which is, now available as a revenue from New Jersey Department of Transportation Municipal Aid Program for Wits End Road pursuant to the provision of Statute, and

**SECTION II.**

BE IT FURTHER RESOLVED, that a like sum of \$160,000.00. and the name is hereby appropriated under the caption New Jersey Department of Transportation Municipal Aid Program for Wits End Road, Other Expenses \$160,000.00.

**SECTION III.**

BE IT FURTHER RESOLVED, that the above is a result of New Jersey Department of Transportation Municipal Aid Program for Wits End Road and /or/ has been anticipated as a revenue from the New Jersey Department of Transportation Municipal Aid Program for Wits End Road, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

C. Resolution #52-17 – Certification of Annual Audit

**FORM OF RESOLUTION #52-17**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Township Council* of the Township of Hardyston, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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D. Resolution #53-17 – Unclaimed Property

**RESOLUTION #53-17**

**BE IT RESOLVED** that the Township Council of the Township of Hardyston hereby grants Township Manager, Marianne Smith, the authority to act on the Township's behalf relative to processing a claim and securing on the Township's behalf unclaimed property as identified within the attached property detail list. (List on file in the Clerk's office).

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

E. Correspondence

1. Green Township
2. Branchville Borough
3. Frelinghuysen Township
4. Sussex Borough
5. Sussex Borough
6. Lafayette Township
7. State of NJ
8. State of NJ
9. State of NJ

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

Township Manager stated that resumes have been received from interested parties for the position of Municipal Judge. It was the consensus of the Council to form a subcommittee consisting of two Council members to review the resumes.

**BILLS TO BE PAID:** A motion was made by Hamilton to approve the bill list as presented, seconded by Verrilli. 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 Michele Van Allen inquired about Resolution #51-17 regarding the Wits End Road Improvement Project. She asked when the paving would start and end. Township Manager stated that she would call Ms. Van Allen with more definitive information. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Verrilli to adjourn at approximately 7:20 p.m., seconded by Hamilton. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk