

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
APRIL 11, 2018**

The meeting was called to order by Mayor Miller 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 Verrilli, Councilwoman Hamilton, Councilman Kula, Councilman Kaminski, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau 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 – February 2018
2. Tax Collector Report – February 2018
3. Construction Certificate Activity Report – February 2018
4. Construction Permit Activity Report – Hardyston – February 2018
5. Construction Permit Activity Report – Hamburg – February 2018
6. Construction Permit Activity Report – Franklin – February 2018
7. Construction Permit Activity Report – Newton – February 2018
8. Construction Permit Activity Report – Sussex – February 2018
9. Construction Permit Activity Report – Wantage – February 2018
10. SCHED Report – February 2018
11. Land Use Report – February 2018
12. Police Department Report – February 2018
13. Municipal Court Report – February 2018
14. Littell Community Center Report – February 2018

Minutes:

1. Reorganization Minutes of 1/4/18
2. Regular Minutes of 1/10/18
3. Executive Minutes of 1/10/18
4. Regular Minutes of 1/24/18
5. Executive Minutes of 1/24/18
6. Regular Minutes of 2/14/18
7. Executive Minutes of 2/14/18
8. Regular Minutes of 2/28/18
9. Regular Minutes of 3/14/18

Agreements/Applications/Licenses:

1. Fire Department New Member Application – Dennis Wottle
2. Raffle License – Department For Persons With Disabilities

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

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ORDINANCES

1st READING:

2018-07

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF A DEED OF DEDICATION – OPEN SPACE/STORMWATER BASIN FOR A PORTION OF THE PROPERTY DESIGNATED AS BLOCK 75, LOT 11.05 ON THE HARDYSTON TOWNSHIP TAX MAP; A DEED OF RIGHT-OF-WAY DEDICATION FOR A PORTION OF THE PROPERTY DESIGNATED AS BLOCK 75, LOT 11 ON THE TAX MAP OF HARDYSTON TOWNSHIP; AN ACCESS EASEMENT FOR A PORTION OF PROPERTY DESIGNATED AS BLOCK 75, LOT 11.07 ON THE TAX MAP OF HARDYSTON TOWNSHIP; A DRAINAGE EASEMENT FOR A PORTION OF THE PROPERTY DESIGNATED AS BLOCK 75, LOT 11 ON THE TAX MAP OF HARDYSTON TOWNSHIP; AND SIGHT EASEMENTS ON PORTIONS OF THE PROPERTY DESIGNATED AS BLOCK 75, LOT 11.14 AND BLOCK 75.01, LOT 1 ON THE HARDYSTON TOWNSHIP TAX MAP

WHEREAS, the Township Council of the Township of Hardyston, in the County of Sussex, State of New Jersey, wishes to accept a Deed of Dedication - Open Space/Stormwater Basin for a portion of Block 75, Lot 11.05, by G.S. Realty Corp.; and

WHEREAS, the Township Council of the Township of Hardyston, in the County of Sussex, State of New Jersey, wishes to accept a Deed of Right-of-Way Dedication for a portion of Block 75, Lot 11, by G.S. Realty Corp.; and

WHEREAS, the Township Council of the Township of Hardyston, in the County of Sussex, State of New Jersey, wishes to accept an Access Easement for a portion of Block 75, Lot 11.07, by G.S. Realty Corp.; and

WHEREAS, the Township Council of the Township of Hardyston, in the County of Sussex, State of New Jersey, wishes to accept a Drainage Easement for a portion of Block 75, Lot 11, by G.S. Realty Corp.; and

WHEREAS, the Township Council of the Township of Hardyston, in the County of Sussex, State of New Jersey, wishes to accept Sight Easements for a portion of Block 75, Lot 11.14 and a portion of Block 75.01, Lot 1, by G.S. Realty Corp.; and

WHEREAS, these conveyances are being made in accordance with the perfection of the subdivision approval issued by the Hardyston Township Planning Board; and

WHEREAS, both the Township Attorney and the Township Engineer for the Township of Hardyston reviewed the conveyances and found them acceptable in all respects.

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

SECTION 1. The Township Council of the Township of Hardyston, in the County of Sussex, State of New Jersey, wishes to accept a Deed of Dedication - Open Space/Stormwater Basin for a portion of Block 75, Lot 11.05, as depicted on the attached Deed and legal description.

SECTION 2. The Township Council of the Township of Hardyston, in the County of Sussex, State of New Jersey, wishes to accept a Deed of Right-of-Way Dedication for a portion of Block 75, Lot 11, as depicted on the attached Deed and legal description.

SECTION 3. The Township Council of the Township of Hardyston, in the County of Sussex, State of New Jersey, wishes to accept an Access Easement for a portion of Block 75, Lot 11.07, as depicted on the attached Deed and legal description.

SECTION 4. The Township Council of the Township of Hardyston, in the County of Sussex, State of New Jersey, wishes to accept a Drainage Easement for a portion of Block 75, Lot 11, as depicted on the attached Easement and legal description.

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SECTION 5. The Township Council of the Township of Hardyston, in the County of Sussex, State of New Jersey, wishes to accept Sight Easements for a portion of Block 75, Lot 11.14 and a portion of Block 75.01, Lot 1, as depicted on the attached Easement and legal description.

SECTION 6. The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

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

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

A motion was made by Hamilton to approve Ordinance 2018-07 on first reading, seconded by Kula. All in favor. Motion carried.

**ORDINANCES
2nd READING:**

**2018-06
CALENDAR YEAR 2018
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$76,552.78 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Hardyston, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Township of Hardyston shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$267,934.73, and that the CY 2018 municipal budget for the Township of Hardyston be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

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BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 2018-06 on second reading, seconded by Verrilli. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution #17-18 – Resolution authorizing Change Order No. 1 for the Wits End Road Resurfacing Contract with Mike Fitzpatrick & Son, Inc.

RESOLUTION #17-18

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1
FOR THE WITS END ROAD RESURFACING CONTRACT WITH MIKE
FITZPATRICK & SON, INC.**

BE IT RESOLVED, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey that the nature of the changes as described in the attached Change Order No. 1 for the contract entitled, “Wits End Road Resurfacing”, be and the same are hereby approved, and the Township Manager is hereby authorized and directed to execute said Change Order on behalf of the Township.

BE IT FURTHER RESOLVED that said contract shall be amended to reflect adjustments for as-built quantities as set forth on the attached Change Order.

This Resolution shall take effect immediately.

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

- B. Tax Collector Resolution

1. Resolution #18-18 – Lien Redemption – 66 Maple Avenue – Block 44, Lot 39

RESOLUTION # 18-18

WHEREAS, a request for a lien redemption on Tax Sale Certificate #33L in the amount of \$ 9.94 dated January 6, 1962 for property located at 66 Maple Avenue Block 44 Lot 39 in Hardyston, NJ and

WHEREAS, this parcel is in the process of being sold and the certificate needs to be cancelled from record. The Tax Collector has researched the archives and is unable to locate any paper work or the original Tax Sale Certificate to determine the discharge, and

WHEREAS, the Tax Collector needs to prepare a Discharge of Certificate of Sale for Unpaid Municipal Liens to be filed with the Sussex County Clerk’s Office to discharge Tax Lien # 33L.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to prepare and file the proper discharge for Tax Sale Certificate # 33L in the amount of \$ 9.94.

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

- C. Resolution #19-18 – Resolution authorizing an affordable housing down payment assistance loan repayment agreement with the buyer of an affordable housing unit located in Hardyston Township

RESOLUTION #19-18

A RESOLUTION AUTHORIZING AN AFFORDABLE HOUSING DOWN PAYMENT ASSISTANCE LOAN REPAYMENT AGREEMENT WITH THE BUYER OF AN AFFORDABLE HOUSING UNIT LOCATED IN HARDYSTON TOWNSHIP

WHEREAS, Lindsay Westbrook is purchasing property located at 3 Meadow Lane, Block No. 67, Lot No. 51.12, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit which, among other restrictions, restricts the property owner in financing the property or otherwise encumbering the property by way of mortgage, home equity loan, or other form of financing; and

WHEREAS, the property owner has requested a Down Payment Assistance Program loan from the Affordable Housing Trust Fund; and

WHEREAS, the Township of Hardyston is willing to extend a loan to the property owner toward the down payment on the price of the home in the amount of \$4,750.00 in order to allow the buyer to procure a First Purchase Money Mortgage; and

WHEREAS, it is appropriate for the Township of Hardyston to enter into an Agreement with the property owner setting forth the terms of the agreement at this time;

NOW THEREFORE BE IT RESOLVED on this 11th day of April, 2018, by the Township Council of Hardyston, County of Sussex, State of New Jersey, that:

1. The Mayor, Manager, Clerk and attorney are hereby authorized to execute a Down Payment Assistance Program Agreement with the owner of an Affordable Housing unit located at 3 Meadow Lane, Block No. 67, Lot No. 51.12.
2. A copy of the fully executed Agreement shall be kept on file with the Clerk. The original shall be kept in the unit file by the Administrative Agent.

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

- D. Resolution #20-18 – Use of Building Agreement with Department of Military & Veterans Affairs, State of New Jersey, for Littell Community Center

RESOLUTION #20-18

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING CONTRACT/AGREEMENT

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

1. Use of Building Agreement with Department of Military & Veterans Affairs, State of New Jersey, for Littell Community Center

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

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- E. Resolution #21-18 – Resolution authorizing the award of a professional services contract without competitive bidding to U.N.I. Engineering, Inc. to perform engineering services and prepare technical specifications for the North Church Technical Center upgrades for firewater system

RESOLUTION #21-18

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO U.N.I. ENGINEERING, INC. TO PERFORM ENGINEERING SERVICES AND PREPARE TECHNICAL SPECIFICATIONS FOR THE NORTH CHURCH TECHNICAL CENTER UPGRADES FOR FIREWATER SYSTEM

WHEREAS, there exists a need to provide engineering services and prepare technical specifications in connection with upgrades for the firewater system for the property known as the North Church Technical Center; and

WHEREAS, the Township wishes to retain the services of U.N.I. Engineering, Inc. to provide these services and for such other services as identified in its proposal dated March 11, 2018; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Township will recoup the contract amount through charge of a special assessment related to the North Church Technical Center project; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. §40A:11-1 *et seq.*) requires that the resolution authorizing the award of a contract for professional service without competitive bidding, and the contract itself, be available for public inspection.

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

1. The Township of Sussex hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with U.N.I. Engineering, Inc. to prepare technical specifications, in connection with upgrades for the firewater system for the property known as the North Church Technical Center for a fee not to exceed \$49,200 as per its proposal dated March 11, 2018.

2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person licensed under law to practice a recognized profession.

3. The total fee authorized for this contract shall not exceed \$49,200 without the prior written approval of the Township Council.

4. Notice of this action shall be published once in the Township's official newspaper as required by law.

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5. A copy of this resolution shall be provided to the Township Chief Financial Officer and U.N.I. Engineering, Inc., 156 Stockton Street, Hightstown, New Jersey 07419, for their information and guidance.

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

- F. Resolution #22-18 – Shared Service Agreement for Street Sweeping – Hamburg Borough

RESOLUTION #22-18

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING
SHARED SERVICE AGREEMENT**

BE IT RESOLVED by the Township Council of the Township of Hardyston that the execution of the following agreement is hereby authorized:

1. Street Sweeping – Hamburg Borough

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

- G. Resolution #23-18 - Resolution authorizing the release of performance bond, and acceptance of maintenance bond, for the work performed at the Estelle Manor Subdivision, Block 75, Lot 11

RESOLUTION #23-18

**A RESOLUTION OF THE TOWNSHIP OF HARDYSTON, IN THE
COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING
THE RELEASE OF PERFORMANCE BOND, AND ACCEPTANCE OF
MAINTENANCE BOND, FOR THE WORK PERFORMED AT THE
ESTELLE MANOR SUBDIVISION, BLOCK 75, LOT 11**

WHEREAS, the developer, G.S. Realty Corp., has requested a release of the performance bond held by the Township of Hardyston, and for the Township to accept the maintenance bond letter of credit; and

WHEREAS, the Township Engineer has reviewed the request, performed various inspections of the work previously completed, and finds that the public improvements associated with this project are complete and in good condition, and has prepared a maintenance bond estimate, dated December 5, 2017, recommending a maintenance bond be posted in the amount of \$69,282.00, and recommending the performance bond in the amount of \$154,000.00 be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, that it does hereby authorize that the performance bond posted in connection with this project, which is in the amount of \$154,500.00, be released to the developer.

This Resolution shall take effect immediately.

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

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H. Proclamation – Child Abuse Prevention Month

PROCLAMATION

CHILD ABUSE PREVENTION MONTH

WHEREAS, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Sussex County; and

WHEREAS, every child is entitled to be loved, cared for, nurtured, feel secure and be free from verbal, sexual, emotional and physical abuse, and neglect; and

WHEREAS, child abuse and neglect not only directly harm children, but also increase the likelihood of criminal behavior, substance abuse, health problems, and risky behavior;

WHEREAS the effects of child abuse are felt by communities as a whole, and need to be addressed by the entire community;

WHEREAS, effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community;

NOW THEREFORE, be it resolved that the Township Council of the Township of Hardyston, Sussex County does proclaim April as Child Abuse Prevention Month, and calls upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

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

I. 2018 Municipal Budget Public Hearing/Adoption

Township Manager gave a verbal and written presentation of the 2018 Municipal Budget. A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Verrilli to approve the 2018 Municipal Budget as presented, seconded by Hamilton. All in favor. Motion carried.

J. Correspondence

1. Sandyston Township
2. Sandyston Township
3. Sandyston Township
4. Lafayette Township
5. Wantage Township
6. County of Sussex
7. State of NJ
8. State of NJ
9. Jersey Central Power & Light

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

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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. No public comment. 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 7:50 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk