

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 25, 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 – June 2018
2. Tax Collector Report – June 2018
3. Construction Certificate Activity Report – June 2018
4. Construction Permit Activity Report – Hardyston – June 2018
5. Construction Permit Activity Report – Hamburg – June 2018
6. Construction Permit Activity Report – Franklin – June 2018
7. Construction Permit Activity Report – Newton – June 2018
8. Construction Permit Activity Report – Sussex – June 2018
9. Construction Permit Activity Report – Wantage – June 2018
10. Police Department Report – June 2018
11. Municipal Court Report – June 2018
12. Littell Community Center Report – June 2018
13. Sussex County Health Department Report – May 2018
14. Sussex County Health Department Report – June 2018
15. Land Use Report – June 2018

Agreements/Applications/Licenses:

1. Raffle License – Berkeley College Foundation, Inc.
2. Raffle License – Nicholas Wihlborg Foundation, Inc.
3. Raffle License – Sussex County Association of Realtors Charitable Foundation
4. Fire Department New Member Application – Adam Paz

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

ORDINANCES

1st READING:

2018-09

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX TO AMEND TOWNSHIP GENERAL ORDINANCES, CHAPTER 104 HOUSING TO ESTABLISH A NEW ARTICLE III TO BE TITLED “SHORT-TERM RENTAL PROPERTY” IN ORDER TO ESTABLISH RESTRICTIONS ON THE RENTAL OF RESIDENTIAL DWELLING UNITS FOR CERTAIN TIME PERIODS

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

SECTION 1. Chapter 104, Housing of the Code of the Township of Hardyston is hereby amended and supplemented with a new Article III entitled “Short-Term Rental Property”, which shall read as follows:

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 25, 2018

CHAPTER 104 HOUSING

Article III: Short-Term Rental Property

§104-13 Rental for Certain Time Periods Prohibited.

- A. Notwithstanding anything to the contrary contained in the Township of Hardyston Code, it shall be unlawful for an owner, lessor, sub-lessor, any other person(s), or entity(ies) with possessor or use right(s) in a dwelling unit, their principals, partner or shareholders, or their agents, employees, representatives and other person(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any dwelling unit, as defined herein, for a period of 60 days or less.

- B. Nothing in this section will prevent formation of an otherwise lawful occupancy of a dwelling unit for a rental period of more than 60 days.

§104-14 Definitions.

As used in this section, the following terms shall have the meanings indicated:

ADVERTISE OR ADVERTISING shall mean any form of solicitation, promotion and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this section, as same may be viewed through various media, including, but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration, which are prohibited by this section.

CONSIDERATION shall mean soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration, including a promise or benefit, a quid pro quo, rent, fees, other form of payment, or thing of value.

DWELLING UNIT shall mean any structure, or portion thereof, whether furnished or unfurnished, which is occupied, in whole or in part, or intended, arranged or designed to be occupied for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, cooperative, converted space, or portions thereof, that are offered to use, made available for use, or are used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration, for a period of 60 days or less.

HOUSEKEEPING UNIT constitutes a family-type situation involving one or more persons living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

OCCUPANT shall mean any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a dwelling unit.

OWNER shall mean any person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sublease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a dwelling unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 25, 2018

PERSON shall mean an individual, firm, corporation, association, partnership, limited liability company, entity, and any other person(s) and/or entity(ies) acting in concert or any combination thereof.

Residential occupancy shall mean the use of a dwelling by an occupant(s).

§104-15 Permitted Uses.

A. The residential occupancy of an otherwise lawful and lawfully occupied dwelling unit for a period of 60 days or less by any person who is a member of the housekeeping unit of the owner, without consideration, such as house guests, is permitted.

B. Golf villas in connection with the golf course resort orientated housing as permitted within the C-R zone shall be permitted to rent, lease or otherwise lawfully occupy the dwelling unit in accordance with the land use approvals and conditions governing the development for a period of 60 days or less.

§104-16 Advertising Prohibited.

It shall be unlawful to advertise, solicit or promote by any means actions in violation of this section.

§104-17 New Jersey Uniform Fire Code Requirements.

Any change of occupancy for a residential dwelling unit as permitted pursuant to this ordinance shall be required to obtain a certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance (CSACMAPFEC) pursuant to the New Jersey Uniform Fire Code (N.J.A.C 5:70-2.3)

§104-18 Property Registration.

- A. Any person who is renting their dwelling unit for consideration on a temporary basis for a period greater than 60 days but less than 365 days shall be required to register with the Township Clerk by completing a registration form approved by the Manager of Hardyston Township.
- B. The registration shall include the property location, owner contact information, emergency contact information, the names of the occupants and the term of residence.
- C. The registration shall include a fee as established in Chapter 88 of the Township General Ordinances .

§104-19 Enforcement; Violations and Penalties.

- A. The provisions of this section shall be enforced by the Building Code Official, Fire Official, Health Department, other Subcode, Code Official, or law enforcement agent of the Hardyston Township Police Department, as their jurisdiction may arise, including legal counsel for the Township or other persons designated by the Township of Hardyston to issue municipal civil infractions directing alleged violators of this to appear in court or file civil complaints.
- B. A violation of this section is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- C. Any person found to have violated any provision of this section, without regard to intent or knowledge, shall be liable for maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding the maximum permitted by N.J.S.A. 40:49-5. Each day of such violation shall be a new and separate violation of this section.
- D. The penalty imposed herein shall be in addition to any other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Township's Municipal Court or the Superior Court of New Jersey in the vicinage of SussexCounty, or in such other court

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 25, 2018

or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

Section 2. Chapter 88 Fees, Section 88-1 Fees Payable to Municipal Clerk of the Code of the Township of Hardyston is hereby amended and supplemented to read as follows:

§88-1 Fees Payable to Municipal Clerk

B. Licenses

(19) Temporary Rental Registration Fee: \$50 (Chapter 104)

Section 3. This Ordinance may be renumbered for codification purposes.

Section 4. 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 5. 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 6. This Ordinance shall take effect immediately following adoption and publication as required by law.

A motion as made by Verrilli to approve Ordinance 2018-09 on first reading, seconded by Hamilton. All in favor. Motion carried.

2018-10

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX TO AMEND VARIOUS CHAPTERS OF THE TOWNSHIP OF HARDYSTON COMBINED LAND USE CHAPTERS IN ORDER TO ESTABLISH STANDARDS FOR OUTDOOR LIGHTING FOR RESIDENTIAL AND COMMERCIAL PROPERTIES

It was the consensus of the Council to table this item for a future meeting.

2018-11

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX TO AMEND TOWNSHIP GENERAL ORDINANCES CHAPTER 125 OUTDOOR SHOWS TO CLARIFY THE REQUIREMENTS FOR HOLDING OUTDOOR EVENTS WITHIN THE TOWNSHIP

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

Section 1. Chapter 125, Township of Hardyston General Ordinances is hereby amended and supplemented to read as follows:

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 25, 2018

§ 125-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AMUSEMENT, ENTERTAINMENT or EXHIBITION

Includes any show, concert, festival, musical performance, dance, theatrical performance and exhibition of any kind.

OUT OF DOORS

Open spaces outside of buildings wherein the substantial portion of any exhibition or performance shall be conducted.

PERFORMANCE

Any show, concert, festival, musical performance, theatrical performance, dance or exhibition of any type.

PERMANENT

A period of time of undetermined length and involving at least a period of time of one year or more.

PUBLIC GATHERING

Gathering together more than 250 people.

§ 125-2. Permit required.

A. No person shall permit outdoor shows, concerts, festivals, dances, theatrical performances, exhibitions or public gatherings for purposes of amusement out of doors on any land or premises within the township owned, leased, occupied or controlled by him or her without first having obtained a permit therefor in the manner and upon the conditions set forth in this chapter.

B. Limitations on number of events. No person, business, organization or establishment shall be able to apply for and receive a permit more than 3 times annually. For purposes of establishing the number of events, an event is any show, concert, festival, dance, theatrical performances, exhibitions, or public gathering that anticipates at least 250 people over the duration of the event (1 – 3 days). A desire to obtain more than 3 permits annually shall require Site Plan Approval pursuant to the requirements of Chapter 147, Site Plan and General Development Plan Review.

§ 125-3. Application.

The permit shall, in addition to the information in § 112-2, contain the following:

A. The type of performance desired to be conducted and a statement of the purposes of the exhibition or performance, whether for pecuniary profit or charitable purposes, and if charitable, a statement of the charity to be benefited.

B. A description of the lands or premises sought to be licensed which shall include a description of the boundaries of the specific area sought to be licensed.

C. Whether the premises are owned by the applicant or, if not owned, the name and address of the lessor or licensor and the term of the lease or permit.

D. A designation of the portion of the premises intended to be used for the parking of automobiles, including a statement in acres or square feet of the area to be devoted to this purpose.

E. A map or sketch showing the entire area sought to be licensed and delineating the portion to be used for the parking of automobiles, and showing driveways or means of access to and from the premises and the names of all adjoining owners of the premises to be licensed.

F. A statement of the number of persons to be engaged in the exhibition or performance sought to be licensed and, in addition, a statement of the number of spectators anticipated to watch or observe the exhibition or performance.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 25, 2018

G. A fee as set from time to time by the Township Council shall be paid upon filing of the application, which fee shall be applied by the township toward its expense in investigating the application. The fee shall not be refunded whether a permit is issued or denied.

H. The application shall further state in detail the provisions proposed for the accommodation of persons attending in the following particulars:

- (1) Food and drink.
- (2) Shelter if overnight stay is to be considered.
- (3) Toilet and other sanitary facilities.
- (4) Medical and hospital care, including first aid and ambulance service.
- (5) Public safety, indicating kind and number of guards and special police assisting in the control of traffic and supervision of those attending the event.

§ 125-4. Investigation.

The application shall be submitted for review by the appropriate departments and Township professionals 50 days prior to the first day of the event. In addition to the review of the application as required by § 125-3, a copy of the application shall be furnished to the Board of Health and a written report shall be made by the Board to the Township Council within 30 days with reference to its investigation of the matters within its jurisdiction, particularly the requirements in Subsection H of § 125-3.

§ 125-5. Hearing.

If the Township Council determines from reports issued by the reviewing agencies and professionals that a hearing on the application should be held before issuing or denying a permit, then within five days after the thirty-day period for investigation, the Council shall set a time and place for hearing on the application. The hearing shall be held within 10 days thereafter. At the hearing, the applicant and the township may offer such evidence as may be desired covering the subject matter. Within 5 days after the hearing, the Township Council shall render a determination on the application and if the determination is favorable a permit shall be issued; but if the determination shall be denial of the application, a copy of the determination, containing the reasons for a denial, shall be served upon the applicant at the mailing address designated in the application.

§ 125-6. Issuance of permit.

A. The permit if authorized shall be issued by the Township Council and executed by the Township Manager and Township Clerk.

B. The permit shall set forth and describe the place where the show, exhibition, performance, public gathering or other event sought to be licensed shall take place and the period of time during which it may continue.

C. A permit issued hereunder shall include each separate day in which any public gathering for purposes of amusement, entertainment or exhibition is involved. No permit should extend for more than 3 days. Any event that extends beyond 3 days shall be required to obtain site plan approval pursuant to the requirements of Chapter 147, Site Plan and General Development Plan Review.

§ 125-7. Permit fee.

The fee is to be paid upon issuance of a permit for each 100 persons or any portion thereof anticipated to be involved in the event sought to be licensed, including all personnel and spectators or members of the audience. A minimum fee shall be paid. All permit fees shall be in addition to the fee required to accompany the application.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 25, 2018

§ 125-8. Limitation of persons and vehicles.

A. No outdoor show shall be permitted or licensed if the event contemplates a gathering of more than 2,000 persons or if the area allowed for the parking of motor vehicles is less than 50 cars per acre for the anticipated number of persons involved in occupying the premises.

B. The provisions of this chapter shall not apply to any out-of-doors gathering involving fewer than 250 persons nor to any out-of-doors public gathering for purposes of amusement, entertainment or exhibition in the township which are conducted by any organization incorporated under the laws of New Jersey as a nonprofit, charitable, religious or fraternal corporation and which maintains a permanent building within the township, or otherwise of any such named corporations not for profit which have been established and have been active for at least two years within the township without any permanent building, or otherwise any exhibition, amusement or entertainment in the township referred to herein, conducted by any municipal department of the township.

§ 125-9. Conduct of licensees.

A. No licensee shall permit any exhibition, performance or gathering or persons for any unlawful purpose or to be conducted in any unlawful, disorderly, obscene or lewd manner.

B. No outdoor show shall allow any performer to perform or be displayed in the nude.

C. No outdoor show shall be allowed which depicts sexually suggestive acts or subjects offensive to public morals and decency.

D. No outdoor show shall allow the use of any moving picture or other media which is obscene, lewd, indecent or offensive to public morals and decency.

E. No licensee shall permit any employees or agents or any spectators or other persons on the licensed premises during the period of time licensed to completely undress or go about in the nude or become undressed or go about in a lewd, obscene or indecent manner.

F. The licensee shall allow the Police Department or any other persons authorized by the township to inspect the licensed premises, or any part thereof, and the performances, exhibitions and shows for public gatherings at any time either prior to or during the period of time licensed, and to observe the persons upon the premises in order to detect violations of this chapter or of any other law of the United States, the State of New Jersey or the township.

G. The licensee shall take all proper means to assist in the orderly conduct and presentation of the event, to maintain a flow of traffic and to minimize traffic congestion. For such purposes, the licensee shall employ or obtain sufficient trained personnel.

H. The licensee shall maintain at his or her own expense one or more persons or agents responsible for the proper conduct of the licensed event who shall remain upon the premises at all times during the period the permit is in effect. The name, address and description of the person or agent responsible shall be furnished to the township before the beginning of the licensed period, and if any change is made as to such person or agent responsible, notice of the change with the names, addresses and descriptions of the persons to be substituted shall be furnished to the Police Department within 24 hours. The Police Department or other authorized officer or agent of the township may require the licensee to introduce the person or agent responsible to the Police Chief of the township or such other authorized officer or agent of the township as the township may designate.

§ 125-10. Revocation or suspension of permit.

A. If any of the provisions of this chapter are violated, the Township Council may terminate or suspend any permit issued hereunder in accordance with the provisions of § 112-9, 112-10 and 112-11.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 25, 2018

B. If it reasonably appears to the Police Department that the number of persons gathered upon the licensed premises exceeds 1,000 persons, the Police Department may give notice immediately to the licensee to withhold proceeding with the event and promptly inform the Township Manager or Township Council of such action. The licensee may request a hearing by the Township Council forthwith upon the Police Department's action and the hearing shall be held as promptly as possible.

§ 125-11. State law.

A. Nothing herein contained in this chapter is intended to or shall conflict with the provisions of Chapter 205, New Jersey Laws of 1971, which pertains to mass gatherings of substantial numbers of persons.

B. Compliance with Chapter 10 of the State Sanitary Code, Rules and Regulations Governing Mass Gatherings of Persons for the Purpose of Musical or Public Entertainment, is required where applicable.

Section 2. Chapter 88 Fees, Section 88-1 Fees Payable to Municipal Clerk of the Code of the Township of Hardyston is hereby amended and supplemented to read as follows:

§88-1 Fees Payable to Municipal Clerk

B. Licenses

(11) Outdoor Show Permit:

(a) Application Fee: \$500

(b) Permit Fee: \$50 per 100 persons as anticipated in the permit application

Section 3. This Ordinance may be renumbered for codification purposes.

Section 4. 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 5. 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 6. This Ordinance shall take effect immediately following adoption and publication as required by law.

A motion was made by Kaminski to approve Ordinance 2018-11 on first reading, seconded by Hamilton. All in favor. Motion carried.

ORDINANCES

2nd READING:

2018-08

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$550,000.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Township of Hardyston, County of Sussex, New Jersey, as follows:

Section 1: The sum of Five hundred fifty thousand dollars (\$550,000.00) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purpose:

For Various Capital Improvements or Purposes for the Township of Hardyston.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 25, 2018

Section 2: In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 hereof is not a Current Expense and is an improvement, which the Township of Hardyston may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed on to the extent of their inconsistency:

Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Kula to approve Ordinance 2018-08 on second reading, seconded by Verrilli. All in favor. Motion carried.

NEW BUSINESS:

A. Resolution #33-18 – Certification of Annual Audit

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
FORM OF RESOLUTION #33-18**

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 2017 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.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 25, 2018

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 Kula. All in favor. Motion carried.

B. Tax Collector Resolutions

1. Resolution #34-18 – Resolution authorizing the issuance of a duplicate tax sale certificate pursuant to N.J.S.A. 54:5-52.1 – Certificate #2015-008 – Block 17, Lot 10.33

RESOLUTION #34-18

**RESOLUTION AUTHORIZING THE ISSUANCE OF A
DUPLICATE TAX SALE CERTIFICATE PURSUANT TO
N.J.S.A 54:5-52.1**

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to Tall Bridge Asset Backed Fund, LP which certificate is dated October 14, 2015 covering premises commonly known and referred to as Lot 10.33 in Block 17 as set out on the municipal tax map then in use which Certificate bears number # 2015-008.

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, be is resolved by the Mayor and Governing Body of the Municipality of Hardyston Township that the Tax Collector of the municipality be and is Hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$ 100.00 per certificate, to issue an appropriate Duplicate tax sale certificate to the said purchaser covering the certificate lost as Previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that Said duplicate certificate shall be stamped or otherwise have imprinted upon it the word “Duplicate” as required by law.

2. Resolution #35-18 – Resolution authorizing the issuance of a duplicate tax sale certificate pursuant to N.J.S.A. 54:5-52.1 – Certificate #2015-009 – Block 17, Lot 10.35

RESOLUTION #35-18

**RESOLUTION AUTHORIZING THE ISSUANCE OF A
DUPLICATE TAX SALE CERTIFICATE PURSUANT TO
N.J.S.A 54:5-52.1**

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to Tall Bridge Asset Backed Fund, LP which certificate is dated October 14, 2015 covering premises commonly known and referred to as Lot 10.35 in Block 17 as set out on the municipal tax map then in use which Certificate bears number # 2015-009.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 25, 2018

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, be is resolved by the Mayor and Governing Body of the Municipality of Hardyston Township that the Tax Collector of the municipality be and is Hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$ 100.00 per certificate, to issue an appropriate Duplicate tax sale certificate to the said purchaser covering the certificate lost as Previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that Said duplicate certificate shall be stamped or otherwise have imprinted upon it the word “Duplicate” as required by law.

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

C. Resolution #36-18 – 2018 Salary Resolution Amendment

RESOLUTION #36-18

2018 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:

<u>Position</u>	<u>Hourly Salary</u>
Building Inspector – Part Time (Effective 7/30/18)	\$30.00
Plumbing Subcode Official (Effective 8/1/18)	\$41.00

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

D. Resolution #37-18 - Conflict Engineer Appointment

RESOLUTION #37-18

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING ENTRANCE INTO A PROFESSIONAL SERVICES AGREEMENT WITHOUT COMPETITIVE BIDDING TO EUGENE BUCZYNSKI, P.E., P.P., C.M.E. OF VAN CLEEF ENGINEERING ASSOCIATES, LLC TO SERVE AS CONFLICT ENGINEER FOR THE BRECIA DEVELOPMENT PROJECT

WHEREAS, there exists a need for conflict engineering services in connection with the Brecia Development project; and

WHEREAS, the Township wishes to retain the services of Eugene Buczynski, P.E., P.P., C.M.E. of Van Cleef Engineering Associates, LLC to provide these services and for such other services as required in connection with this project; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the required services shall be provide at a charge of \$125.00 per hour; and

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 25, 2018

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 agreement 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 Hardyston hereby awards and authorizes the Mayor and Township Clerk to take all steps necessary to retain Eugene Buczynski, P.E., P.P., CM.E. of Van Cleef Engineering Associates, LLC in connection with the Brechia Development project for a fee not to exceed \$125.00 per hour.

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

4. A copy of this resolution shall be provided to the Township Chief Financial Officer and Van Cleef Engineering Associates, LLC, 111 Howard Boulevard, Suite 101, Mount Arlington, New Jersey 07856, for their information and guidance.

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.

At this time, JCP&L representative Jackie Espinoza informed the Council about a Liability Plus Grant program that JCP&L is offering and gave a status update regarding tree trimming.

E. Correspondence

1. Lafayette Township
2. Borough of Franklin
3. State of NJ

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

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 Marty Schweighardt commented on testing of fire hydrants, and tree trimming by JCP&L. Sandra Leo, a resident of Wheatsworth Road, expressed concerns regarding speeding on Wheatsworth Road. Council commented and it was the consensus of the Council that letters would be sent to the Board of Education and Ballyowen by the Township Attorney to request that they work with the township regarding the speeding issues. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Hamilton to adjourn at approximately 8:10 p.m., seconded by Kaminski. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk