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 Edward Pasternak of Dorsey & Semrau.

SALUTE THE FLAG

SWEARING IN CEREMONY: Lawrence Barcza and Devin Gormley

Mayor Miller administered the Oath of Office to Patrolman Lawrence Barcza and Patrolman Devin Gormley.

AWARD PRESENTATION: Richard Nudo – Educational Achievement Award

Police Chief Bret Alemy presented the award to Patrolman Richard Nudo.

ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE **CONSENT AGENDA:** 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 August 2018
- 2. Tax Collector Report August 2018
- 3. Construction Certificate Activity Report August 2018
- Construction Permit Activity Report Hardyston August 2018
 Construction Permit Activity Report Hamburg August 2018
- 6. Construction Permit Activity Report Franklin August 2018
 7. Construction Permit Activity Report Newton August 2018
- 8. Construction Permit Activity Report Sussex August 2018
- 9. Construction Permit Activity Report Wantage August 2018
- 10. Police Department Report August 2018
- 11. Municipal Court Report August 2018
- 12. Littell Community Center Report August 2018
- 13. Land Use Report August 2018
- 14. Sussex County Health Department Report August 2018

Minutes:

ODDINA NCEC

- 1. Regular Minutes of 6/27/18
- 2. Executive Minutes of 6/27/18
- 3. Regular Minutes of 7/25/18

Agreements/Applications/Licenses:

- 1. Raffle License St. Jude The Apostle Church
- 2. Raffle License UNICO Rockaway Township
- 3. Raffle License Vernon Youth Football & Cheerleading, Inc.

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

UKDINANCES	
1st READING:	None

ORDINANCES 2nd READING:

2018-12

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX TO AMEND TOWNSHIP GENERAL ORDINANCES CHAPTER 51 ABANDONED PROPERTIES TO ESTABLISH A NEW FEE SCHEDULE FOR THE REGISTRATION OF VACANT AND ABANDONED PROPERTIES

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

Section 1. Chapter 51, Abandoned Properties Section 51-2 General requirements, Subsection (A) of the Township of Hardyston General Code is hereby amended and supplemented to read as follows:

A. The owner of any vacant property, as defined herein, shall within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Township of Hardyston Clerk on forms provided by the Clerk for such purposes, as well as any additional information that the Clerk may reasonably request. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew, the registration annually, no later than January 31 as long as the building remains vacant property and shall pay a registration or renewal fee according to the fee schedule in §51-4. The initial registration fee shall be prorated for registration statements received less than 10 months prior to renewal deadline.

Section 2. Chapter 51, Abandoned Properties Section 51-4 Fee schedule, of the Township of Hardyston General Code is hereby amended and supplemented to read as follows:

The initial registration fee for each Vacant and Abandoned property under the provisions of this Section shall be five hundred (\$500.00) dollars. The fee for the first annual renewal shall be one thousand five hundred (\$1,500.00) dollars and the fee for the second annual renewal shall be three thousand (\$3,000.00) dollars. The fee for any subsequent annual renewal beyond the second renewal shall be five thousand (\$5,000.00) dollars.

Section 3. Chapter 51, Abandoned Properties Section 51-7 Violations; penalties, Subsection (A) of the Township of Hardyston General Code is hereby amended and supplemented to read as follows:

A. Any owner who is not in full compliance with this article or who otherwise violates any provision of this chapter or of the rules and regulations issued hereunder shall be subject to a fine of \$1,500 for each day of violation. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

- **Section 4.** This Ordinance may be renumbered for codification purposes.
- **Section 5.** 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 6.** 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 7.** This Ordinance shall take effect immediately following adoption and publication as required by law.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Resident Frank Lacatena asked for clarification on the definition of vacant and abandoned property which was addressed by Deputy Township Manager/Township Planner Carrine Kaufer. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Kaminski to approve Ordinance 2018-12 on second reading, seconded by Hamilton. All in favor. Motion carried.

NEW BUSINESS:

A. Proclamation recognizing Nicholas DaSilva for surviving his battle with cancer and declaring the month of September as childhood cancer awareness month in Hardyston Township

PROCLAMATION

PROCLAMATION RECOGNIZING NICHOLAS DASILVA FOR SURVIVING HIS BATTLE WITH CANCER AND DECLARING THE MONTH OF SEPTEMBER AS CHILDHOOD CANCER AWARENESS MONTH IN HARDYSTON TOWNSHIP

WHEREAS, Nicholas DaSilva, of the Township of Hardyston, New Jersey bravely fought and is in remission from Burkett's Lymphoma – Non Hodgkin's Lymphoma, a form of pediatric cancer; and

WHEREAS, in gratitude to all those who helped him and his family on his journey to recovery the DaSilva family and the Township of Hardyston would like to help raise awareness for childhood cancer; and

WHEREAS, each year, pediatric cancer interrupts the childhood and limits the potential of thousands of young Americans, and it remains the leading cause of disease-related death for children; and

WHEREAS, September has been declared as National Childhood Cancer Awareness Month and in effort to raise awareness everyone is encouraged to go GOLD to show support and promote recognition of those young lives affected by cancer; and

WHEREAS, during Childhood Cancer Awareness Month, we come together to remember all those whose lives were cut short by pediatric cancer, to recognize the loved ones who know too well the pain it causes, and to support every child and every family battling cancer each day. We join with their loved ones and the researchers, health care providers, and advocates who support them as we work toward a tomorrow where all children are able to pursue their full measure of happiness without the burden of cancer.;

NOW THEREFORE, BE IT PROCLAIMED, by the Mayor and Council of the Township of Hardyston that it hereby recognizes

NICHOLAS DASILVA & THE DASILVA FAMILY
FOR SURVIVING CHILDHOOD CANCER
BE IT FURTHER PROCLAIMED THAT
SEPTEMBER 2018
SHALL BE KNOWN AS
CHILDHOOD CANCER AWARENESS MONTH
IN THE TOWNSHIP OF HARDYSTON

Mayor Miller read the above proclamation into the record.

B. Appointment – Joe Butto – Construction Official/Fire Subcode Official/Building Subcode Official

A motion was made by Hamilton to appoint Joe Butto as Construction Official/Fire Subcode Official/Building Subcode Official, seconded by Verrilli. All in favor. Motion carried.

- C. Tax Collector Resolutions
 - 1. Resolution #48-18 Discharge of Certificate of Sale 9 Sweetwater Lane

RESOLUTION # 48-18

WHEREAS, Tax Sale Certificate # 2014-020 for property located at 9 Sweetwater Lane, Hardyston was redeemed on June 15, 2018, and

WHEREAS, the Tax Sale Certificate was sent to TD Bank for cancellation of this certificate and TD Bank has advised the Tax Collector that they have lost or misplaced the original certificate and are requesting a duplicate in order to have it cancelled.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to prepare a Discharge of Certificate of Sale in order that TD Bank can have TSC #2014-020 cancelled from record.

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

2. Resolution #49-18 - Cancel Municipal portion of taxes for 3 Meadow Lane

RESOLUTION # 49-18

WHEREAS, Block 67 Lot 51.12 also known as 3 Meadow Lane, Hardyston Township, and

WHEREAS, this property was purchased thru Affordable Housing Trust Fund Money and the Township owned the property for 223 days of 2018 and has recently sold on September 5, 2018,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to cancel the Municipal Portion of taxes for 3 Meadow Lane for the period that it was owned by the Township in the amount of \$ 414.65.

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

D. Resolution #50-18 - Resolution declaring Township of Hardyston support for the JCP&L Reliability Plus

RESOLUTION #50-18

RESOLUTION DECLARING TOWNSHIP OF HARDYSTON SUPPORT FOR THE JCP&L RELIABILITY PLUS

WHEREAS The Township of HARDYSTON recognizes that reliable electric service plays a crucial role in the daily lives of Township residents; and

WHEREAS The Township of HARDYSTON recognizes that reliable electric service also is critical to the local businesses within our community, and drives commerce in our Township and across the region; and

WHEREAS The Township of HARDYSTON supports efforts to enhance our energy infrastructure to continue to provide families and businesses the reliable source of energy they need; and

WHEREAS The Township of HARDYSTON supports efforts to enhance the reliability and resiliency of the electric distribution system against severe weather and reduce the number of customers affected by outages and shorten the duration of outages; and their durat

WHEREAS The Township of HARDYSTON has been informed that Jersey Central Power and Light Company's (JCP&L) Reliability Plus includes approximately \$400 million in targeted investments above and beyond its regular annual investments to enhance JCP&L's service reliability and resiliency; and

WHEREAS The Township of HARDYSTON has been informed that the JCP&L plan includes nearly 4,000 enhancements that will help the reliability and resiliency of overhead and underground distribution lines, as well as new equipment to reduce the number of customers affected by outages and shorten the duration of outages; and

WHEREAS The Township of HARDYSTON has been informed that the JCP&L plan also outlines additional vegetation management to reduce the potential for tree damage, which is the primary cause of outages during severe storms in JCP&L's service area.

WHEREAS The Township of HARDYSTON has been informed that JCP&L expects the plan's economic benefit to customers and businesses from enhanced reliability and resiliency will be \$1.9 billion over the estimated life of the equipment installed through the program; and

WHEREAS The Township of HARDYSTON has been informed that JCP&L estimates the initial increase on the monthly bill for an average residential customer would be about 25 cents.

NOW, THEREFORE, BE IT RESOLVED that Mayor and Council of the Township of HARDYSTON hereby finds and declares:

That JCP&L's Reliability Plus will benefit residents and businesses in the Township of HARDYSTON and throughout Sussex County by making JCP&L's electric distribution system during storm and non-storm events more resistant to outages and enabling the system to recover more quickly when outages do occur and increase the distribution system's resiliency, operational flexibility, safety and security.

JCP&L's Reliability Plus should be approved by the New Jersey Board of Public Utilities.

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

E. Resolution #51-18 – Resolution authorizing the Township of Hardyston to renew registration for a commodity resale system and to enter into commodity resale agreements with other contracting units

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP OF HARDYSTON TO RENEW REGISTRATION FOR A COMMODITY RESALE SYSTEM AND TO ENTER INTO COMMODITY RESALE AGREEMENTS WITH OTHER CONTRACTING UNITS

WHEREAS, N.J.A.C. 5:34-7.15 authorizes contracting units to establish a Commodity Resale System; and

WHEREAS, the Township of Hardyston, County of Sussex, State of New Jersey, is desirous of Renewing its Registration for a Commodity Resale System for the resale of gasoline and diesel fuel; and

WHEREAS, the Township of Hardyston has agreed to serve as the Lead Agency for a Commodity Resale System with other Contracting Units.

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

- 1. The Township Council hereby authorizes the Renewal of a Commodity Resale System to be known as the Hardyston Commodity Resale System with the Township of Hardyston serving as the Lead Agency.
- 2. The Township Manager is hereby authorized to enter into a contract for the sale of gasoline and diesel fuel with the following entities:
 - Franklin Borough
 - Franklin Borough Board of Education
 - Hamburg Borough
 - Hamburg Borough Board of Education
 - Hardyston Board of Education
 - Wallkill Valley Regional High School Board of Education
 - County of Sussex
- 3. This Resolution shall take effect immediately upon passage.

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

F. Resolution #52-18 – Resolution authorizing submission of a Strategic Plan for the Governor's Council on Alcoholism and Drug Abuse Grant for fiscal grant cycle July 2014-June 2019

RESOLUTION #52-18

A RESOLUTION AUTHORIZING SUBMISSION OF A STRATEGIC PLAN FOR THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE GRANT FOR FISCAL GRANT CYCLE JULY 2014-JUNE 2019

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Hardyston, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Hardyston, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Hardyston/Franklin Municipal Alliance grant for fiscal year 2019 in the amount of:

DEDR \$15,863.00 Cash Match \$3,966.00 In-Kind \$11,897.00

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

G. Resolution #53-18 – Appointment of Bond Counsel

RESOLUTION #53-18

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 ROBERT H. BEINFIELD, ESQ OF HAWKINS, DELAFIELD AND WOOD, LLP TO SERVE AS MUNICIPAL BOND COUNSEL FOR CAPITAL PLANNING PURPOSES

WHEREAS, there exists a need to provide Municipal Bond Counsel services for capital planning purposes for the Township of Hardyston; and

WHEREAS, the Township wishes to retain the services Robert H. Beinfield, Esq. of Hawkins, Delafield and Wood, LLP to provide these services and for such other services as identified in its proposal dated August 24, 2018; and

WHEREAS, funds are available for this purpose; 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 Hardyston hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Robert H. Beinfield, Esq. of Hawkins, Delafield and Wood, LLP to serve as Municipal Bond Counsel for capital planning purposes for a fee not to exceed \$7,000.00 as per its proposal dated August 24, 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 \$7,000.00 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.

 A copy of this resolution shall be provided to the Township Chief Financial Officer and Robert H. Beinfield, Esq. of Hawkins, Delafield and Wood, LLP, One Gateway Center, Newark, New Jersey 07102-5311, 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.

H. Resolution #54-18 – NJDOT Support Resolution (Rock Mitigation)

RESOLUTION #54-18

RESOLUTION SUPPORTING NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 23 AND 94 ROCKFALL MITIGATION EFFORT

WHEREAS, the Township of Hardyston has been made aware by the New Jersey Department of Transportation's Division of Project Management of their intention to seek funding for a proposed rockfall mitigation project relating to Route 23 and 94, located within the boundaries of the Township of Hardyston and Borough of Hamburg; and

WHEREAS, the description of said proposed project is illustrated in detail within the attached Project Fact Sheet associated with project number UPC#154410; and

WHEREAS, the Hardyston Township Council has concluded that this project has merit and would provide enhanced protection for Township residents and other motorists travelling along these roadways

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Hardyston to hereby affirm their support the tenets of the project and all efforts to garner and secure adequate funding for its realization; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Phil Murphy to, Senator Steven Oroho, Assemblyman Parker Space and Assemblyman Hal Wirths.

A motion was made by Kaminski to approve the resolution as presented, seconded by Hamilton. All in favor. Motion carried. Project Fact Sheet is on file in the Clerk's Office.

I. Resolution #55-18 – Resolution authorizing the execution of a contract/agreement with The Standard for employee disability insurance

RESOLUTION #55-18

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING CONTRACTS/AGREEMENTS

BE IT RESOLVED by the Township Council of the Township of Hardyston that the Township of Hardyston accepts the terms of the proposal offered by The Standard as it relates to the delivery of employee disability insurance and further authorizes the execution of a formal contract/agreement effectuating same:

The Standard – acceptance of terms of proposal outlined in Proposal Prepared on May 22, 2018, to be effective October 1, 2018 (or as soon as can be effectuated by The Standard).

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

J. Correspondence

- 1. Hampton Township
- 2. Hamburg Borough
- 3. Frankford Township
- 4. Sparta Township
- 5. Wantage Township
- 6. Wantage Township
- 7. County of Sussex
- 8. State of NJ

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

BILLS TO BE PAID: A motion was made by Verrilli to approve the bill list as presented, seconded by Hamilton. 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 Schweighgardt shared some concerns regarding busing for the handicapped. 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 26th day of September, 2018, 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.
 - 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.
 - () 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: Kaminski Seconded by: Hamilton

MOTION YES NO ABSTAIN ABSENT

MOTION	1125	110	ADSIAII	ADSERT	
Hamilton	X				
Kula	X				
Miller	X				
Verrilli	X				
Kaminski	X				

Motion carried.

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

At this time, a motion was made by Verrilli to authorize the agreement between the Township of Hardyston and the Hardyston Township PBA Local 374 for period January 1, 2019 through December 31, 2023, seconded by Kula. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Hamilton to adjourn at approximately 8:15 p.m., seconded by Kaminski. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC Municipal Clerk