

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 24, 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, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau. Councilman Kaminski was absent from this meeting.

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 – September 2018
2. Tax Collector Report – September 2018
3. Construction Certificate Activity Report – September 2018
4. Construction Permit Activity Report – Hardyston – September 2018
5. Construction Permit Activity Report – Hamburg – September 2018
6. Construction Permit Activity Report – Franklin – September 2018
7. Construction Permit Activity Report – Newton – September 2018
8. Construction Permit Activity Report – Sussex – September 2018
9. Construction Permit Activity Report – Wantage – September 2018
10. Police Department Report – September 2018
11. Municipal Court Report – September 2018
12. Littell Community Center Report – September 2018
13. Land Use Report – September 2018
14. Sussex County Health Department Report – September 2018

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

ORDINANCES

1st READING:

2018-13

**BOND ORDINANCE APPROPRIATING \$4,825,000, AND
AUTHORIZING THE ISSUANCE OF \$4,595,000 BONDS OR NOTES OF
THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES
AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF
HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-
thirds of all the members thereof affirmatively concurring), AS FOLLOWS:**

The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of Hardyston, in the County of Sussex, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 24, 2018

sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$4,825,000 including the aggregate sum of \$230,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and by virtue of an emergency appropriation made therefor by resolution adopted by the governing body of the Township on October 24, 2018.

For the financing of said improvements or purposes and to meet the part of said \$4,825,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$4,595,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$4,595,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Acquisition by purchase of new and additional fire-fighting equipment for the preservation of life and property in the Township, consisting of two (2) fire trucks for use by the Fire Department of the Township, together with all self-contained breathing apparatus, hoses, cameras, radios, equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	\$1,260,000	\$1,200,000
(b) Improvement of various roads and locations in and by the Township by the construction, reconstruction and resurfacing thereof to provide roadway pavements at least equal in useful life or durability to a roadway surface of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), including, without limitation, Rock Lodge Road, Park Drive, Stockholm Terrace, Scenic Lakes Road, Silver Lake Road, Post Road, Silver Grove Road, Lakeside Avenue, Hillside Avenue, Lakeshore Road East, Glen Avenue, Maple Avenue, Old Route 23, Deer Trail Road, Buck Haven Trail, Doe Run, White Tail Court, Wilkey Way, Val Court, Franeks Road, Old Quarry Road, Campbell Drive, Sand Pond Road, Shauger Terrace, Dogwood Trail, Orts Road, Cub Lane, Partridge Road, Fox Trail, Vandecker Road, Mountain Road, McDole Road, Hamburg Turnpike, Laurel Court, Tamarack Trail, Lake Shore Road West, Lake Shore Road North,	<u>3,565,000</u>	<u>3,395,000</u>

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
Crescent Court, Elm Drive, Bear Trail, Beaver Trail, Beech Drive, Cottonwood Court, Glen Road, Island Court, Beach View Court, Carriage Lane, Colson Terrace, Lyons Avenue and Laceytown Road, together with all milling, curbing, crack sealing, drainage structures and improvements, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved		
Totals	\$4,825,000	\$4,595,000

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$4,595,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

Amounts not exceeding \$700,000 in the aggregate for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvements and are included in the foregoing estimate thereof.

Any grant funds from time to time received by the Township for the

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 24, 2018

improvements or purposes described in Section 3 of this bond ordinance, including without limitation a grant in the amount of \$100,000 received or expected to be received by the Township from the New Jersey Department of Transportation for the improvement of Silver Lake Road, shall be used for financing said improvements or purposes by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 24, 2018**

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

A motion was made by Verrilli to approve Ordinance 2018-13 on first reading, seconded by Hamilton. All in favor. Motion carried.

2018-14

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY TO AMEND CHAPTER 88-1,
ENTITLED "FEES PAYABLE TO MUNICIPAL CLERK", SUBSECTION B,
ENTITLED "LICENSES", SUBSECTION 13, ENTITLED "QUARRIES"**

WHEREAS, quarry operations have historically existed in Hardyston Township; and

WHEREAS, the activity of quarrying generates demands on municipal services from various departments which includes but is not limited to police, health and administration; and

WHEREAS, the Township recognizes the need to amend the fees for Annual Quarry Licenses as set forth in Section 88-1(B)(13).

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

SECTION 1.

Chapter 88-1(B)(13) is hereby amended as follows:

(c) Annual Quarry License: the license shall be a fee in the amount of Seventy-five Dollars (\$75.00) per acre of land for the premises on which quarrying activities occur during any portion of a calendar year. The said license fee of Seventy-five Dollars (\$75.00) per acre shall increase by two percent (2%) each year with the base year being 2018.

SECTION 2. This Ordinance may be renumbered for codification purposes.

SECTION 3. 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.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 24, 2018

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

A motion was made by Kula to approve Ordinance 2018-14 on first reading, seconded by Verrilli. All in favor. Motion carried.

ORDINANCES
2nd READING:

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:

§ 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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 24, 2018

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.
- 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;

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 24, 2018

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.

§ 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. Nor shall it apply to any outdoor events and/or temporary structures associated with said events which have obtained municipal site plan approval.

§ 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.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 24, 2018

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.

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.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 24, 2018

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 and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made by Verrilli to approve Ordinance 2018-11 on second reading, seconded by Kula. All in favor. Motion carried.

NEW BUSINESS:

- A. Eastern Concrete Materials, Inc. – Request for zone change for Block 14, Lot 22.01

Representatives from Eastern Concrete Materials, Inc. were present to request an adjustment to the zoning lot lines and classifications for Block 14, Lots 4, 5, 6.01, 7, 14, 15, 20, 22.01. Eastern Concrete Materials, Inc. would like the Township to consider a zone line adjustment to extend the I-1 zone further into Lot 22.01 so as to expand the area where quarrying is permitted, while simultaneously considering a re-zoning of the balance of 22.01 to an appropriate passive use zone.

Eastern Concrete Materials, Inc. also requested an extension of their current quarry permit and license based on their request for a zone change. As stated in his memo to the Council dated October 24, 2018, the Township Engineer has no engineering objection to extending the current permit and license while the Council considers the zone change request, with the requirement that an updated plan be provided within six months of the date of decision concerning the proposed zone change. A motion was made by Kula to submit the request to the Planning Board for consideration of a Master Plan amendment and zone change consideration, seconded by Verrilli. All in favor. Motion carried. A motion was also made by Verrilli to extend the current quarry permit and license per the recommendation of the Township Engineer, seconded by Hamilton. All in favor. Motion carried.

- B. 7-Year Capital Improvement Plan Presentation

Bob F. Schultz, Director of Public Works and Bill Hickerson of the Hardyston Township Volunteer Fire Department made their presentations to the Council. James Cerullo, CPA/RMA of Ferraioli, Wielkotz, Cerullo & Cuva, P.A. was also present to provide budget information.

- C. Tax Collector Resolutions

- 1. Resolution #57-18 – Cancel property tax for 2017 and 2018 for Green Bible Chapel – Tax Exempt Property

Resolution #57-18

WHEREAS, Block 36 Lot 9.29 and owned by Green Pond Bible Chapel, and known as 23 Doe Run Hardyston, and

WHEREAS, due to an oversight by the Tax Assessor, Scott Holzhauer the property for 2017 was not shown as Tax Exempt and has been billed for property tax for the tax years of 2017 and 2018.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to cancel property tax for the tax years of 2017 and 2018 in the amount of \$11,332.23.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 24, 2018**

2. Resolution #58-18 – Cancel taxes for disabled veteran – Michael Lipka -219 North Church Road

Resolution # 58-18

WHEREAS, Block 75 Lot 30 also known as 219 North Church Road, and owned by Michael Lipka, and

WHEREAS, on April 30, 2018 Mr. Lipka 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 2018 effective April 30, 2018 and therefore the balance of the 2018 taxes in the amount of \$2,488.71 need to be cancelled.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to cancel the remaining balance for property taxes for 2018 in the amount of \$2,488.71.

3. Resolution #59-18 – Cancel taxes for surviving spouse of permanently disabled veteran – Carol McDole – 102 Mountain Road

Resolution # 59-18

WHEREAS, Block 20 Lot 23 also known as 102 Mountain Road and owned by Carol McDole, and

WHEREAS, on January 18, 2018 Mrs. McDole was approved for a Property Tax Exemption as a Surviving Spouse of a Permanently Disabled Veteran from the Department of Veteran Affairs, and

WHEREAS, Mr. Scott Holzhauser, Tax Assessor for Hardyston Township has approved this exemption for 2018 effective January 18, 2018 and therefore the balance of the 2018 taxes in the amount of \$5,790.01 need to be cancelled.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to cancel the remaining balance for property taxes for 2018 in the amount of \$5,790.01.

4. Resolution #60-18 – Refund of Homestead Benefits – Carol McDole – 102 Mountain Road

Resolution # 60-18

WHEREAS, Block 20 Lot 23 also known as 102 Mountain Road and owned by Carol McDole, and

WHEREAS, since Mrs. McDole was approved for a Surviving Spouse of a Permanently Disabled Veteran, she will be entitled to a refund for the Homestead Benefits that were applied to her tax account on the May 1st and November 1st 2018 tax quarters.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund Carol McDole her 2014 and 2015 Homestead Rebates in the amount of \$ 515.48.

5. Resolution #61-18 – Veteran Deduction refunds for Mark Mayglothling, 3 Beardslee Circle and Edward Roenelt, 7 Fall Drive

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 24, 2018

Resolution # 61-18

WHEREAS, the following parcels were both granted for Veteran Deductions for the tax year 2018, and

WHEREAS, the mortgage companies have already processed quarterly tax payments for November in order to avoid overpayments on their accounts refunds are in order.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to issue refunds for their Veteran Deductions.

Block 16.01 Lot 1.02 Q C0504 3 Beardslee Circle 250.00
Mark Mayglothling

Block 60.02 Lot 2 7 Fall Drive 250.00
Edward Roenelt

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

D. Resolution #62-18 – Resolution to amend the Capital Budget

A motion was made by Hamilton to approve the resolution as presented, seconded by Kula. All in favor. Motion carried. A copy of the resolution is on file in the Clerk's office.

E. Resolution #63-18 – Resolution authorizing an emergency appropriation

RESOLUTION #63-18

EMERGENCY RESOLUTION N.J.S. 40A:4-48

(Under 3% limitation)

WHEREAS, an emergency has arisen with respect to Down Payment on Improvements and, no adequate provision was made in the 2018 budget for the aforesaid purpose, and N.J.S. 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution is \$124,000 and three (3) percent of the total operating appropriations in the budget for 2017 is \$246,436 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2018,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with N.J.S. 40A:4-48,

1. An emergency appropriation is hereby made for Down Payment on Improvements in the amount of \$124,000.
2. That said emergency should be included in the 2019 budget outside of ACAPS@.
3. That two (2) certified copies of this resolution be filed with the Director of Local Government Services.

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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 24, 2018

F. Resolution #64-18 – Resolution to cancel old grant balances

Resolution #64-18

Whereas, there is a certain State Grant Fund account balances recorded on the Annual Audit of the Township of Hardyston and, the account balances were researched and found to be an amounts that were no longer active; and

Whereas, it is necessary to formally cancel said balances so that the balances may be returned to the proper accounts, or credited to surplus;

Now, therefore, be it resolved, by the Mayor and Council of the Township of Hardyston, that the following account balances in the State Grant Fund be canceled:

Description	Amount Canceled
NJDCA ROID Receivable	\$ 5,322.75
DOT Wits End Road Receivable	\$ 10,960.35
NJDCA ROID Appropriated	\$ 5,322.75
DOT Wits End Road Appropriated	\$ 10,960.35

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

G. Resolution #65-18 - Health Insurance Plan Amendment

RESOLUTION #65-18

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, TO AMEND THE PLAN DOCUMENT FOR TOWNSHIP EMPLOYEES

WHEREAS, the Township of Hardyston seeks to amend its Plan Document effective September 1, 2018 to update eligibility requirements for retirees for Township provided partial or Township insurance benefits; and

WHEREAS, the amendment more clearly specifies those retirees who are eligible to participate in said Plan.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, that the amendment to the Plan Document effective September 1, 2018 which is on file with the Township Clerk, is hereby adopted.

BE IT FURTHER RESOLVED that the Township Manager may take such necessary steps to effectuate this amendment.

This Resolution shall take effect immediately upon adoption.

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

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 24, 2018**

- H. Resolution #66-18 – Resolution awarding Recycling Collection Bid to Blue Diamond Disposal, Inc.

RESOLUTION #66-18

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND
STATE OF NEW JERSEY, AUTHORIZING THE MAYOR
AND TOWNSHIP COUNCIL TO ACCEPT A PROPOSAL
SUBMITTED BY BLUE DIAMOND DISPOSAL, INC. AS
THE LOWEST RESPONSIBLE BIDDER FOR THE
TOWNSHIP CONTRACT FOR RECYCLING COLLECTION**

WHEREAS, the Township of Hardyston publicly advertised for bids in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., for the following project: Recycling Collection; and

WHEREAS, on the publicly advertised bid opening date, the Township received a proposal from the following vendor:

(1) Blue Diamond Disposal, Inc.:

\$140,400 per year for collection every four (4) weeks for up to a two year period

OR

\$280,800 per year for collection every two (2) weeks for up to a two year period

and;

WHEREAS, said bid has been duly reviewed and analyzed by the Hardyston Township Attorney and Township Administration; and

WHEREAS, it has been determined that the lowest responsive bid received was from Blue Diamond Disposal, Inc.; and

WHEREAS, the Township Council is satisfied with the proposal submitted by Blue Diamond Disposal, Inc. as satisfying the best interests of the Township and being in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Township wishes to proceed with this necessary project and for that purpose accepts the proposal submitted by Blue Diamond Disposal, Inc.; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this project.

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

1. The Township Committee does hereby authorize the issuance of a contract to Blue Diamond Disposal, Inc. for performance of Recycling Collection in the Township, at a total cost not to exceed \$280,800.00 for collection to occur once every 4 weeks for a period of 2 years, as set forth in the proposal.
2. The Mayor and Township Clerk are specifically authorized to execute the aforementioned contract.
3. This Resolution and contract shall be available for public inspection in the office of the Township Clerk.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 24, 2018**

This Resolution shall take effect immediately upon adoption.

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

I. Correspondence

1. Lafayette Township
2. Lafayette Township
3. Lafayette Township
4. Lafayette Township
5. Franklin Borough
6. Sparta Township
7. Hampton Township
8. Lafayette Township
9. Hampton Township
10. Stanhope Borough
11. County of Sussex
12. County of Sussex
13. County of Sussex
14. State of NJ
15. State of NJ
16. State of NJ
17. JCP&L

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

BILLS TO BE PAID: A motion was made by Hamilton to approve the bill list as presented, seconded by Kula. 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. The Council addressed a question raised by resident Frank Lacatena regarding Item A. 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 24th day of October, 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.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON OCTOBER 24, 2018

- (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: Kula
 Seconded by: Hamilton

MOTION	YES	NO	ABSTAIN	ABSENT
Hamilton	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Kula	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Miller	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Verrilli	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Kaminski	<u> </u>	<u> </u>	<u> </u>	<u> x </u>

Motion carried.

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

It was the consensus of the Council to cancel the November 14, 2018 Council meeting.

ADJOURNMENT: A motion was made by Verrilli to adjourn at approximately 9:50 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
 Municipal Clerk