

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
NOVEMBER 28, 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, Deputy Manager Carrine Kaufer, 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 – October 2018
2. Tax Collector Report – October 2018
3. Construction Certificate Activity Report – October 2018
4. Construction Permit Activity Report – Hardyston – October 2018
5. Construction Permit Activity Report – Hamburg – October 2018
6. Construction Permit Activity Report – Franklin – October 2018
7. Construction Permit Activity Report – Newton – October 2018
8. Construction Permit Activity Report – Sussex – October 2018
9. Construction Permit Activity Report – Wantage – October 2018
10. Police Department Report – October 2018
11. Municipal Court Report – October 2018
12. Littell Community Center Report – October 2018
13. Land Use Report – October 2018
14. Sussex County Health Department Report – October 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: None

ORDINANCES

2nd 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

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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 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,	<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>
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, 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

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are included in the foregoing estimate thereof.

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

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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.

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 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 2018-13 on second 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.

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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.

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 and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made by Hamilton to approve Ordinance 2018-14 on second reading, seconded by Kula. All in favor. Motion carried.

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #67-18 – Turnover to Treasurer of payments for premiums held for 5 years

Resolution # 67 – 18

WHEREAS, payments for premiums from Tax Sales held in the Township of Hardyston’s Trust Account have been held for 5 years, and

WHEREAS, according to N.J.S.A. 54:5-33 any premium payment if redemption is not made within 5 years from date of sale the premium payment shall be turned over to the Treasurer of the Municipality and become part of the funds of the Municipality.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to turnover to the Treasurer the following payments for premiums held over 5 years.

BLOCK	LOT	CERTIFICATE #	DATE OF TAX SALE	AMOUNT
84	33	09-24	10/07/2009	\$ 2,500.00
67	18.01	09-14	10/07/2009	14,100.00
63	9	2013-011	11/21/2013	12,900.00

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2. Resolution #68-18 – Refund of Homestead Benefits – 40 Stonehedge Drive – Lewis & Joanna Osbun

Resolution 68-18

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

WHEREAS, Mr. Osbun is a 100% Disabled Veteran and does not pay any property taxes, and the State of New Jersey has applied his Homestead Rebates to his property instead of mailing them to Mr. Osbun,

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be authorized to refund Mr. Osbun his Homestead Benefits in the amount of 852.02.

3. Resolution #69-18 – Refund for surviving spouse of veteran – 38 Tannery Hill Drive – Catherine Weeks

Resolution 69-18

WHEREAS, Block 17.01 Lot 19 and owned by Catherine Weeks and known as 38 Tannery Hill Drive, and

WHEREAS, Mrs. Weeks was approved for a Surviving Spouse of a Veteran Deduction for the tax year 2018, and

WHEREAS, Mrs. Weeks has paid her 2018 taxes in full and is now due a refund in the amount of \$ 250.00,

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be authorized to refund Mrs. Weeks the amount of \$ 250.00 for a Surviving Spouse of a Veteran.

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

- B. Request for Waiver from Septic Permit Renewal Fees for Emerald Estates – CJS Investments

Deputy Manager Carrine Kaufer stated that CJS Investments, the developer of the Emerald Estates project on Wheatsworth Road, has contacted the Township to request a waiver from the \$40.00 per septic system renewal fee required by the County Health Department. She stated that the County Health Department has advised them that the Township must grant the waiver from the renewal fees.

She stated that CJS Investments has requested a waiver from the same fees for the last seven years citing the economy and the status of the project as the need for the extension and waiver from the fees. She stated that there is a balance of 22 lots left in the project and the total waiver of fees would be \$880.00.

A motion was made by Hamilton to grant the waiver, seconded by Verrilli. All in favor. Motion carried.

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- C. Resolution #70-18 – Resolution authorizing the submission of the CY2018/SFY 2019 Best Practices Inventory

RESOLUTION #70-18

**RESOLUTION AUTHORIZING THE SUBMISSION OF THE CY2018/SFY 2019
BEST PRACTICES INVENTORY**

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

1. CY 2018/SFY 2019 Best Practices Inventory

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

- D. Resolution #71-18 – Resolution to accept a proposal submitted by Farmside Landscape & Design, Inc. for Turf Maintenance at the Sports and Recreation Complex

RESOLUTION #71-18

**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 FARMSIDE LANDSCAPE & DESIGN,
INC. AS THE LOWEST RESPONSIBLE BIDDER FOR THE
TOWNSHIP CONTRACT FOR TURF MAINTENANCE AT
THE SPORTS AND RECREATION COMPLEX**

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: Turf Maintenance at the Sports and Recreation Complex; and

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

Farmside Landscape & Design Inc.: \$54,860 Base Amount; 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 Farmside Landscape & Design, Inc.; and

WHEREAS, the Township Council is satisfied with the proposal submitted by Farmside Landscape & Design, 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 Farmside Landscape & Design, 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:

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1. The Township Committee does hereby authorize the issuance of a contract to Farmside Landscape & Design, Inc. for performance of Turf Maintenance at the Sports and Recreation Complex in the Township, at a total cost not to exceed \$54,860.
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.

This Resolution shall take effect immediately upon adoption.

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

- E. Resolution #72-18 – Construction Shared Service Agreements

RESOLUTION #72-18

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

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

1. Construction Office Services – Hamburg Borough
2. Construction Office Services – Sussex Borough
3. Construction Office Services – Franklin Borough

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

- F. Resolution #73-18 – Salary Resolution Amendment

RESOLUTION #73-18

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>Annual Salary</u>
Provisional Building Subcode Official (Effective 12/1/18)	\$77,000.00

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

- G. Resolution #74-18 – Fire Prevention Shared Service Agreements

RESOLUTION #74-18

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

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

1. Fire Prevention Services – Wantage Township

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2. Fire Prevention Services – Sussex Borough
3. Fire Prevention Services – Hamburg Borough

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

H. Resolution #75-18 – Stockholm Realty, LLC - Developer’s Agreement

RESOLUTION #75-18

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

- Developer’s Agreement – Stockholm Realty, LLC – 2735 Route 23 – Block 60, Lot 7.01

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

I. Resolution #76-18 – 2018 Budget Transfers

**Township of Hardyston
Resolution #76-18**

Now, Therefore be it resolved by the Township Council of the Township of Hardyston, State of New Jersey, That the following 2018 Budget Appropriation Payable transfers be authorized:

Transfer To Account	Amount	Transfer from Account	Amount
General Administration S&W	\$ 10,000.00	Legal OE	\$ 10,000.00
General Administration S&W	\$ 2,000.00	Planning Board OE	\$ 2,000.00
Tax Assessor S&W	\$ 725.00	Planning Board OE	\$ 725.00
Land Use S&W	\$ 3,500.00	Planning Board OE	\$ 3,500.00
Finance OE	\$ 1,775.00	Planning Board OE	\$ 1,775.00
Finance OE	\$ 18,225.00	Construction S&W	\$ 18,225.00
Streets & Roads S&W	\$ 7,200.00	Recycling OE	\$ 7,200.00
Streets & Roads S&W	\$ 3,880.00	Interlocal Hamburg Solid Waste	\$ 3,880.00
Streets & Roads S&W	\$ 11,420.00	Construction S&W	\$ 11,420.00
Police S&W	\$ 10,000.00	Police OE	\$ 10,000.00
Police S&W	\$ 2,400.00	Purchase of Police Cars	\$ 2,400.00
Police S&W	\$ 5,000.00	Police Uniform OE	\$ 5,000.00
Police S&W	\$ 3,000.00	Communications OE	\$ 3,000.00
Police S&W	\$ 9,800.00	Insurance Waiver	\$ 9,800.00
Police S&W	\$ 12,355.00	Construction S&W	\$ 12,355.00
Police S&W	\$ 9,000.00	Engineering OE	\$ 9,000.00
Police S&W	\$ 4,000.00	Recreation OE	\$ 4,000.00
Communications S&W	\$ 3,000.00	Zoning Board OE	\$ 3,000.00
Communications S&W	\$ 450.00	Recreation OE	\$ 450.00
Social Security	\$ 15,000.00	Bulk Utility - Diesel	\$ 15,000.00
Social Security	\$ 5,000.00	Bulk Utility - Fuel Oil	\$ 5,000.00
Senior Bus Service	\$ 8,000.00	Bulk Utility - Electric	\$ 8,000.00
Unemployment Insurance	\$ 850.00	General Administration OE	\$ 850.00
DCRP	\$ 800.00	General Administration OE	\$ 800.00

Totals \$ 147,380.00 \$ 147,380.00

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

J. Correspondence

1. Township of Blirstown
2. Hampton Township
3. Borough of Ogdensburg
4. Lafayette Township
5. State of NJ
6. State of NJ
7. Jersey Central Power & Light

A motion was made by Hamilton to approve the correspondence as presented, seconded by Kula. 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.

COUNCIL COMMENTS: A short discussion was held regarding board meeting attendance. Mayor Miller suggested sending out letters to board members to see if they are still interested in serving. Township Attorney stated that he will review with the Deputy Manager.

A short discussion was held regarding the status of the marijuana legislation and how the Township should proceed. Township Attorney suggested waiting for more information that is to follow shortly before the Township takes any action.

Councilman Kula stated that the Annual Christmas Tree Lighting Celebration at the Municipal Building will be held on December 7, 2018 at 6:30 p.m.

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Hamilton to adjourn at approximately 7:35 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk