

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 22, 2019

The meeting was called to order by Deputy Mayor Kula 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: Councilman Miller, Councilman Verrilli, Councilman Kaminski, Manager Marianne Smith, Deputy Manager Carrine Kaufer, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau. Mayor Hamilton 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 – April 2019
2. Tax Collector Report – April 2019
3. Construction Certificate Activity Report – April 2019
4. Construction Permit Activity Report – Hardyston – April 2019
5. Construction Permit Activity Report – Hamburg – April 2019
6. Construction Permit Activity Report – Franklin – April 2019
7. Construction Permit Activity Report – Newton – April 2019
8. Construction Permit Activity Report – Sussex – April 2019
9. Construction Permit Activity Report – Wantage – April 2019
10. Municipal Court Report – April 2019
11. Littell Community Center Report – April 2019
12. Land Use Report – April 2019
13. Sussex County Health Department Report – April 2019
14. Police Department Report – April 2019

Minutes:

1. Reorganization Minutes of 1/3/19
2. Regular Minutes of 3/27/19
3. Executive Minutes of 3/27/19
4. Regular Minutes of 4/24/19

Agreements/Applications/Licenses:

1. Raffle – The Calais Foundation
2. Raffle - Friends of Robbie Foundation, Inc.

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

ORDINANCES

1st READING:

2019-07

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE NORTH CHURCH CENTER COMMUNITY FIRE SUPPRESSION SYSTEM IN AND BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$460,000 THEREFOR, DIRECTING A SPECIAL ASSESSMENT OF PART OF THE COST THEREOF AND AUTHORIZING THE ISSUANCE OF \$437,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE SAME

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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:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a local improvement to be made or acquired by The Township of Hardyston, in the County of Sussex, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$460,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$23,000 as the down payment for said improvement or purpose required by law 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.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$460,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$437,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$437,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. **(a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of the fire protection system at the North Church Technical Center including the upgrade, renovation and installation, as necessary, of water pumps, water tanks and fire hydrants (such assets to be eventually owned and operated by the Hardyston Township Municipal Utilities Authority) serving properties located on Park Drive in the Township and designated on the official tax map of the Township as Lots 18.01, 18.08, 18.09, 18.10, 18.12 and 22.01 in Block 62, together with all site work, engineering, structures, appurtenances, equipment, 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.**

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$437,000.

(c) The estimated cost of said purpose is \$460,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$23,000 down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a local improvement.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

(c) 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 \$437,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$130,000 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 improvement and is included in the foregoing estimate thereof.

(e) As provided in Section 5 of this bond ordinance, \$71,000 of the cost of said improvement or purpose will be contributed by the Township at large to payment of the cost of said improvement or purpose, and the estimated maximum amount of the special assessments to be levied on property specially benefitted by said improvement is \$389,000, and the number of annual installments in which all such special assessments may be paid is ten (10).

Section 5. The Township shall pay \$71,000 of the cost of said local improvement, and said amount shall be and hereby is contributed by the Township at large to payment of the cost of said local improvement. The cost of said local improvement, to the extent not met by the said amount contributed by the Township at large, shall be paid by special

assessments which shall be levied in accordance with law on property specially benefitted thereby, as nearly as may be in proportion to and not in excess of the peculiar benefit, advantage or increase in value which the respective lots and parcels of real estate shall be deemed to receive by reason of said local improvement. The owner of any land upon which any such assessment shall have been made may pay such assessment in the number of equal annual installments hereinabove determined, all as may be provided in accordance with law and with legal interest on the unpaid balance of the assessment.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer of the Township (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.

Section 7. 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.

Section 8. All ordinances or other proceedings of the Township making appropriations or authorizing the issuance of bonds or notes for the improvement or purpose

described in Section 3(a) of this bond ordinance, including particularly the bond ordinance of the Township adopted on November 1, 2011 (#2011-15) and entitled: “Bond ordinance providing for the Park Drive fire protection system installation, appropriating \$230,000 therefor and authorizing the issuance of \$218,500 bonds or notes of the Township for the financing of the cost thereof and directing a special assessment of part of the cost of said improvement to be undertaken in and by the Township of Hardyston, in the County of Sussex, New Jersey” are hereby repealed to the extent of any inconsistency herewith and to the extent, if any, that they authorize the issuance hereafter of bonds or notes for the purpose of financing said improvement or purpose or make appropriations for said improvement or purpose in excess of the amount hereinabove stated as the appropriation therefor. Any such notes heretofore issued and now outstanding pursuant to said ordinance in an amount not exceeding \$437,000, and any moneys expended and obligations incurred in an aggregate amount not exceeding \$460,000 pursuant to appropriation made by said ordinance or other proceedings shall be accounted and deemed to have been issued, expended or incurred pursuant to this bond ordinance.

Section 9. 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.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Following approval of Correspondence, Item K, a motion was made by Miller to approve Ordinance 2019-07 on first reading, seconded by Verrilli. All in favor. Motion carried.

2019 – 08

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 94, FIRE PREVENTION TO ESTABLISH A NEW ARTICLE IV TO BE TITLED “FIREWORKS DISPLAYS” IN ORDER TO ESTABLISH RULES AND REGULATIONS FOR THE PUBLIC DISPLAY OF FIREWORKS WITHIN THE TOWNSHIP

It was the consensus of the Council to table Ordinance 2019-08 for further review.

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ORDINANCES

2nd READING:

2019-05

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$375,900.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

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

Section 1: The sum of Five hundred fifty thousand dollars (\$375,900.00) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purpose:

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

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

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

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

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

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

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Miller to approve Ordinance 2019-05 on second reading, seconded by Verrilli. All in favor. Motion carried.

2019-06

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING A SPECIAL ASSESSMENT FOR IMPROVEMENTS TO THE FIRE SUPPRESSION SYSTEM LOCATED WITHIN THE NORTH CHURCH TECHNICAL CENTER AT PARK DRIVE

WHEREAS, the North Church Technical Center was developed with a water system to provide fire suppression; and

WHEREAS, over time, concerns have been raised regarding the longevity of the water system, and the ability to provide fire suppression services to existing facilities and to those who may in the future warrant or construct their own building or uses, which development(s) would require fire suppression services; and

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WHEREAS, in order to address concerns about public safety raised by the condition of the fire suppression water system and the general public in the vicinity of the North Church Technical Center, the Township is undertaking an improvement project of the North Church Technical Center Community fire suppression water system and the benefit of the project will be assessed to those properties that benefit from the improvements pursuant to N.J.S.A. 40:56-1 *et seq.*; and

WHEREAS, pursuant to state statutes, the special assessment repayment will be over a ten (10) year period; and

WHEREAS, the final costs of the project will not be determined until the water system improvement project is complete.

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

SECTION 1. The assessments levied under this Ordinance shall include, to the extent fair and equitable, reasonable and necessary costs incurred in connection with the North Church Technical Center Community fire suppression water system improvement project, including but not limited to the cost of the improvements, administrative costs, any associated interest for late payments and other charges imposed in connection therewith, as provided under N.J.S.A. 40:56-1 *et seq.*

SECTION 2. The Township Clerk shall cause a notice of this proposed assessment to be mailed to the owner(s) of real estate impacted by the special assessment prior to the commencement of the North Church Technical Center Community fire suppression water system improvement project. The notice shall contain a description of the property impacted sufficiently to identify it. Such notice shall be served in accordance with the law and proof of service shall be filed with the tax office within ten (10) days after such service. The affected property owners are:

Block	Lot	Address	Owner
62	18.01	1 Park Drive	Four Winds Industrial Park, LLC
62	18.08	15 Park Drive	Edward F. Boscia
62	18.09	17 Park Drive	All County Energy, LLC*
62	18.10	19 Park Drive	KAW, LLC/NSAP
62	18.12	16 Park Drive	Fairfield Commercial Properties Corp.
62	22.01	8 Park Drive	Sussex Land, LLC

* This property owner will not require an immediate connection to the fire suppression water system and, accordingly, the assessment shall be half of the assessment assigned to the remaining affected property owners.

SECTION 3. The special assessment assessed against each impacted property shall constitute a first and paramount lien as provided for in N.J.S.A. 40:56-33.

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SECTION 4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 5. All ordinances or parts of ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance may be renumbered for purposes of codification.

SECTION 7. This Ordinance shall take effect immediately upon final passage, approval 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 and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Miller to approve Ordinance 2019-06 on second reading, seconded by Kaminski. All in favor. Motion carried.

NEW BUSINESS:

- A. Presentation of 2019-2020 Hardyston Middle School Budget – Ron Hoffman and Jim Sekelsky

Ron Hoffman, Hardyston Board of Education President, discussed the 2019-2020 Hardyston Middle School Budget with the Council. Mr. Sekelsky was not present to provide the Council with his more detailed presentation. The Council asked Mr. Hoffman to provide a hard copy of Mr. Sekelsky's presentation for Council review.

- B. Tax Collector Resolutions

- 1. Resolution #38-19 – Estimated Tax Bills

RESOLUTION # 38-19

WHEREAS, due to the late adoption of the Township of Hardyston 2019 Municipal Budget and 2019 Sussex County Budget, the Sussex County Board of Taxation is unable to certify tax rates for the year 2019, and

WHEREAS, without a 2019 certified tax rate the Tax Collector of the Township of Hardyston will be unable to issue 2019 tax bills on a timely basis, and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Township Mayor and Council requests the Director of the Division of Local Government Services to approve the 2019 estimated tax levy exceeding 105% of the previous year's tax levy. Approval will enable the Township of Hardyston to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expense on borrowing.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston, as follows:

The Tax Collector of the Township of Hardyston is hereby authorized and directed to prepare and issue estimated tax bills for the Township of Hardyston for the third installment of 2019. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by Chapter 72, Public Laws of 1994 and N.J.S.A. 54:4-66.2 and 54:4-66.3.

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The entire estimated tax levy for 2019 is hereby set \$ 30,472,688.36. The estimated tax rate for 2019 is hereby set at \$ 2.845.

2. Resolution #39-19 – Homestead Benefit Refunds

- a. McDole, Carol – 102 Mountain Road
- b. Osbun, Lewis – 40 Stonehedge Drive

RESOLUTION # 39-19

WHEREAS, the two parcels listed below are 100% Exempt due to Disabled Veteran Deductions, and

WHEREAS, the Homestead Benefit File was sent to the Tax Office so the payments were posted to the Exempt accounts,

NOW THEREFORE BE IT RESOLVED that the Tax Collector be authorized to refund the following for their Homestead Benefits.

Block	Lot	Name	Amount
20	23	McDole, Carol 102 Mountain Road	\$ 257.74
60.04	13	Osbun, Lewis 40 Stonehedge Drive	\$ 426.01

3. Resolution #40-19 – Veteran Deductions Refunds

- a. Bracht, Kenneth – 18 Kelburn Court
- b. Giordano, Philip – 15 Woodcott Drive

RESOLUTION # 40-19

WHEREAS, the following (2) parcels were approved for Veteran Deductions, and

WHEREAS, the deductions were removed inadvertently by the Assessor's Office for unknown reasons,

NOW THEREFORE BE IT RESOLVED that the Tax Collector be authorized to refund the parcels for year (s) that the homeowners did not received their deductions.

Block	Lot	Name	Amount
16.24	43	Kenneth Bracht 18 Kelburn Court (For Tax Year 2018)	\$ 250.00
16.28	1.10	Philip Giordano 15 Woodcott Drive (For Tax Years 2014, 2015, 2016, 2017, 2018)	\$1,250.00

A motion was made by Verrilli to approve Resolution #38-19, #39-19 and #40-19, seconded by Miller. All in favor. Motion carried.

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- C. Resolution #41-19 – Resolution amending Police Standard Operating Procedures entitled, Administration, Promotional Process, Volume 1, Chapter 5 in its entirety

RESOLUTION #41-19

RESOLUTION AMENDING POLICE STANDARD OPERATING PROCEDURES ENTITLED ADMINISTRATION, PROMOTIONAL PROCESS, VOLUME 1, CHAPTER 5 IN ITS ENTIRETY

BE IT RESOLVED by the Township Council of the Township of Hardyston that the Police Standard Operating Procedures entitled Administration, Promotional Process, Volume 1, Chapter 5 be amended in its entirety.

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

- D. Resolution #42-19 – Resolution authorizing the display of fireworks by Crystal Springs Resort on May 26, 2019

RESOLUTION #42-19

RESOLUTION AUTHORIZING THE DISPLAY OF FIREWORKS BY CRYSTAL SPRINGS RESORT ON MAY 26, 2019

WHEREAS, Crystal Springs Resorts has submitted an application to the Hardyston Township Council for permission for the display of fireworks on May 26, 2019 in conjunction with the Memorial Day weekend holiday celebration to be held at Crystal Springs Resort, Grand Cascades Lodge; and

WHEREAS, Garden State Firework Inc. will be the display company providing the fireworks; and

WHEREAS, Garden State Firework Inc. has also submitted proof of proper insurance coverage.

NOW, THEREFORE, BE IT RESOLVED by the Hardyston Township Council, in accordance with Chapter 94 of the Hardyston Township Code regarding “Fire Prevention” and the Uniform Fire Code, that permission is hereby granted to Crystal Springs Resort for the display of fireworks on May 26, 2019; and

BE IT FURTHER RESOLVED that Crystal Springs Resort must obtain a permit from the Hardyston Township Fire Official and comply with all requirements imposed by the Hardyston Township Fire Official. Failure to obtain a permit or adhere to all of the said requirements will render this permission null and void and subject Crystal Springs Resort to enforcement proceedings, fines and penalties as permitted by law. A certified copy of this Resolution shall be provided to the Hardyston Township Fire Official.

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

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E. Resolution #43-19 – Resolution to amend the Capital Budget

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

F. Resolution #44-19 – Resolution authorizing the Township to execute the loan agreement with the State of New Jersey by and for the Department of Environmental Protection, the Lake Tamarack Association and the Township of Hardyston in connection with the dam restoration

RESOLUTION #44-19

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TO EXECUTE THE LOAN AGREEMENT WITH THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE LAKE TAMARACK ASSOCIATION AND THE TOWNSHIP OF HARDYSTON IN CONNECTION WITH THE DAM RESTORATION

WHEREAS, the Lake Tamarack Association (the "Association") is the private owner of a dam located on Lake Tamarack which dam is subject to the applicable requirements as to construction, safety and maintenance as promulgated and enforced by the New Jersey Department of Environmental Protection ("NJDEP"), pursuant to N.J.S.A. §58:4-1 *et seq.* and the Dam Safety Standards, N.J.A.C. §7:20 *et seq.*; and

WHEREAS, the Association is seeking financing in order to bring the Lake Tamarack Dam into compliance with the applicable standards established by the NJDEP to render the dam suitably safe and functional; and

WHEREAS, given the public benefits of the proposed dam restoration project, and the need for the rehabilitation of this dam, the Township of Hardyston acted in a capacity of co-applicant for a dam restoration loan application for the loan pending the fulfillment of other requirements of the Township; and

WHEREAS, the Township Council of the Township of Hardyston desires to further the public interest by co-signing for a loan from the State of New Jersey to the Lake Tamarack Association in the amount of Five Hundred Thousand Dollars (\$500,000.00) to fund the rehabilitation of the Lake Tamarack Dam.

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 Mayor, Leslie G. Hamilton, is authorized (a) to execute a loan agreement as the co-borrower with the State for a loan on an amount not more than Five Hundred Thousand Dollars (\$500,000.00) and (b) to execute amendments thereto; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey authorizes and hereby agrees to complete the dam restoration project and reimburse the State in accordance with the terms and conditions of the loan agreement in the event of a default on the part of the Lake Tamarack Association; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Township of Hardyston agrees to comply with all applicable federal, state and municipal laws, rules and regulations in its performance pursuant to the agreement.

This Resolution shall take effect immediately.

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

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- G. Resolution #45-19 – Resolution authorizing the Township to execute a dam restoration co-borrower agreement with Lake Tamarack Association in connection with applying for a NJDEP loan for improvements to the Lake Tamarack dam

RESOLUTION #45-19

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TO EXECUTE A DAM RESTORATION CO-BORROWER AGREEMENT WITH LAKE TAMARACK ASSOCIATION IN CONNECTION WITH APPLYING FOR A NJDEP LOAN FOR IMPROVEMENTS TO THE LAKE TAMARACK DAM

WHEREAS, the Lake Tamarack Association (the “Association”) is in need of funds to complete State mandated repairs and renovations to the Lake Tamarack Dam; and

WHEREAS, funds, in the form of low interest loans, are available from the State of New Jersey to fund dam repairs and renovation in private lake communities; and

WHEREAS, the Association has made application to the State of New Jersey for \$500,000 in low interest loan funds to finance repairs and renovations to the Lake Tamarack Dam; and

WHEREAS, the State of New Jersey requires the municipal government in the municipality wherein the private lake dam is to occur to act as co-borrower of funds in the event of default by the private lake association; and

WHEREAS, the Township Attorney has prepared a “Dam Restoration Loan Co-Borrower Agreement” between the Lake Tamarack Association and the Township of Hardyston specifying the terms and conditions under which the Township will act as co-borrower of funds with the Lake Tamarack Association.

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 Township Manager is hereby authorized to execute the following documents related to the financing of repairs and renovation to the Lake Tamarack Association Dam:

- 1) Dam Restoration Loan Co-Borrower Agreement between the Lake Tamarack Association and the Township of Hardyston; and
- 2) Loan Agreement between the State of New Jersey, Acting By and Through the New Jersey Department of Environmental Protection and the Lake Tamarack Association and the Township of Hardyston.

This Resolution shall take effect immediately.

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

- H. Resolution #46-19 – Use of Building Agreement with Department of Military & Veterans Affairs, State of New Jersey, for Littell Community Center

RESOLUTION #46-19

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING CONTRACT/AGREEMENT

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

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

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

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- I. Resolution #47-19 - A resolution of the Hardyston Township Council authorizing the Township Manager to obtain proposals for the services of an ice cream vendor at the Hardyston Concerts in the Park and to award a contract for such services not to exceed \$2,500

RESOLUTION #47-19

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP MANAGER TO OBTAIN PROPOSALS FOR THE SERVICES OF AN ICE CREAM VENDOR AT THE HARDYSTON CONCERTS IN THE PARK AND TO AWARD A CONTRACT FOR SUCH SERVICES NOT TO EXCEED \$2,500

WHEREAS, there exists a need for a vendor to provide ice cream to attendees at the Hardyston Concerts at the Park events; and

WHEREAS, the Township wishes to engage a vendor to provide such services at four (4) scheduled events during the summer of 2019; and

WHEREAS, the maximum amount for the provision of these services under this contract shall not exceed a total of \$2,500; and

WHEREAS, funds are available for this purpose; and

WHEREAS, pursuant to the Local Public Contracts Law (N.J.S.A. §40A:11-1 *et seq.*), the Township Council authorizes the Township Manager to obtain proposals for the provision of ice cream at four (4) scheduled Concerts in the Park events.

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:

Section 1. The Township Manager is authorized to obtain proposals for the provision of ice cream at four (4) scheduled Concerts in the Park events for a total amount not to exceed \$2,500.

Section 2. The Township Manager is authorized to award a contract to the vendor who submits the most beneficial, responsive proposal within the required time period.

Section 3. A notice of this action shall be printed once in the legal newspaper of the Township of Hardyston as required by law.

Section 4. A copy of this Resolution shall be provided to Grant W. Rome, Chief Financial Officer, and to the successful vendor for their information and guidance.

This Resolution shall take effect immediately upon adoption.

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

- J. Aptive Environmental, LLC Solicitation Compromise

Township Attorney stated that in 2018, the Township, along with many municipalities, was approached by Aptive Environmental, LLC with a threat to challenge the Township's door-to-door solicitation ordinance. He stated that over the past several weeks, there have been discussions with legal counsel for Aptive, to arrive at a reasonable proposal to resolve this matter for 2019. He stated that the tentative settlement with Aptive, subject to Council approval, would contain a change in the solicitation hours and background checks. It was the consensus of the Council to have the Township Attorney move forward with a settlement agreement.

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K. Correspondence

1. Lafayette Township
2. Hampton Township
3. Hampton Township
4. Franklin Borough
5. Montague Township
6. Montague Township
7. County of Sussex
8. County of Sussex
9. State of NJ
10. State of NJ
11. State of NJ
12. State of NJ
13. Lyon Engineering

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

BILLS TO BE PAID: A motion was made by Verrilli to approve the bill list as presented, seconded by Kaminski. All in favor. Motion carried.

At this time, Councilman Miller brought up the fact that Ed Zinck has shown interest in serving on the Planning Board. Mr. Zinck was informally interviewed by the Council at a previous meeting. A motion was made by Verrilli to appoint Ed Zinck to the Planning Board to fill the position of Alternate 2, seconded by Kaminski. 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 William Walsh asked for an update on the repair of a rock wall for a storm drain system near his residence at 3 Beach View Court. Township Attorney and Township Manager stated that they are looking into some legal issues that would need to be addressed before anything could be done.

A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

At this time, Deputy Mayor Kula read the following into the record:

**RESOLUTION OF THE TOWNSHIP OF HARDYSTON HONORING
MARIANNE SMITH AND PROCLAIMING MAY 23, 2019 AS
“MARIANNE SMITH DAY”**

WHEREAS, Marianne Smith has served the Township of Hardyston for 25 years in community development, as land use administrator, and since 2002, as Township Manager; and

WHEREAS, in her capacity as Township Manager, Marianne has been the leader of the Township’s Administration and provided guidance for the growth, development, health, safety and overall positive reputation of the Township, all while being fiscally responsible; and

WHEREAS, Marianne has successfully negotiated over forty municipal shared services agreements between the Township and seven municipalities, five school districts, the County of Sussex and a municipal utility authority, all of which not only promoted effective services to the residents of the community, but generated as much as \$1.1 million in annual shared services revenue; and

WHEREAS, Marianne spearheaded the establishment and implementation of many projects that promote health and wellness within the community, including an employee wellness program, construction of a 10-station fitness system along the Township’s walking path, a community garden and numerous youth programs earning the Township the 2011 Sussex County Chamber of Commerce Worksite Wellness Award; and

WHEREAS, Marianne has served as an Executive Member of the North Jersey Municipal Employee Health Insurance Fund (“HIF”) since 2002 and as the Chairperson for the past six years; during which the HIF developed and launched an innovative, incentivized health and wellness program designed to control insurance costs, while improving the overall well-being of individual employees; and

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 22, 2019

WHEREAS, Marianne received the Outstanding Manager of the Year Award in 2011 from the NJ Municipal Manager's Association for her outstanding work and accomplishments;

WHEREAS, as the Township Manager, Marianne has guided and led the transformation of Hardyston Township into a community with a stellar reputation throughout Sussex County for government efficiency, leadership, collaboration, policies and procedures that have been referenced as models for other communities; and

WHEREAS, Marianne has worked closely with Senator Oroho and other State legislators on various legislative issues facing Sussex County, including the restoration of watershed moratorium aid, which allowed Sussex County municipalities to retain over \$1 million in critical funding; and

WHEREAS, during Marianne's tenure as Manager, the Hardyston Township Mayor and Council have been able to effectively work, collaborate, legislate and address sometimes sensitive or spirited public debate with decorum, respect and transparency; and

WHEREAS, even in the face of difficult or unanticipated challenges, Marianne has provided guidance and necessary steps to maintain and protect the Township and its reputation; and

WHEREAS, during Marianne's tenure as Township Manager, the Township has maintained the high-level services of its dedicated employees and staff, along with fiscal responsibility and appreciation of land values, reputation and quality of life for the residents of Hardyston Township; and

WHEREAS, even in her decision to retire, Marianne did so with integrity and leadership, achieving the ultimate goal of an effective transition for the Township.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston, County of Sussex and State of New Jersey, that Marianne Smith is hereby recognized, appreciated and thanked for all of her efforts, dedication, loyalty and accomplishments for the Township of Hardyston.

BE IT FUTHER RESOLVED, that May 23, 2019 shall be recognized as "Marianne Smith Day" in the Township of Hardyston in appreciation of the legacy Marianne leaves with the Township, which will forever be a part of the Township's history.

ADJOURNMENT: A motion was made by Miller to adjourn at approximately 7:55 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk