

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 26, 2019

The meeting was called to order by Mayor Hamilton 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 Kula, Councilman Miller, Councilman Verrilli, Councilman Kaminski, Acting Manager Carrine Kaufer, Clerk Jane Bakalarczyk and Township Attorney Dawn Sullivan of Dorsey & Semrau.

SALUTE THE FLAG

CONSENT AGENDA: ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

Monthly Reports:

1. Municipal Clerk Report – May 2019
2. Tax Collector Report – May 2019
3. Construction Certificate Activity Report – May 2019
4. Construction Permit Activity Report – Hardyston – May 2019
5. Construction Permit Activity Report – Hamburg – May 2019
6. Construction Permit Activity Report – Franklin – May 2019
7. Construction Permit Activity Report – Newton – May 2019
8. Construction Permit Activity Report – Sussex – May 2019
9. Construction Permit Activity Report – Wantage – May 2019
10. Municipal Court Report – May 2019
11. Littell Community Center Report – May 2019
12. Land Use Report – May 2019
13. Sussex County Health Department Report – May 2019
14. Police Department Report – May 2019

Agreements/Applications/Licenses:

1. Raffle – The Craig School
2. Public Event Use Application – Lake Stockholm Swim Team

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

ORDINANCES

1st READING:

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

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

SECTION 1. Chapter 94, Fire Prevention of the Code of the Township of Hardyston is hereby amended and supplemented with a new Article IV entitled “Firework Displays”, which shall read as follows:

CHAPTER 94 FIRE PREVENTION

Article IV: Fireworks Displays

§94-27 Purpose.

It is the intent of the Township to protect the health, safety and welfare of the general public through limiting and regulating the use of Display Fireworks. This Ordinance permits supervised public displays of Display Fireworks performed by professional, competent operators in a safe manner and with appropriate safeguards through a permit process in accordance with the New Jersey Uniform Fire Code (N.J.A.C 5:70). This Ordinance does not prescribe regulations for the sale and use of consumer fireworks. Consumer firework regulations are set forth in the New Jersey Explosives & Fireworks Act (N.J.S.A 21:2-1 et seq.)

§94-28 Definitions.

For the purpose of this Ordinance, the following terms shall have the meanings set forth herein:

Fireworks. Any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, but shall not include sparkling devices and novelties.

Contractor /Operator. A professional pyro technician possessing a current, valid registration with the New Jersey Attorney General.

Display Fireworks. Any large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, This term includes, but is not limited to, salutes, aerial shells and other display pieces which exceed the limits of explosive materials for classification as "consumer fireworks".

Discharge Site. The area immediately surrounding the fireworks mortars used for the outdoor display of Display Fireworks.

Display Site. The immediate surrounding area where a display of Display Fireworks is conducted, including the Discharge Site, the fallout area, and the required separation distances from mortars to spectator viewing areas.

Fall Out Area. The designated area in which hazardous debris is intended to fall after a pyrotechnic device is fired.

Fire Prevention Officer. The person appointed by the Township Council to enforce this Chapter.

Firework Display. A presentation of fireworks by a licensed contractor/operator for a public or private audience.

Township. Hardyston Township, Sussex County, New Jersey.

Person. Any individual, partnership, corporation, limited liability company or other.

§94-29 Standards.

The following standards should be used for reference and guidance for all uses, displays, manufacture, transportation and storage of fireworks, pyrotechnics and flame effects:

- A. National Fire Protection Association (NFPA) Code 1123 — Code for Fireworks Display.
- B. National Fire Protection Association (NFPA) Code 1124 — Code for Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles.
- C. National Fire Protection Association (NFPA) Code 1126 — Standard for Use of Pyrotechnics before a Proximate Audience.

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- D. International Fire Code (IFC), NJ Edition 2015, Chapter 56 – Explosives and Fireworks.
- E. N.J.A.C 5:70 – New Jersey Uniform Fire Code
- F. Hardyston Township Code Chapter 94 – Fire Prevention

§94-30 Public Fireworks Displays Permitted, Applications for Permits.

- A. Except as provided hereinafter, it shall be unlawful for any person to use or explode any fireworks; provided, that the Township Council, or its designee, shall have the power to grant permits for supervised public displays of fireworks to be held in the Township.
- B. Every fireworks display shall be conducted by a competent operator, currently registered with the State of New Jersey, approved by the Township Council, or its designee, and shall be of such a character and so located, discharged or fired as in the opinion of the Fire Prevention Officer after proper inspection shall not be hazardous to property or endanger any person.
- C. The Fire Prevention Officer may suspend any permit issued under this chapter due to drought, dry conditions, high winds, or any other factor reasonably related to the public safety. The Fire Prevention Officer may, at his discretion, dispatch fire company members and/or equipment to the scene of any permitted display.
- D. Applications for permits shall be made in writing on a form provided by the Township, at least forty-five (45) days in advance of the date of a fireworks display. After such permit shall have been granted, sales, possession, use and distribution of fireworks, pyrotechnics or flame effects for such display shall be lawful for that purpose only. Applications shall include the following information:
 - 1) A letter of intent from the sponsor including; date, time, location.
 - 2) A resolution of approval from the Hardyston Township Council
 - 3) A detailed plan for the display area including;
 - i. Location of discharge area.
 - ii. Location of mortars, low level devices and set pieces.
 - iii. Dimension of the fallout area.
 - iv. Distance to audience, parking lots and buildings.
- E. An application shall be accompanied by the applicable permit fee of \$427 in accordance with the fee schedule set forth in the Uniform Fire Code N.J.A.C 5:70-2.9. The fee is subject to change by amendment to the Uniform Fire Code.
- F. No permit granted hereunder shall be transferable.
- G. All fireworks displays shall be finished by 11:00 p.m. on Fridays and Saturdays and by 10:00 p.m. Sundays through Thursdays.
- H. No more than five (5) permits per calendar year may be issued for fireworks displays to the same permittee.
- I. No more than five (5) permits per calendar year may be issued for fireworks displays on single property.

- J. No more than one (1) permit shall be issued per month to the same permittee or on a single property.

§94-31 Notice Requirements.

- A. The Applicant shall provide notice to the Chief of Police at least 45 days in advance of the display fireworks event and obtain a signed authorization approving said event.
- B. The Applicant shall provide notice to the Chief of the Fire Department at least 45 days in advance of the display fireworks event and obtain a signed authorization approving said event.
- C. The Applicant shall provide notice to the property owners within the fall out area at least 45 days in advance of the display fireworks event and obtain a signed authorization approving said event.
- D. Applications for display firework events to be held at a commercial operation located within the Crystal Springs Resort Community shall be required to provide notice to the homeowner's associations at least 45 days in advance of the display fireworks event and obtain a signed authorization from the HOA Board approving said event. Failure to obtain a majority approval of the affected homeowner's associations shall result in a denial of the application.
- E. The applicant must provide documentation that the Federal Aviation Administration (FAA) has been notified and approves the display. All conditions set forth by the FAA must be adhered to in order to receive the permit

§94-32 Inspection Requirements.

- A. The Fire Prevention Official is to be contacted at least twenty-four (24) hours in advance of a Display Fireworks event to inspect the Display Site. The Display Site is subject to inspection and approval prior to discharging fireworks. All applicable provisions and clearances provided in the approval plans and in NFPA 1123 are applicable and will be verified.
- B. The Fire Prevention Official or his designee will be present during the Display Fireworks event and will be in direct contact with the Contractor/Operator before and after the event.
- C. Monitoring of the Display Site is the responsibility of the property owner. Barriers and patrols of the perimeter are to be conducted and will be verified by the Fire Prevention Official prior to the start of the fireworks display.
- D. It is the responsibility of the Contractor/Operator to provide a post-display inspection of the Discharge Site and Display Site immediately after the fireworks display and at a "first light" inspection the day immediately following the fireworks display

§94-33 Extension of Permit for Unfavorable Weather.

- A. If for any reason of unfavorable weather the display for which a permit has been granted does not take place at the time so authorized, the person to whom such permit was issued may use the date noted on the application as the "rain date" for the event display without the payment of any additional fee.
- B. No overnight storage of fireworks shall be permitted.

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§94-34 Disposal Fireworks.

- A. It shall be the sole responsibility of the property owner, tenant and/or Contractor/Operator to dispose of all firework shells that fail to fire or charges that fail to detonate. Any materials which are hazardous or unsafe shall be immediately disposed of in a proper manner.

§94-35 Enforcement and Penalties.

- A. Notice of Violation: Whenever a Code Official observes an apparent or actual violation of a provision of this Ordinance, the Code Official shall prepare a written Notice of Violation describing the condition which required corrective action. The Notice shall specify the violation. Failure to comply with the provisions of the Notice of Violation shall subject the violator to the penalties herein.
- B. Service of Notice: The written Notice of Violation of this Ordinance shall be served upon the property owner, tenant, Contractor/Operator or any other person responsible for the conditions under violation. Such Notice of Violation shall be served either by certified mail to the last known post office address, delivered in person, or by delivering it to and leaving it in the possession of any person in charge of a Display Fireworks Event.
- C. Legal Action: Nothing herein shall prevent the Code Official from filing a civil complaint or non-traffic citation against a party without issuing a Notice of Violation where circumstances required prompt action because of a threat to health, safety and welfare of the public.
- D. Penalty for Violations: Any person, partnership, corporation or association violating the provisions of this Ordinance or failing to comply with any order issued pursuant to any section thereof shall be subject to a penalty in accordance with the New Jersey Uniform Fire Code N.J.A.C 5:70-2.12.
- E. Fines collected: All monies collected pursuant to this section shall be placed in a special municipal trust fund to be applied to the cost to the municipality of firefighter training and/or new firefighting equipment.

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

Section 4. All Ordinances of the Township of Hardyston which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

A motion was made by Miller to approve Ordinance 2019-08 on first reading, seconded by Kula. All in favor. Motion carried.

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**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AMEND
CHAPTER 128 “PARKS AND RECREATION AREAS” OF THE CODE OF THE
TOWNSHIP OF HARDYSTON**

WHEREAS, the Township Code contains rules and regulations related to parks and recreation areas and buildings owned or leased by the Township; and

WHEREAS, a review of this Chapter has determined that the topics of service animals and smoking have not been adequately addressed;

WHEREAS, upon the input of the Chief of Police, the Township Committee has reviewed the current Code and determined that it is necessary to amend the Code in order to ensure it is in compliance with state statutes pertaining to smoking in public parks and service animals; and

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. Chapter 128 “Parks and Recreation Areas” shall be amended as follows:

§ 128-1 Purpose.

The purpose of this chapter shall be to provide standards and regulations for the use of parks and recreation areas within the Township of Hardyston.

§ 128-2 Definitions.

For the purpose of this chapter, the following words shall be used as herein defined:

ELECTRONIC SMOKING OR VAPOR DEVICE

An electronic or other powered device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, hookah, pipe or any cartridge or other component of the device or related product.

MOTOR VEHICLE

All on-road and off-road vehicles, including but not limited to cars, trucks, vans, motorcycles, minibikes, mopeds, go-carts, all-terrain vehicles and dirt bikes, snowmobiles and any other similar motorized vehicles of the type normally used on land for recreation, entertainment or pleasure.

PARK/RECREATION AREA

Any property owned or leased by the Township of Hardyston which is used for recreation purposes and which is open to the public, either without charge or on a fee basis. The term includes but is not limited to playgrounds, parks, ballfields, community centers, paths, roadways, sidewalks and parking areas therein or adjacent thereto.

RECREATION DEPARTMENT

Duly appointed personnel of the township, including the Recreation Director and his/her designated staff members.

SERVICE ANIMAL

Any guide dog, signal dog or other animal individually, specially trained by a service animal trainer to provide assistance to an individual with a disability.

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SMOKING

The heating, igniting, or burning of a tobacco product, inhaling smoke or vapor from, exhaling smoke or vapor from, or the possession of a lighted cigar, cigarette, cigarillo, electronic smoking device, hookah, pipe, water pipe, vapor

device, or any other matter or device which contains tobacco or any other matter or substance that can be smoked or inhaled.

TOBACCO PRODUCTS

Any product made from the tobacco plant for the purpose of smoking, chewing, inhaling, and any other personal consumption, including cigars, smokeless or chewing tobacco, pipe tobacco, snuff, and cigarettes in any form, and any matter or substance which contains tobacco or nicotine, and any other matter or substance that can be inhaled or exhaled as smoke or vapor from any device or delivery system, and any component, part, accessory of a tobacco product.

TOWNSHIP

The Township of Hardyston, Sussex County, New Jersey.

§ 128-3 Jurisdiction.

The rules and regulations promulgated herein shall apply to parks and recreation areas and buildings owned or leased by the township.

§ 128-4 Regulations.

The Recreation Department, in consultation with the Township Manager, shall have the power to promulgate and publish rules and regulations, consistent with the provisions of this chapter, governing activities and programs sponsored by the township and for the safety and well being of the general public.

A. Hours of operation. All parks and recreation areas, with the exception of the Littell Community Center, shall close 1/2 hour after sunset, unless otherwise posted or designated by a permit issued by the Recreation Department. Parks and recreation areas, with the exception of the Littell Community Center, shall open at sunrise.

B. Park closure.

(1) Any section or part of any park or recreation area may be declared closed by the Recreation Department, Chief of Police or designee or the Township Manager or designee at any time and for any interval of time, either temporarily or at regular and stated intervals, and entirely or merely to certain uses or when same is filled to capacity or when it is in the public interest to do so.

(2) No person shall enter upon or use any park or recreation area which is closed to the public unless so authorized to do so by one of the aforementioned departments and/or individuals.

(3) Permits will become void for the remainder of the season upon failure to comply with an authorized closure.

C. Fees. All parks and recreation areas shall be open to the general public unless specifically restricted by the action of the Township Council upon recommendation of the Recreation Director in consultation with the Township Manager. The Township Council, shall upon recommendation of the Recreation Director, have the power to establish fees for the use of all facilities. The township reserves the right to establish higher fees for nonresidents than for residents.

D. Availability. Use of athletic fields shall be by permit according to procedures developed by the Township Recreation Director and Township Manager.

E. Occupancy limit. All persons shall abide by posted occupancy limits or permits with occupancy limits set forth for the event.

F. Use of parks and recreation areas by organized groups.

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(1) Parks and recreation areas may not be used by organized groups without a permit from the Recreation Department.

- (2) Permits for the reserved use of facilities shall be issued by the Recreation Department at the Littell Community Center or other designated locations.
 - (3) Applications for permits must be obtained, completed and returned to the Recreation Department by no later than two months prior to the event or field request time. The Recreation Director shall have the discretion to accept late applications subject to field availability.
 - (4) Activity for which permit is sought shall not unreasonably interfere with or detract from the general public enjoyment of the park; unreasonably interfere with or detract from the promotion of public health, welfare and safety; include violence, crime or disorderly conduct; or entail extraordinary or burdensome expense or police operation by the township.
 - (5) Organizations may be required to pay fees for the use of the township parks or recreation areas as established by the Recreation Department with the consent of the Township Council.
 - (6) At the joint discretion of the Recreation Department and the Chief of Police, an organization may be required to hire police, fire, ambulance or other service during an event as per a fee schedule set by the Recreation Department or safety service required and to be paid by the organization
 - (7) At the discretion of the Recreation Department, insurance certificates naming the township as an additional insured may be required depending upon the intended use and group size.
 - (8) No improvements, maintenance or structural changes shall be made to any parks and/or recreation areas by an organization/person(s) at any time without prior written approval by the Recreation Department or Township Manager (excluding pregame setups and lining of fields).
 - (9) All requests for improvements, maintenance or structural changes must be made in writing and submitted to the Recreation Department no later than one month before they are to be performed. Depending upon the extent of the work requested, such requests shall also be subject to the approval of the Township Manager, Township Planning Board and/or Township Council.
 - (10) The township may invalidate and rescind permits if field repairs or adjustments are attempted without prior written or verbal consent of the Recreation Department.
 - (11) No person may disturb or interfere unreasonably with any person occupying any area or participating in any activity under the authority of a permit.
 - (12) The Recreation Department shall maintain a master schedule for the reserved use of all recreational areas.
 - (13) Flea markets shall not be permitted.
- G. Peace and quiet. Persons in park or recreation areas shall adhere to noise levels reasonable to all persons in attendance, the determination of which shall be at the discretion of the Recreation Department or any law enforcement officer of the Township of Hardyston.
- H. Abandonment or unattended property. The township is empowered to remove any article or property found in a park or recreation area after posted hours at the owner's expense.

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- I. Domestic animals, wildlife and plant life.

(1) No animals shall be permitted in the park at any time, except that all service animals shall be permitted in any park or recreation area when accompanying and assisting an individual with disabilities or if the service animal is in training with a service

animal trainer with proper identification or except in special events by permit of the Recreation Department.

(2) No person shall kill, injure or disturb any animal or bird or have in their possession the young of any wild animal or the eggs or the viable nest or young of any reptile or bird or damage any grass, trees, flowers shrubs, plants, soil, rocks, sand, building, sign, structure or equipment upon any premises under the jurisdiction of the township.

(3) No person shall track, hunt, trap or otherwise engage in the capture of any animal, bird, reptile or other creature in any park or recreation area under the jurisdiction of the township.

J. Weapons, firearms and fireworks.

(1) No person shall carry or use firearms or explosives, air rifles, slingshots or any weapon in any park or recreation area.

(2) No person shall have in their possession or set or otherwise cause to explode or discharge or burn any firecrackers, torpedo rockets or other fireworks or explosive of inflammable material or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that, in conjunction with any other substance or compound, would be dangerous from any of the foregoing standpoints. Public fireworks displays may be permitted under supervision as directed and required by the Recreation Department.

K. Fires and smoking.

(1) No person shall build or attempt to build a fire except in designated areas or by permit.

(2) Smoking shall not be permitted within any park or recreation area. Smoking shall refer to all activities as described in the definitions set forth in Section 128-2.

L. Picnic area.

(1) No person or group shall picnic in any park or recreation area except in those areas designated for that purpose.

(2) No person or group shall use any portion of the picnic area therein for the purpose of holding picnics to the exclusion of others except with a permit from the Recreation Department.

(3) No person or group shall build or attempt to build a fire except in designated areas or by permit.

(4) No person or group shall leave a picnic area before any fire utilized is completely extinguished and before all trash is placed in the receptacles provided. If no such receptacles are available, then trash shall be carried out of the park.

M. Signs. No person or organization shall post by any means or erect or cause to be erected any permanent sign, placard, advertisement or inscription whatever in any park or recreation area or highway or road adjacent thereto without approval of the Township Council.

N. Solicitation; games of chance.

(1) No person or organization shall solicit alms or contributions for any purpose or engage in the business of soliciting, distributing, selling or peddling any liquids, edibles, goods, wares, merchandise services or circulars in any park or recreation area unless authorized by the Recreation Department or the Township Council.

(2) No person shall gamble or participate or abet any game of chance unless in such areas and under such regulations as may be designated by the Recreation Department.

O. Motor vehicles and parking.

(1) Motor vehicles are restricted to paved roadways unless other permission is granted by the Recreation Department.

(2) Vehicles must adhere to posted speed limits.

(3) Parking is restricted to designated areas.

(4) No vehicle standing or parked after closure or before park opening in designated parking areas or elsewhere in the park is permitted, and any vehicle so parked may be towed at the owner's expense.

P. Walking/jogging path use. The path is intended for pedestrian use only. No motor vehicles or bicycles shall be permitted along the path.

Q. Alcohol.

(1) No person shall have alcoholic beverages in their possession at any time within any area covered by this chapter.

(2) No person shall be under the influence of intoxicating beverages or other substances on any area covered by this chapter at any time. Intoxication shall be defined under the laws of the State of New Jersey for the purposes of operating a motor vehicle.

R. Glass containers and garbage.

(1) No person shall deposit any garbage or refuse in any park or recreation area.

(2) No person shall bring, carry or transport any domestic, commercial or industrial waste, refuse or garbage into any park.

(3) No person shall scatter litter or any form of waste material or break or throw or place any glass on turf, walks, roads, benches, tables, wooded or other areas on any park property.

(4) No person shall throw, discharge or otherwise place or cause to be placed in the water of any pond, lake, stream or body of water in or adjacent to any park or tributary stream, storm drain or drain flowing into such water any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

S. Disruptive behavior.

(1) No person shall foul or pollute any fountain or water area within the park.

(2) No person in any park or recreation area shall engage in boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to cause a breach of the public peace.

(3) No person shall dress or undress in any vehicle, toilet or any other area within a park or recreation area.

§ 128-5 Enforcement; violations and penalties.

A. The Recreation Director and/or his/her designee or any police officer shall have the authority to eject from any recreation area any person acting in violation of this chapter.

B. The Recreation Director and/or his/her designee and any police officer shall have the authority to seize and confiscate any property, thing or device in a park or recreation area if the possession of such property, thing or device is prohibited.

- C. The Recreation Director and the Chief of Police and their respective staffs shall have the authority to enforce this chapter.
- D. Any person who violates any provision of this chapter shall be subject to the penalties set forth in the Code of the Township of Hardyston. The Municipal Court shall have the authority to ban a violator from entering upon or using the parks or recreation areas within the township until further order of the Court, upon petition, and for good cause shown.

All other portions of this Chapter remain unchanged.

SECTION 2. All ordinances or parts of ordinances of the Township of Hardyston inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. 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 4. This law shall take effect immediately upon final passage, approval and publication as required by law.

SECTION 5. This Ordinance may be renumbered for purposes of codification.

A motion was made by Kula to approve Ordinance 2019-09 on first reading, seconded by Miller. All in favor. Motion carried.

2019-10

AN ORDINANCE TO AMEND THE ESTABLISHED MINIMUM AND MAXIMUM SALARIES FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HARDYSTON TO PROVIDE THE METHOD FOR THE PAYMENT OF ANNUAL SALARY INCREMENTS AT THE DISCRETION OF THE TOWNSHIP COUNCIL

BE IT ORDAINED by the Township Council of the Township of Hardyston that Section 2 be amended as follows:

Section 2. The minimum and maximum rates of compensation for each employee or class of employees who are employed on an annual basis shall be and are hereby fixed as follows:

<u>POSITION</u>	<u>MINIMUM ANNUAL</u>	<u>MAXIMUM ANNUAL</u>
Planner	\$50,000	\$90,000
Township Manager	\$85,000	\$185,000

A motion was made by Verrilli to approve Ordinance 2019-10 on first reading, seconded by Kaminski. All in favor. Motion carried.

ORDINANCES
2nd 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

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than twothirds 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. **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.**

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

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(f) 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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

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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

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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.

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 Kaminski to approve Ordinance 2019-07 on second reading, seconded by Miller. All in favor. Motion carried.

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NEW BUSINESS:

A. Presentation – Facilities Study – USA Architects

Susan DeHart, of USA Architects, gave a summarized presentation of the findings of the facilities study they conducted on the Hardyston Township Municipal building, the Department of Public Works building, the Fire Department, Co. #1 and Co. #2, and the First Aid Squad building. A more in depth report and presentation is scheduled for the July 24, 2019 workshop meeting.

B. Resolution #48-19 - Resolution canceling outstanding check balances

RESOLUTION #48-19

Whereas, there are certain Outstanding Checks in the Clearing Account balances of the Township of Hardyston and, the checks have been outstanding for more than 180 days; 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 check balances in the Clearing Account be canceled:

<u>Check#</u>	<u>Amount Canceled</u>
31366	\$ 29.50
31171	\$ 27.65
30810	\$ 45.00

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

C. Resolution #49-19 – 2019 – 2020 Annual Liquor License Renewals

**RESOLUTION #49-19
HARDYSTON TOWNSHIP
LIQUOR LICENSE RENEWAL**

WHEREAS, the following Liquor License is to be renewed effective July 1, 2019, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2019 for the following license holders.

1. Anthony Pignataro Corp. – #1911-33-004-006
2. RBAA, LLC - #1911-44-003-010
3. Crystal Springs Beverages, Inc.- #1911-33-006-009
4. HGF, Inc.- #1911-33-005-009
5. Grand Cascades Lodge Liquor, LLC - #1911-36-007-001

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

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D. Resolution #50-19 – 2019 – 2020 Annual Liquor License Renewal

**RESOLUTION #50-19
HARDYSTON TOWNSHIP
LIQUOR LICENSE RENEWAL**

WHEREAS, the following Liquor License is to be renewed effective July 1, 2019, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2019 for the following license holder pursuant to N.J.S.A. 33:1-12.39.

1. Hamburg Golf Course Beverage, Inc. - #1911-33-002-010

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

E. Resolution #51-19 – Resolution proclaiming to local residents and businesses that the Township will not collect new stormwater management or rain taxes

RESOLUTION #51-19

**RESOLUTION PROCLAIMING TO LOCAL RESIDENTS AND BUSINESSES
THAT THE TOWNSHIP WILL NOT COLLECT NEW STORMWATER
MANAGEMENT OR RAIN TAXES**

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

WHEREAS, bill S1073/A2694 authorizing municipalities and counties to establish stormwater utilities was signed into law by Governor Phil Murphy; and

WHEREAS, municipalities or counties that choose to establish a stormwater utility will be allowed to apply an undetermined tax on property and business owners based on the amount of impervious surface they have, often referred to as a rain tax; and

WHEREAS, there is no limit to the amount property owners and local businesses can be taxed as long as it can be justified as going towards improving stormwater management, however, 5 percent or \$50,000 of the revenue is required to be paid to the state and another 5 percent can be used for a locality's general fund; and

WHEREAS, sewage authorities must adhere to a two-percent cap on annual increases to property owners and businesses, but stormwater utilities will not have to adhere to the cap; and

WHEREAS, municipalities and counties already have stormwater systems in place that manage stormwater without the need of creating another level of bureaucracy; and

WHEREAS, New Jersey property taxpayers already pay the highest taxes in the nation, and the creation of any new tax is an impossible burden to put on their backs; and

WHEREAS, New Jersey's Business Tax Climate was named last in the nation by the nonpartisan Tax Foundation, and any new taxes to our business owners are not feasible; and

WHEREAS, State Senator Steve Oroho, Assemblyman Parker Space, and Assemblyman Hal Wirths are calling on municipalities and counties to come together and signal to their tax-

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paying residents and businesses that they're aware that New Jersey's tax burden is already too high by making their intentions known through this resolution; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of Hardyston, in the County of Sussex and the State of New Jersey already has a system in place to manage stormwater and will not create a stormwater utility that would impose new taxes on its residents; and be it further

RESOLVED, that the Mayor and Council of the Township of Hardyston, in the County of Sussex and the State of New Jersey understands and sympathizes with the heavy tax burden already placed on New Jersey residents and businesses and, therefore, will not charge them an extra tax for having driveways, parking lots and other impervious surface; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Phil Murphy, Lieutenant Governor Sheila Oliver, New Jersey Senate President Steve Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Craig Coughlin, New Jersey Assembly Republican Leader Jon Bramnick, State Senator Steve Oroho, Assemblyman Parker Space, and Assemblyman Hal Wirths.

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

F. Resolution #52-19 - Resolution appointing Township Manager

RESOLUTION #52-19

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPOINTING CARRINE PICCOLO-KAUFER AS THE TOWNSHIP MANAGER

WHEREAS, the retirement of Township Manager, Marianne Smith, is effective June 30, 2019; and

WHEREAS, whenever necessary, in the absence of the Township Manager, the Deputy Township Manager, Carrine Piccolo-Kaufer, has served as Township Manager; and

WHEREAS, the Mayor and Council of the Township of Hardyston and Carrine Piccolo-Kaufer entered into an Employment Agreement whereby Ms. Piccolo-Kaufer shall be appointed as Township Manager effective July 1, 2019; and

WHEREAS, the Mayor and Township Council wish to appoint Ms. Piccolo-Kaufer as Township Manager pursuant to the Employment Agreement.

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) That Carrine Piccolo-Kaufer is hereby appointed Township Manager effective July 1, 2019.

2) That while Carrine Piccolo-Kaufer holds dual positions, it is hereby recognized and acknowledged that each position, Township Manager and Township Planner, is provided for separately under the Township's Code and Salary Ordinance.

3) That the appointment of Carrine Piccolo-Kaufer as Township Manager shall not be construed to be combined with her position as Township Planner, but the position of Township Manager shall be construed to be separate and paid apart from the position of Township Planner in accordance with the Employment Agreement.

This Resolution shall take effect immediately upon adoption.

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A motion was made by Hamilton to approve the resolution as presented, seconded by Verrilli. All in favor. Motion carried. A motion was made by Kula to also appoint Carrine Piccolo-Kaufer as Deputy Clerk, seconded by Kaminski, all in favor. Motion carried.

- G. Resolution #53-19 – Resolution authorizing the award of a contract for upgrades for firewater system for North Church Technical Center to Wallkill Group, Inc.

RESOLUTION #53-19

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR UPGRADES FOR FIREWATER SYSTEM FOR NORTH CHURCH TECHNICAL CENTER TO WALLKILL GROUP, INC.

WHEREAS, pursuant to authorization by the Mayor and Township Council of the Township of Hardyston, the Township received sealed competitive bids for the Upgrades for Firewater System for North Church Technical Center; and

WHEREAS, two (2) sealed bids were received and opened on June 20, 2019, in accordance with the bid specifications:

1) Wallkill Group, Inc.	\$362,000.00
2) Ferraro Construction Corp.	\$647,241.00

; and

WHEREAS, said bids have been duly reviewed and analyzed by the Hardyston Township Attorney and Township Engineer; and

WHEREAS, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, responsive bidder; and

WHEREAS, the bid received from Wallkill Group, Inc. in the amount of \$362,000.00 has been found to be in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds will be available for this purchase upon expiration of the twenty (20) day estoppel period required for the associated bond ordinance (2019-07).

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

1. The Township Council hereby awards a contract to Wallkill Group, Inc., 3505 Route 94, Suite 1A, Hamburg, New Jersey 07419 for the Upgrades for Firewater System for North Church Technical Center in accordance with the bid specifications in the total amount of \$362,000.00.

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Wallkill Group, Inc. in accordance with its bid for completion of the Upgrades for Firewater System for North Church Technical Center.

3. The Township's Chief Financial Officer has certified the availability of funds for this contract upon expiration of the estoppel period.

4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

This Resolution will take effect immediately upon adoption.

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

- H. Resolution #54-19 – NJDEP Treatment Works Application – Consent By Governing Body – Sussex County Municipal Utilities Authority – Leachate Pump Station & Force Main

RESOLUTION #54-19

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

- **NJDEP Treatment Works Application – Consent By Governing Body – Sussex County Municipal Utilities Authority – Leachate Pump Station & Force Main**

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

- I. Resolution #55-19 - Resolution authorizing the amendment of the Professional Services Agreement with Van Cleef Engineering Associates, LLC to perform engineer services for Hardyston Township

RESOLUTION #55-19

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AMENDMENT OF THE PROFESSIONAL SERVICES AGREEMENT WITH VAN CLEEF ENGINEERING ASSOCIATES, LLC TO PERFORM ENGINEER SERVICES FOR HARDYSTON TOWNSHIP

WHEREAS, there exists a professional services agreement with Van Cleef Engineering Associates, LLC to serve as Engineer for Hardyston Township for the term January 1, 2019 through December 2020; and

WHEREAS, the Township and Van Cleef Engineering Associates, Inc. wish to amend that agreement with regard to the stipulated rates for the year 2019; and

WHEREAS, the maximum amount of for services under this contract shall not exceed a total of \$4,800 per year, or \$400 per month; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. §40A:11-1 *et seq.*) requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself be available for public inspection.

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 contract with Van Cleef Engineering Associates, Inc. is amended in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 2. Van Cleef Engineering Associates, LLC shall provide professional engineering services to the Township as set forth in its original proposal and in the Amended Engineering Services Agreement dated June 4, 2019.

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

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Section 4. A copy of this Resolution shall be provided to Grant W. Rome, Chief Financial Officer, and to Van Cleef Engineering Associates, LLC, 32 Brower Lane, Hillsborough, New Jersey 08844, for their information and guidance.

This Resolution shall take effect immediately upon adoption.

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

J. Correspondence

1. Vernon Township
2. Lafayette Township
3. Hamburg Borough
4. State of NJ

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

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

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Michael Fiscus, President of the Lake Stockholm Country Club, thanked the Council, Fire Official Bill Walsh and the Hardyston Township Fire Department for working with them in an effort to obtain the approval for the Public Event Use Application needed by the Lake Stockholm Swim Team in order to host the 2019 Wallkill Valley Swim Conference Championships. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Kula to adjourn at approximately 8:00 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk