

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JULY 24, 2019

The meeting was called to order by Mayor Hamilton at approximately 8:00 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, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau 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 – June 2019
2. Tax Collector Report – June 2019
3. Construction Certificate Activity Report – June 2019
4. Construction Permit Activity Report – Hardyston – June 2019
5. Construction Permit Activity Report – Hamburg – June 2019
6. Construction Permit Activity Report – Franklin – June 2019
7. Construction Permit Activity Report – Newton – June 2019
8. Construction Permit Activity Report – Sussex – June 2019
9. Construction Permit Activity Report – Wantage – June 2019
10. Municipal Court Report – June 2019
11. Littell Community Center Report – June 2019
12. Land Use Report – June 2019
13. Sussex County Health Department Report – June 2019
14. Police Department Report – June 2019

Minutes:

1. Special Minutes of 5/7/19
2. Executive Minutes of 5/7/19
3. Regular Minutes of 6/26/19

Agreements/Applications/Licenses:

1. Raffle – Special Olympics NJ
2. Raffle – The Nicholas Wihlborg Foundation
3. Raffle – Make-A-Wish Foundation NJ
4. Amusement License – Anthony Pignataro (Tony's Pizza – Rt 23)

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

ORDINANCES

1st READING:

None

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ORDINANCES

2nd 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 sparking 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.

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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.
- 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.

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- 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.

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- 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.

§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.

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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 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 2019-08 on second reading, seconded by Kaminski. All in favor. Motion carried.

2019-09

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,

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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.

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.

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- (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.
- (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.

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(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.

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.

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(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.

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(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 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 Verrilli to approve Ordinance 2019-09 on second 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:

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| <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 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 2019-10 on second reading, seconded by Kula. All in favor. Motion carried.

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #56-19 – Resolution authorizing the issuance of a duplicate tax sale certificate pursuant to N.J.S.A. 54:5-52.1 – Block 62, Lot 14

**RESOLUTION #56-19
RESOLUTION AUTHORIZING THE ISSUANCE OF A
DUPLICATE TAX SALE CERTIFICATE PURSUANT TO
N.J.S.A. 54:5-52.1**

WHEREAS, the Tax Collector of Hardyston Township has previously issued a tax sale certificate to M & V Liens which certificate is dated October 5, 2018 covering premises commonly known and referred to as Block 62 Lot 14 as set out on the municipal tax map then in use which certificate bears number 2018-007.

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, be it resolved by the Mayor and Governing Body of the Township of Hardyston that the Tax Collector of the Township of Hardyston be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$ 100.00 per certificate, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word “Duplicate” as required by law.

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

- B. Resolution #57-19 – Resolution authorizing the public display of fireworks at Hardyston Day on September 20, 2019 (Rain date September 21st)

**RESOLUTION #57-19
RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS
AT HARDYSTON DAY ON SEPTEMBER 20, 2019 (RAIN DATE SEPTEMBER 21st)**

WHEREAS, the Hardyston Township Recreation Committee has submitted an application to the Hardyston Township Council for permission for the public display of fireworks on September 20, 2019 (rain date - September 21, 2019) in conjunction with the Township’s Hardyston Day events; and

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WHEREAS, the Township of Hardyston has adequate insurance coverage for the day of the event,

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 the Hardyston Township Recreation Committee for the public display of fireworks on September 20, 2019; and

BE IT FURTHER RESOLVED that the Hardyston Township Recreation Committee 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 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 Kula to approve the resolution as presented, seconded by Verrilli. All in favor. Motion carried.

C. Resolution #58-19 - Salary Resolution Amendment

RESOLUTION #58-19

2019 SALARY & WAGES FOR TOWNSHIP OFFICIALS AND EMPLOYEES

BE IT RESOLVED by the Hardyston Township Council that the annual salaries and wages shall be paid as follows:

| <u>Position</u> | <u>Annual Salary</u> |
|--|----------------------|
| Township Manager (Effective 7/1/2019) | \$85,000.00 |
| Municipal Planner (Effective 7/1/2019) | \$50,000.00 |

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

D. Resolution #59-19 – Resolution authorizing the issuance of not exceeding \$1,795,000 bond anticipation notes of the Township of Hardyston

RESOLUTION #59-19

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,795,000 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of The Township of Hardyston, in the County of Sussex (the “Township”) entitled: “Bond ordinance appropriating \$4,825,000, and authorizing the issuance of \$4,595,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Hardyston, in the County of Sussex, New Jersey”, finally adopted on November 28 2018 (#2018-13), bond

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anticipation notes of the Township in a principal amount not exceeding \$1,795,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer 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 and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, 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 at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. 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 hereunder 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 3. Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

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Section 5. All action heretofore taken by Township officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

Section 6. 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.

- E. Resolution #60-19 – Resolution reducing a portion of the cash bond held by the Township of Hardyston for Ridgefield Commons Phase 7A

RESOLUTION #60-19

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TO ENTER INTO AN AGREEMENT WITH SMS HARDYSTON, LLC AND REDUCING A PORTION OF THE CASH BOND HELD BY THE TOWNSHIP OF HARDYSTON FOR RIDGEFIELD COMMONS PHASE 7A

WHEREAS, the Township of Hardyston and SMS Hardyston, LLC have addressed outstanding bond amounts and the funds that have been drawn by way of letters of credit; and

WHEREAS, the Township Engineer has inspected the site and determined that a portion of the site improvements have been completed; and

WHEREAS, the Township Engineer has prepared a bond estimate dated June 8, 2019 for the remaining site improvements associated with Phase 7A of the Ridgefield Commons Project; and

WHEREAS, the Township Engineer recommends that the Township release \$109,052 of the cash bond and that the remaining cash bond amount of \$123,990 is sufficient to insure completion of the remaining improvements; and

WHEREAS, the Township Engineer, Township Attorney and Township Manager hereby recommend that the Township enter into an agreement with SMS Hardyston, LLC regarding Mountain Ridge Development with respect to the Ridgefield Commons Phase 7A.

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 is hereby authorized to execute an agreement with SMS Hardyston, LLC to resolve and memorialize the terms of outstanding bonds and obligations with respect to the development; and

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Township Council that the cash bond for Ridgefield Commons – Phase 7A be reduced in accordance with the recommendation of the Township Engineer.

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.

- F. Correspondence

1. Franklin Borough
2. Franklin Borough

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3. Lafayette Township
4. County of Sussex

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

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

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

ADJOURNMENT: A motion was made by Miller to adjourn at approximately 8:20 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk