

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
NOVEMBER 20, 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, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk and Township Attorney Jon Testa 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 – October 2019
2. Tax Collector Report – October 2019
3. Construction Certificate Activity Report – October 2019
4. Construction Permit Activity Report – Hardyston – October 2019
5. Construction Permit Activity Report – Hamburg – October 2019
6. Construction Permit Activity Report – Franklin – October 2019
7. Construction Permit Activity Report – Newton – October 2019
8. Construction Permit Activity Report – Sussex – October 2019
9. Construction Permit Activity Report – Wantage – October 2019
10. Municipal Court Report – October 2019
11. Littell Community Center Report – October 2019
12. Land Use Report – October 2019
13. Sussex County Health Department Report – October 2019
14. Police Department Report – October 2019

**Agreements/Applications/Licenses:**

1. Raffle – St. Jude The Apostle Church

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

**ORDINANCES**

**1st READING:** None

**ORDINANCES**

**2nd READING:** None

**NEW BUSINESS:**

- A. Resolution #78-19 – North Jersey Municipal Employee Benefits Fund Resolution to Renew

**RESOLUTION #78-19**

**NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND  
RESOLUTION to RENEW**

**WHEREAS**, a number of public entities in the State of New Jersey have joined together to form the **North Jersey Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

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**WHEREAS**, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

**WHEREAS**, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

**WHEREAS**, the governing body of Hardyston Township, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
  - a.) Health Insurance and/or Dental and/or Prescription as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

**BE IT FURTHER RESOLVED** that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

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

- B. Resolution #79-19 – Resolution authorizing the submission of the CY2019/SFY 2020 Best Practices Inventory

**RESOLUTION #79-19**

**RESOLUTION AUTHORIZING THE SUBMISSION OF THE  
CY2019/SFY 2020 BEST PRACTICES INVENTORY**

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

1. CY 2019/SFY 2020 Best Practices Inventory

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

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- C. Resolution #80-19 – Resolution awarding a contract for the purchase of a Rosenbauer Commander, Pump Truck (WC05) from Rosenbauer South Dakota through the Houston Galveston Area Council Purchasing Cooperative Contract #FS12-17

**RESOLUTION #80-19**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AWARDING  
A CONTRACT FOR THE PURCHASE OF A ROSENBAUER COMMANDER, PUMP  
TRUCK (WC05) FROM ROSENBAUER SOUTH DAKOTA THROUGH THE  
HOUSTON GALVESTON AREA COUNCIL PURCHASING COOPERATIVE  
CONTRACT #FS12-17**

**WHEREAS**, the Township of Hardyston is in need of a new fire truck, which need was included as part of the 2018 capital plan and discussed by the Council during the August 29, 2019 public Council meeting; and

**WHEREAS**, the Township began participating in the Houston Galveston Area Council Purchasing Cooperative in September of 2015; and

**WHEREAS**, through its participation in the Houston Galveston Area Council Purchasing Cooperative, the Township has received a quote for the commander pumper truck that is within budget and acceptable to the Township; and

**WHEREAS**, the purchase of goods and services through a State agency by local contracting units, without advertisement for bid, is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12 *et seq.*; and

**WHEREAS**, Rosenbauer South Dakota is an authorized vendor under the Houston Galveston Area Council Purchasing Cooperative contract #FS12-17; and

**WHEREAS**, the Township of Hardyston desires to purchase the Rosenbauer Commander, Pumper Truck (WC05) for a total purchase price of \$543,708; and

**WHEREAS**, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$543,708 for this purpose, which funds were appropriated by bond ordinance #2018-13.

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

1. The purchase of the Rosenbauer Commander, Pumper Truck (WC05) from Rosenbauer South Dakota pursuant to its proposal, attached hereto, at a total price not to exceed \$543,708, is hereby approved under the Houston Galveston Area Council Purchasing Cooperative contract #FS12-17.
2. The Mayor and Township Manager are hereby authorized and directed on behalf of the Township to execute a purchase order to Rosenbauer South Dakota for the purchase of the pumper truck at a total price not to exceed \$543,708.

This Resolution shall take effect immediately upon adoption.

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 #81-19 – Shared Service Agreement – Chief Financial Officer – Sparta Township

**RESOLUTION #81-19**

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

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

1. Chief Financial Officer – Sparta Township

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

E. Resolution #82-19 – Resolution authorizing the Planning Board of the Township of Hardyston to undertake a preliminary investigation to determine whether certain properties qualify for designation as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-1 et seq.

**RESOLUTION #82-19**

**RESOLUTION AUTHORIZING THE PLANNING BOARD OF THE TOWNSHIP OF HARDYSTON TO  
UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTIES  
QUALIFY FOR DESIGNATION AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A.  
40A:12A-1 ET SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, the Township Council (the "Township Council ") of the Township of Hardyston (the "Township") has identified certain properties along the Route 94 corridor, consisting of properties located on Block 16, Lots 8.01 and 3.03 and Block 14, Lot 24.01, as delineated on the official Tax Map of the Township attached hereto and made part of this resolution (the "Property"), to be considered for designation as a non-condemnation "area in need of redevelopment", pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL"); and

**WHEREAS**, before a municipality may be determined a redevelopment area, N.J.S.A. 40A:12A-6 of the LRHL requires the governing body of the municipality, by resolution, to authorize its planning board to undertake a preliminary investigation (the "Investigation") to determine whether the proposed area is a non-condemnation redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5 of the LRHL; and

**WHEREAS**, the Township desires that the Planning Board of the Township (the "Planning Board") undertake the above mentioned Investigation as to whether the Property may be deemed a non-condemnation "area in need of redevelopment"; and

**WHEREAS**, the Township believes the Property is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the Township; and

**WHEREAS**, the Township Council has determined that the Planning Board shall study the area as a "Non-Condemnation Redevelopment Area" (the "Non-Condemnation Redevelopment Area") pursuant to N.J.S.A. 40A:12A-6(b); and

**WHEREAS**, the notice of any hearing to be conducted by the Planning Board with regards to this Resolution shall specifically state that a Non-Condemnation Redevelopment Area determination shall not authorize the municipality to exercise the power of eminent domain to acquire the Property.

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**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Hardyston, being the governing body thereof, that the Planning Board of the Township is hereby directed and authorized to conduct the aforementioned Investigation to determine whether the aforementioned Property, or any portions thereof, constitute a non-condemnation "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-5.

**BE IT FURTHER RESOLVED**, that the Planning Board of the Township is hereby directed to study the area known as the attached block and lot numbers; to develop a map reflecting the boundaries of the proposed redevelopment area; to provide public notice and conduct public hearings pursuant to N.J.S.A. 40A:12A-6; and to draft a report/Resolution to the Township Council containing its findings.

**BE IT FURTHER RESOLVED**, that the results of such Investigation shall be submitted to the Township Council for review and approval in accordance with the provisions of N.J.S.A. 40A:12A-1 et seq.

**BE IT FURTHER RESOLVED**, that the Township hereby states that any Non-Condensation Redevelopment Area determination shall authorize the Township to use all those powers provided by the LRHL for the use in a redevelopment area, excluding the use of eminent domain.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

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

- F. Resolution #83-19 – Shared Service Agreement – Secretarial/Billing & Administration Services and Maintenance & Service - HTMUA

**RESOLUTION #83-19**

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

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

- a. Secretarial/Billing & Administration Services – HTMUA
- b. Maintenance & Service – HTMUA

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

- G. Resolution #84-19 – Shared Service Agreement – Animal Control – Wantage Township

**RESOLUTION #84-19**

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

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

- 1. Animal Control – Wantage Township

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

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- H. Resolution #85-19 – Shared Service Agreement – Park Maintenance and Solid Waste and Recycling Removal – Hardyston Township Board of Education

**RESOLUTION #85-19**

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

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

- a. Park Maintenance – Hardyston Township Board of Education
- b. Solid Waste and Recycling Removal – Hardyston Township Board of Education

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

- I. Resolution #86-19 – Resolution recognizing the name change of the National Joint Powers Alliance Co-op (“NJPA”) to Sourcewell

**RESOLUTION #86-19**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,  
COUNTY OF SUSSEX AND STATE OF NEW JERSEY**

**WHEREAS**, by Resolution #38-15, the Township Council authorized the Township of Hardyston to become a member of the National Joint Powers Alliance Co-op (“NJPA”); and

**WHEREAS**, the NJPA has recently changed its name to Sourcewell to better reflect its purpose and to position itself for ongoing local and national growth; and

**WHEREAS**, all other aspects of the Township’s membership in the co-op remain the same.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey that the Township hereby recognizes NJPA’s name change to Sourcewell for the purposes of Township recordkeeping.

This Resolution shall take effect immediately.

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

- J. Tax Collector Resolutions

1. Resolution #87-19 – Disabled Veteran Homestead Rebate Refund
  - a. McDole, Carol - 102 Mountain Road – Block 20, Lot 23
  - b. Osburn, Lewis - 40 Stonehedge Drive – Block 60.04, Lot 13

**Resolution # 87-19**

**WHEREAS**, the following parcels were approved in 2019 as 100 % exempt properties for Disabled Veterans, and

**WHEREAS**, the State of New Jersey Homestead Rebates were mailed to the Township instead of the homeowners,

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**NOW THEREFORE BE IT RESOLVED**, that the Tax Collector be authorized to refund the following parcels their balance of the 2017 Homestead Rebate.

NAME	ADDRESS	BLOCK/LOT	AMOUNT
McDole, Carol	102 Mountain Road	20 / 23	\$ 257.74
Osburn, Lewis	40 Stonehedge Drive	60.04 / 13	\$ 426.02

2. Resolution #88-19 – Overpayment Refund

- a. Safeland Title Agency, LLC -72 Deerfield Drive - Block 72.04, Lot 5
- b. 24 Asset Mgmt - 41 Shady Lane - Block 67, Lot 44.03
- c. Timothy Mauer -1 Kristen Court - Block 67.19, Lot 1

**Resolution # 88-19**

**WHEREAS**, the following parcels have refinanced and both the Title Companies and Mortgage Companies have paid the November 1, 2019 taxes,

**NOW THEREFORE BE IT RESOLVED** that the Tax Collector be authorized to refund the following parcels for tax overpayments.

<u>NAME</u>	<u>ADDRESS</u>	<u>BLOCK / LOT</u>	<u>AMOUNT</u>
Safeland Title Agency, LLC	72 Deerfield Drive	72.04 / 5	\$ 1,680.21
24 Asset Mgmt	41 Shady Lane	67 / 44.03	\$ 963.77
Timothy Mauer	1 Kristen Court	67.19 / 1	\$ 1,737.78

3. Resolution #89-19 – Disabled Veteran Refund – Larry & Dorothy Decker – 25 Mountain View Court – Block 67.03, Lot 1.25

**Resolution # 89-19**

**WHEREAS**, Block 67.03 Lot 1.25 also known as 25 Mountain View Court, Hardyston and owned by Larry & Dorothy Decker, and

**WHEREAS**, on July 22, 2019 Mr. Decker was approved for a permanently disabled Veteran and has full exempt status thru the Department of Veteran Affairs, and

**WHEREAS**, Mr. Scott Holzhauer, Tax Assessor for Hardyston Township has approved this exemption for 2019 effective 7/22/19 and therefore the mortgage company has paid the November quarter for 2019.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund taxes for the 11/1/19 tax quarter in the amount of \$ 1,295.69.

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

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K. Resolution #90-19 – Developer’s Agreement – Crystal Springs II – Lam Development Group, LLC

**RESOLUTION #90-19**

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

- Developer’s Agreement – Crystal Springs II – Lam Development Group, LLC

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

L. Resolution #91-19 – New Jersey Electricity Supply Agreement – Constellation New Energy, Inc.

**RESOLUTION #91-19**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CONSTELLATION NEWENERGY, INC. FOR THE PURCHASE OF ELECTRICITY FOR CERTAIN TOWNSHIP FACILITIES**

**WHEREAS**, the Township of Hardyston is in need of purchasing electricity for certain Township facilities; and

**WHEREAS**, the Township of Hardyston desires to enter into an agreement with Constellation NewEnergy, Inc., a copy of each being attached hereto, for the purchase of electricity for the Township facilities as set forth in said 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. The Mayor and Township Clerk are hereby authorized and directed to execute an agreement with Constellation NewEnergy, Inc., a copy being attached hereto, with for the purchase of electricity for the named Township facilities.
2. This Resolution shall take effect immediately.

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

M. Correspondence

2. Sparta Township
3. Sparta Township
4. Montague Township
5. Hamburg Borough
6. Sandyston Township
7. State of NJ
8. State of NJ
9. State of NJ
10. Elizabethtown Gas

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. Resident Marty Schweighardt inquired as to the status of the repair of a wall on Crystal Springs Road. Township Manager stated that the wall is owned

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by, and will be repaired by, Crystal Springs Golf Course. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**EXECUTIVE SESSION:**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston on the 20th day of November, 2019, that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
2.
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations.
  - ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
  - ( X ) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
  - ( ) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.
3. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Motion to adopt: Kula  
 Seconded by: Miller

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

Motion carried.

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

**ADJOURNMENT:** A motion was made by Miller to adjourn at approximately 8:10 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
 Municipal Clerk