

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
DECEMBER 11, 2019**

The meeting was called to order by Mayor Hamilton at approximately 8:10 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-Kaufner, 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 – November 2019
2. Tax Collector Report – November 2019
3. Construction Certificate Activity Report – November 2019
4. Construction Permit Activity Report – Hardyston – November 2019
5. Construction Permit Activity Report – Hamburg – November 2019
6. Construction Permit Activity Report – Franklin – November 2019
7. Construction Permit Activity Report – Newton – November 2019
8. Construction Permit Activity Report – Sussex – November 2019
9. Construction Permit Activity Report – Wantage – November 2019
10. Littell Community Center Report – November 2019
11. Land Use Report – November 2019
12. Police Department Report – November 2019
13. Municipal Court Report – November 2019

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

ORDINANCES

1st READING: None

ORDINANCES

2nd READING: None

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #92-19 – Veteran Deduction Refunds
 - a. John Brandt – 5 Woodcott Drive
 - b. Wayne Walker – 146 Big Spring Road

RESOLUTION # 92-19

WHEREAS, the following 2 parcels were approved for 2019 for the Veteran Deduction in the amount of \$ 250.00, and

WHEREAS, they have already paid their November 1, 2019 taxes and are due for a refund.

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be authorized to refund the following parcels for Veteran Deductions that they are entitled to.

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<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
16.28	1.05	John Brandt – 5 Woodcott Dr	\$ 250.00
71	9.05	Wayne Walker – 146 Big Spring	\$ 250.00

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

- B. Resolution #93-19 – Shared Service Agreement – Curbside Recycling and Municipal Facility Solid Waste Collection Services – Hamburg Borough

RESOLUTION #93-19

**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 shared service agreement is hereby authorized:

1. Curbside Recycling and Municipal Facility Solid Waste Collection Services – Hamburg Borough

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

- C. Resolution #94-19 – Shared Service Agreement Extensions– Littell Community Center – Franklin Borough and Hamburg Borough

RESOLUTION #94-19

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

BE IT RESOLVED by the Township Council of the Township of Hardyston that the extension of the following agreements through June 30, 2020 is hereby authorized:

- a. Littell Community Center – Franklin Borough – 2019 Agreement
- b. Littell Community Center – Hamburg Borough – 2018 Agreement

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

- D. Resolution #95-19 – Resolution authorizing the participation in a Sussex County contract award for road salt and grit

RESOLUTION #95-19

Resolution Authorizing the Participation in a Sussex County Contract Award for Road Salt and Grit

WHEREAS, Hardyston Township has the desire and need to participate in the recently awarded Sussex County Contracts for Road Salt and Grit supplies adopted on 08/14/19; and,

WHEREAS, the Township Manager and Public Works Director hereby recommend that the township participate in the contract awards to the following vendors at the per tonnage cost listed next to the respective vendor;

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Rock Salt

Morton Salt \$51.98 per ton
444 West Lake Street, Suite 3000
Chicago, IL 60606

Snow Grit

284 Aggregates, LLC \$9.99 per ton
10 Route 284
Wantage, NJ 07461

Braen Stone \$9.97 per ton
PO Box 8310
Haledon, NJ 07538-8310

North Church Gravel \$9.09 per ton
216 North Church Road
Franklin, NJ 07416

Stavola Construction Materials, Inc. \$11.00 per ton
175 Drift Road
Tinton Falls, NJ 07724

WHEREAS; the Chief Financial Officer has certified that the funds are available in the award of all contracts stated above, not to exceed \$150,000 for the period ending May 31, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Hardyston Township that the Mayor and Municipal Clerk are hereby authorized to execute the necessary documents for contracting with the above vendors for the purpose of purchasing salt and grit pursuant to the County of Sussex bid specifications and contract award.

BE IT FURTHER RESOLVED; that the Municipal Clerk shall provide a copy of this resolution to the Superintendent of DPW, the County Purchasing Agent and all vendors listed above.

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

- E. Resolution #96-19 – Resolution authorizing submission of a Strategic Plan for the Governor’s Council on Alcoholism and Drug Abuse for Fiscal Grant Cycle July 2021 - June 2025

RESOLUTION #96-19

A RESOLUTION AUTHORIZING SUBMISSION OF A STRATEGIC PLAN FOR THE GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE GRANT FOR FISCAL GRANT CYCLE JULY 2021-JUNE 2025

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Hardyston, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society

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amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Hardyston, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Walkkill Valley Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$13,996.00
Cash Match	\$ 3,499.00
In-Kind	\$10,497.00

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

F. Resolution #97-19 – 2019 Budget Transfers

**Hardyston Township
Resolution #97-19**

Now, Therefore be it Resolved, by the Township Council of the Township of Hardyston, State of New Jersey, that the following 2019 Budget appropriation transfers be authorized:

Transfer to Account	Account #	Amount	Transfer from Account	Account #	Amount
Legal OE	01-201-20-155-020	\$ 13,000.00	Communications S&W	01-201-25-250-001	\$ 13,000.00
Legal OE	01-201-20-155-020	\$ 4,000.00	Bulk Utility - Electric	01-201-31-430-020	\$ 4,000.00
Legal OE	01-201-20-155-020	\$ 2,500.00	Bulk Utility - Natural Gas	01-201-31-445-020	\$ 2,500.00
Legal OE	01-201-20-155-020	\$ 3,000.00	Bulk Utility - Diesel	01-201-31-465-020	\$ 3,000.00
Legal OE	01-201-20-155-020	\$ 3,500.00	Bulk Utility - Fuel Oil	01-201-31-447-020	\$ 3,500.00
Legal OE	01-201-20-155-020	\$ 8,000.00	Bulk Utility - Gasoline	01-201-31-460-020	\$ 8,000.00
Legal OE	01-201-20-155-020	\$ 6,000.00	Health Insurance Waiver	01-201-23-221-020	\$ 6,000.00
Disability	01-201-23-226-020	\$ 2,900.00	Bulk Utility - Diesel	01-201-31-465-020	\$ 2,900.00
Social Security	01-201-36-472-020	\$ 10,000.00	Police S&W	01-201-25-240-001	\$ 10,000.00
Social Security	01-201-36-472-020	\$ 1,000.00	Insurance - Unemployment	01-201-23-225-020	\$ 1,000.00
Defined Contribution Plan	01-201-36-476-020	\$ 300.00	Insurance - Unemployment	01-201-23-225-020	\$ 300.00
Buildings & Grounds	01-201-26-310-021	\$ 10,000.00	Streets & Roads OE	01-201-26-290-021	\$ 10,000.00
Buildings & Grounds	01-201-26-310-021	\$ 8,500.00	Police S&W	01-201-25-240-001	\$ 8,500.00
Health Insurance	01-201-23-220-020	\$ 4,000.00	Health Insurance Waiver	01-201-23-221-020	\$ 4,000.00
Land Use S&W	01-201-21-180-001	\$ 7,100.00	Construction S&W	01-201-22-195-001	\$ 7,100.00
Planning OE	01-201-21-180-021	\$ 3,200.00	Construction S&W	01-201-22-195-001	\$ 3,200.00
Planning OE	01-201-21-180-021	\$ 1,000.00	Finance OE	01-201-20-130-021	\$ 1,000.00
Planning OE	01-201-21-180-021	\$ 2,800.00	Engineering OE	01-201-20-165-020	\$ 2,800.00
Planning OE	01-201-21-180-021	\$ 2,800.00	Zoning Board OE	01-201-21-185-021	\$ 2,800.00
Planning OE	01-201-21-180-021	\$ 200.00	Engineering Retainer OE	01-201-20-166-020	\$ 200.00
Recreation S&W	01-201-28-370-001	\$ 2,500.00	Littell Center OE	01-201-28-374-020	\$ 2,500.00
Animal Control OE	01-201-27-331-020	\$ 500.00	General Admin OE	01-201-20-100-021	\$ 500.00
Animal Control OE	01-201-27-331-020	\$ 500.00	Public Health Services	01-201-27-331-020	\$ 500.00
Administrative S&W	01-201-20-100-001	\$ 3,750.00	Police S&W	01-201-25-240-001	\$ 3,750.00
Streets & Roads S&W	01-201-26-290-001	\$ 2,000.00	Streets & Roads OE	01-201-26-290-021	\$ 2,000.00
Total		\$ 103,050.00	Total		\$ 103,050.00

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

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- G. Resolution #98-19 – Resolution authorizing an amendatory contract with Wallkill Group, Inc. for the emergency repair of the water tank for the Park Drive Water Suppression System

RESOLUTION #98-19

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING AN EMERGENCY AMENDATORY CONTRACT WITH WALLKILL GROUP, INC. FOR THE EMERGENCY REPAIR OF THE WATER TANK FOR THE PARK DRIVE WATER SUPPRESSION SYSTEM

WHEREAS, as part of the North Church Technical Center Fire Water System Upgrade, the water tank for the Park Drive water suppression system was drained; and

WHEREAS, upon the drainage, the Township of Hardyston unexpectedly discovered that the interior of the water tank contains significant amount of rust and damage; and

WHEREAS, the Township must repair and paint the interior of the tank; and

WHEREAS, the damage to the water tank was not reasonably foreseen and warrants immediate repair given its connection to the fire system; and

WHEREAS, the nature of the emergency affects the public's health, safety and welfare, requiring the immediate performance of the repair; and

WHEREAS, the repair requires a change order in the amount of \$112,158.52, which exceeds the the 20% limitation set forth in N.J.A.C. 5:30-11.3, and

WHEREAS, in accordance with N.J.A.C. 5:30-11.3, the Township must follow the procedures set forth in N.J.A.C. 5:30-11.9 to complete the repairs on an emergency basis without public advertising for bids and bidding therefore; and

WHEREAS, in accordance with N.J.A.C. 5:30-11.9, the Wallkill Group, Inc. has submitted a request for a change order in the amount of \$112,158.52, along with a certification provided by the Township Engineer setting forth why the repairs are required, why they could not have been foreseen, why the change order would be in the best interest of the Township and why approving the change order would not constitute and abuse of N.J.A.C. 5:30-11.9; and

WHEREAS, the Township Council has determined that the emergency repairs are justified under the circumstances and wishes to award an emergency amendatory contract to the Wallkill Group, Inc. to repair and paint the water tank; and

WHEREAS, the Chief Financial Officer has certified that funds for the repair to the water tank are available in Account Number 04-215-55-963-000.

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 Township is authorized to enter into an emergency amendatory contract with Wallkill Group, Inc. in an amount not to exceed \$112,158.52 to repair and repaint the water tank.
2. The Clerk shall report to the Director, Division of Local Government Services on an appendix to Township's annual budget all change orders from the previous fiscal year which exceeded 20% limitation on a form provided by the Director, and a summary of the report shall be included as supplemental material in the annual audit of the Township.

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3. Notice of this action shall be published in the official newspapers for the Township of Hardyston.
4. This Resolution shall take effect immediately

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

- H. Resolution #99-19 – Resolution authorizing an agreement to amend lease with Crown Atlantic Co., LLC for cellular tower located at 29 Stockholm-Vernon Road

RESOLUTION #99-19

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING
CONTRACT/AGREEMENT**

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

1. Agreement to amend the lease with Crown Atlantic Co., LLC for cellular tower located at 29 Stockholm-Vernon Road, Hardyston Township

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

- I. Affordable Housing Rehabilitation Program – Mortgage Reduction for Thomas Manuel – 3036 Route 23

A motion was made by Miller to reduce the mortgage of Thomas Manuel by \$10,000.00 which would be funded by the Affordable Housing Trust Fund for the purpose of the possible sale and possible restoration of the property and for the purpose of health and safety for the general public, seconded by Kula. All in favor. Motion carried.

- J. Correspondence

1. Hamburg Borough
2. Hamburg Borough
3. Ogdensburg Borough

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

- K. Resolution #71-19 – Resolution to Join (Renew) the Fund (Statewide Insurance Fund)

**STATEWIDE INSURANCE FUND
HARDYSTON TOWNSHIP RESOLUTION #71-19
RESOLUTION TO JOIN (RENEW) THE FUND**

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, HARDYSTON TOWNSHIP (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

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WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2020** terminating on **January 1, 2023** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) :

Workers' Compensation & Employer's Liability	<u>X</u>
Comprehensive General Liability	<u>X</u>
Automobile Liability and Physical Damage	<u>X</u>
Public Officials and Employment Practices Liability	<u>X</u>
Property	<u>X</u>
Inland Marine Boiler and Machinery	<u>X</u>
Crime-Faithful Performance and Fidelity	<u>X</u>
Pollution Liability	<u>X</u>
Cyber Liability	<u>X</u>
Non Owned Aircraft	<u>X</u>

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

This agenda item was originally tabled at the Council meeting held on September 25, 2019. A motion was made by Kula to approve the resolution as presented, seconded by Kaminski. All in favor. Motion carried.

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

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. OEM Coordinator and Hardyston Fire Department member William Hickerson gave the Council an update on the current snow storm. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

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EXECUTIVE SESSION:

BE IT RESOLVED by the Township Council of the Township of Hardyston on the 11th day of December, 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: Miller
 Seconded by: Verrilli

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

Motion carried.

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

At this time, a motion was made by Miller to approve the collective bargaining agreement with Hardyston Dispatchers, Teamsters Local 125, subject to ratification by dispatchers bargaining unit and subject to final approval by Labor Counsel and the Township Manager, seconded by Kula. All in favor. Motion carried.

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A motion was also made by Kula to approve the collective bargaining agreement with the Hardyston Department of Public Works, Teamsters Local 125, subject to ratification by the Department of Public Works bargaining unit and subject to final approval by Labor Counsel and the Township Manager, seconded by Miller. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Miller to adjourn at approximately 9:10 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk