

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JANUARY 22, 2020**

The meeting was called to order by Mayor Kula at approximately 7:00 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Deputy Mayor Miller, Councilwoman Hamilton, 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 – December 2019
2. Tax Collector Report – December 2019
3. Construction Certificate Activity Report – December 2019
4. Construction Permit Activity Report – Hardyston – December 2019
5. Construction Permit Activity Report – Hamburg – December 2019
6. Construction Permit Activity Report – Franklin – December 2019
7. Construction Permit Activity Report – Newton – December 2019
8. Construction Permit Activity Report – Sussex – December 2019
9. Construction Permit Activity Report – Wantage – December 2019
10. Municipal Court Report – December 2019
11. Littell Community Center Report – December 2019
12. Land Use Report – December 2018
13. Sussex County Health Department Report – November 2019
14. Sussex County Health Department Report – December 2019
15. Police Department Report – December 2019

### **Agreements/Applications/Licenses:**

1. R & R Radar, Inc. – Traffic Radar Maintenance Agreement - Police Department
2. Security Design Group, LLC/Meridien – Service Agreement - Access Control & Security Alarm System – Police Department
3. KML Technology – 911 Emergency Phone System Service Agreement - Police Department
4. WTH Technology, Inc. – Think GIS Client Support Agreement – Police Dept.
5. Gramco – Liberty Digital Interview Recording System – Police Dept.
6. Trailer Court License Renewal – Eileen & Russell Post
7. Trailer Court License Renewal – Stanley Tabaka
8. Trailer License Renewal – Elizabeth McDole
9. Raffle License – YMCA Metropolitan of Oranges
10. Fire Department – New Member Application – Derek Watson

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

At this time, the Council held an informal interview with Janine M. Cerra for the position of Hardyston Township Public Defender.

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**ORDINANCES**

**1st READING:**

**2020-01**

**BOND ORDINANCE MAKING A SUPPLEMENTAL APPROPRIATION OF \$218,000 FOR THE IMPROVEMENT OF THE FIRE PROTECTION SYSTEM AT THE NORTH CHURCH TECHNICAL CENTER IN AND BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, DIRECTING A SPECIAL ASSESSMENT OF PART OF THE COST THEREOF, AND AUTHORIZING THE ISSUANCE OF \$207,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance has heretofore been and is hereby authorized as a local improvement to be made or acquired by The Township of Hardyston, in the County of Sussex, New Jersey, by the bond ordinance (the "Prior Ordinance") of the Township adopted June 26, 2019 (#2019-07), entitled: "Bond ordinance providing for the improvement of the fire protection system at the North Church Technical Center 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, authorizing the issuance of \$437,000 bonds or notes of the Township for financing the same and repealing an ordinance of the Township heretofore adopted on November 1, 2011 (#2011-15)". The cost of the improvement described in Section 3(a) of this bond ordinance, estimated in June, 2019, at \$460,000 is now estimated at \$678,000. By the Prior Ordinance there has been appropriated to payment of the cost of said improvement the sum of \$460,000. It is now necessary for the Township to raise the additional sum of \$218,000 to meet the remainder of said \$678,000 estimated cost of said improvement not provided by the appropriation therefor made by the Prior Ordinance.

Section 2. For the said improvement or purpose stated in Section 3(a) of this bond ordinance, and in addition to the sum of \$460,000 heretofore appropriated therefor by the Prior Ordinance, there is hereby appropriated the further sum of \$218,000 including the sum of \$10,500 as an additional down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a budget or budgets of the Township previously adopted. Said additional appropriation of \$218,000 shall be financed and met from the said

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additional down payment and from the proceeds of negotiable bonds of the Township hereby authorized to be issued in the principal amount of \$207,500 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 \$207,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

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

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$644,500 inclusive of the \$437,000 principal amount of bonds or notes of the Township heretofore authorized for said improvement or purpose pursuant to the Prior Ordinance

(c) The estimated cost of said purpose is \$678,000 inclusive of the sum of \$460,000 heretofore appropriated for said improvement by the Prior Ordinance.

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

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

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

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$207,500, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$40,000 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 additional cost of said improvement and has been included in the foregoing \$218,000 additional estimate thereof.

(e) As provided in Section 5 of this bond ordinance, \$33,539 of the additional 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 \$184,461 (which amount is exclusive of the estimated maximum amount of special assessments of \$389,000 authorized to be levied pursuant to the Prior Ordinance), and the number of annual installments in which all such special assessments may be paid is ten (10).

Section 5. The Township shall pay \$33,539 of the additional cost of said local improvement, and said amount shall be and hereby is contributed by the Township at large to payment of the cost of said local improvement. The additional 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,

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advantage or increase in value which the respective lots and parcels of real estate shall be deemed to receive by reason of said local improvement. The owner of any land upon which any such assessment shall have been made may pay such assessment in the number of equal annual installments hereinabove determined, all as may be provided in accordance with law and with legal interest on the unpaid balance of the assessment.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. 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



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- B. Resolution #10-20 – Shared Service Agreement – Construction Services – Wantage Township

**RESOLUTION #10-20**

**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. Construction Office Services – Wantage Township

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

- C. Resolution #11-20 – Resolution accepting a performance bond in the amount of \$108,162.00 and a cash bond in the amount of \$12,018.00 from Lam Development Group, LLC for site improvements relating to Highgrove at Crystal Springs, Phase 2

**RESOLUTION #11-20**

**RESOLUTION ACCEPTING A PERFORMANCE BOND IN THE AMOUNT OF \$108,162.00 AND A CASH BOND IN THE AMOUNT OF \$12,018.00 FROM LAM DEVELOPMENT GROUP, LLC FOR SITE IMPROVEMENTS RELATING TO HIGHGROVE AT CRYSTAL SPRINGS, PHASE 2**

**WHEREAS**, the Hardyston Township Planning Board granted preliminary and final subdivision approval to Lam Development Group, LLC for Highgrove at Crystal Springs, Phase 2; and

**WHEREAS**, as a condition of said approval, Lam Development Group, LLC was required to post a performance guarantee with the Township of Hardyston for site improvements associated with any phase which are not complete at the time of filing the final subdivision plat for that phase; and

**WHEREAS**, the Township Engineer has determined that a performance bond in the amount of \$120,180.00 should be posted for site improvements in this phase which are not yet complete; and

**WHEREAS**, Lam Development Group, LLC has submitted to the Municipal Clerk a performance bond in the amount of \$108,162.00, and a cash bond in the amount of \$12,018.00; and

**WHEREAS**, the performance bond has been reviewed and approved by the Township Planning Board Attorney and Township Engineer subject to the revisions and additions outlined by Township Planning Board Attorney in an email dated January 22, 2020.

**NOW THEREFORE BE IT RESOLVED** by the Township Council of the Township of Hardyston that it hereby accepts the above stated bonds from Lam Development Group, LLC for site improvements relating to Highgrove at Crystal Springs, Phase 2, as performance securities required by the Hardyston Township Planning Board subject to acceptance of the above referenced revisions and additions as recommended by the Township Planning Board Attorney and Township Engineer by LAM Development Group, LLC.

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

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D. Resolution #12-20 – Resolution to foreclose in rem tax certificates held by the Township of Hardyston

**RESOLUTION #12-20**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO  
FORECLOSE IN REM TAX CERTIFICATES HELD BY THE  
TOWNSHIP OF HARDYSTON**

**NOW THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, the following tax sale certificates now held by the Township of Hardyston be foreclosed by the summary proceedings IN REM and as described in New Jersey Statutes R.S. 54:5-104.29 to R.S. 54:5-104.71, as amended, and pursuant to Rules of Civil Practice of the Superior Court of New Jersey. As outlined on Exhibit A attached hereto and made a part hereof.

**BE IT FURTHER RESOLVED** that the Township Attorney is hereby authorized to pursue the foreclosure of the aforesaid properties, striking any properties from the proceedings at the discretion of the Manager for good cause.

**HARDYSTON TOWNSHIP  
TAX FORECLOSURE LIST**

NO.	CERTIFICATE NO	NAME OF OWNER AS APPEARS ON LAST TAX DUPLICATE	ADDRESS	BLOCK/LOT	DATE OF TAX SALE	AMT OF TAX SALE	AMT TAX LIENS ACCRUING TO SUBSEQUENT TO TAX SALE INCLUDING INT,PENALTY COSTS	AMT TO REDDEM AS OF 3/01/20	DATE OF REC CERT	RECORDING BOOK/PAGE
1	2018-001	MAUTE, ALEXANDER	1 FOREST TR	5/2	10/3/2018	\$ 1,005.20	\$ 2,658.19	\$ 3,663.39	10/19/2018	9648/327
2	2016-003	CHATTANOOGA, ABODE	37 CRYSTAL SPRINGS RD	16/14.03	10/12/2016	\$ 1,108.39	\$ 23,667.67	\$ 24,776.06	10/27/2016	9443/818
3	2018-003	MCDOLE, ELIZABETH ET AL	4505 RUDETOWN RD	17/31	10/3/2018	\$ 1,975.51	\$ 10,788.49	\$ 12,764.00	10/19/2018	9648/321
4	2015-011	DEER TREE BUILDING ASSOC, LLC	1 DEER TR	21/2	10/14/2015	\$ 6,603.58	\$ 63,560.44	\$ 70,164.02	10/29/2015	9354/117
5	2015-012	DEER TREE BUILDING ASSOC, LLC	42 DEER TR	33/9.03	10/14/2015	\$ 1,537.94	\$ 14,881.28	\$ 16,419.22	10/29/2015	9354/119
6	2016-044	MANUEL, THOMAS R	3036 RT 23	61/11	10/12/2016	\$ 680.60	\$ 11,092.77	\$ 11,773.37	10/27/2016	9443/816
7	2018-008	JONES, THOMPSON F	88 NORTH CHURCH RD REAR	62/21	10/3/2018	\$ 90.81	\$ 215.07	\$ 305.88	10/19/2018	9648/312
8	2015-016	LORTERDAN HAMBURG DEV., LLC	103 WHEATSWORTH RD REAR	62/31.02	10/14/2015	\$ 181.81	\$ 4,229.57	\$ 4,411.38	10/29/2015	9354/111
9	2015-018	STANKOVIC, COREY	202 WHEATSWORTH RD	63/24.14	10/14/2015	\$ 63.69	\$ 9,861.45	\$ 9,925.14	10/29/2015	9354/115
10	2017-017	AL CYPRESS TRUCK PARTS CO, INC	3208 ROUTE 94	75/46.03	10/4/2017	\$ 2,170.32	\$ 17,450.07	\$ 19,620.39	11/1/2017	9547/172
11	98-46	KANTER, K C/O SETH	5 OAK LANE	80/5	6/9/1998	\$ 279.39	\$ 22,567.06	\$ 22,846.45	8/11/1998	3283/106
12	2017-019	WILLIAMS, ANDRE	10 MAPLE ROAD	82/1	10/4/2017	\$ 6,616.93	\$ 12,823.46	\$ 19,440.39	11/1/2017	9547/175

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

E. Resolution #13-20 – 2020 Temporary Capital Budget

**RESOLUTION #13-20**

**WHEREAS**, the Township of Hardyston desires to constitute the 2020 Temporary Capital Budget of said municipality by inserting therein the following project.

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

Section 1. The 2020 Temporary Capital Budget of the Township of Hardyston is hereby constituted by the adoption of the schedule to read as follows:

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Temporary Capital Budget of the

Township of Hardyston

County of Sussex, New Jersey

Projects Scheduled for 2020

Method of Financing

<u>Project</u>	<u>Est. Costs</u>	<u>Grants</u>	<u>Other Funds</u>	<u>Capital Imp. Fund</u>	<u>Capital Surplus</u>	<u>Bonds</u>
Improvement of the Fire Protection System at the North Church Technical Center	\$218,000			\$10,500		\$207,500

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for 2020 Temporary Capital Budget, to be included in the 2020 Permanent Capital Budget as adopted.

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

F. 2020 Soil Removal/Quarry License/Junkyard/Auto Auction Renewals:

1. Stavola Beaver Run – Soil Removal & Quarry – Block 68, Lot 3
2. Stavola Beaver Run – Soil Removal – Block 69, Lot 2.01
3. Eastern Concrete Materials, Inc. – Quarry
4. North Church Gravel, Inc. – Soil Removal

A motion was made by Miller to approve the above Soil Removal/Quarry Licenses as per the recommendation of the Township Engineer as stated in his letters dated December 26, 2019 and December 30, 2019, seconded by Hamilton. All in favor. Motion carried

5. Central Auto Liquidators – Junkyard and Auto Auction

At this time, Councilman Verrilli recused himself from the discussion and vote regarding Item #5 above. A motion was made by Miller to approve the annual licenses as per the recommendation of the Township Engineer as stated in his letter dated December 30, 2019, seconded by Hamilton. All in favor. Motion carried.

G. Correspondence

1. Lafayette Township
2. Lafayette Township
3. Franklin Borough
4. Hamburg Borough
5. State of NJ
6. State of NJ
7. State of NJ
8. State of NJ
9. State of NJ
10. EnviroTrac Environmental Services
11. JCP&L
12. State of NJ

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

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**BILLS TO BE PAID:** A motion was made by Hamilton 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. No public comment. 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 22nd day of January, 2020, 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.
  - ( ) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
  - (X) 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: Kaminski  
 Seconded by: Verrilli

<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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 Miller to come out of Executive Session, seconded by Kaminski. All in favor. Motion carried.

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At this time, a motion was made by Miller to appoint Janine M. Cerra to the position of Public Defender with a term expiring 12/31/2020, seconded by Hamilton. All in favor. Motion carried.

After a brief discussion regarding an open position on the Hardyston Township Municipal Utilities Authority, a motion was made by Verrilli, to move Michael O'Grady from the position of Alternate 1 to the position of Full Member with a term expiring 1/31/24; to move Michele Van Allen from the position of Alternate 2 to the position of Alternate I with a term expiring 1/31/22; and to appoint John Bazelewich to the position of Alternate 2 with a term expiring 1/31/25, seconded by Miller. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Verrilli to adjourn at approximately 7:45 p.m., seconded by Miller. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk