

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
AUGUST 22, 2018**

The meeting was called to order by Mayor Miller 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 Verrilli, Councilwoman Hamilton, Councilman Kula, Councilman Kaminski, Manager Marianne Smith, 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 – July 2018
2. Tax Collector Report – July 2018
3. Construction Certificate Activity Report – July 2018
4. Construction Permit Activity Report – Hardyston – July 2018
5. Construction Permit Activity Report – Hamburg – July 2018
6. Construction Permit Activity Report – Franklin – July 2018
7. Construction Permit Activity Report – Newton – July 2018
8. Construction Permit Activity Report – Sussex – July 2018
9. Construction Permit Activity Report – Wantage – July 2018
10. Police Department Report – July 2018
11. Municipal Court Report – July 2018
12. Littell Community Center Report – July 2018
13. Land Use Report – July 2018
14. Sussex County Health Department Report – July 2018

Agreements/Applications/Licenses:

1. Raffle License – Make-A-Wish Foundation NJ
2. Raffle License – St. Monica's R.C. Church
3. Raffle License – Department for Persons with Disabilities

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

ORDINANCES

1st READING: 2018-10

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX TO AMEND VARIOUS CHAPTERS OF THE TOWNSHIP OF HARDYSTON COMBINED LAND USE CHAPTERS IN ORDER TO ESTABLISH STANDARDS FOR OUTDOOR LIGHTING FOR RESIDENTIAL PROPERTIES

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

Section 1. Chapter 147, Site Plan and General Development Review Section 147-8 Design standards and required site improvements, Subsection (E) of the Township of Hardyston Land Use Code is hereby amended and supplemented to read as follows:

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§147-8 Design standards and required site improvements.

E. Lighting plans shall be designed to provide adequate lighting for safety while encouraging energy conservation and preventing annoying and destructive light pollution.

Section 2. Chapter 185, Zoning of the Township of Hardyston Revised General Ordinances is hereby amended and supplemented to establish a new Article XXVIII Outdoor Lighting as follows:

Article XXVIII Outdoor Lighting

§185-126 Purpose.

The purpose of this Chapter is to regulate outdoor lighting in a manner which encourages the conservation of energy, improves or maintains the nighttime visual environment, prevents and/or eliminates misdirected or excessive artificial light, light trespass and/or unnecessary sky glow and protects the health, safety, security and welfare of Township residents and the general public

§185-127 Applicability.

All outdoor light fixtures installed and thereafter maintained shall comply with the requirements specified in this article. The regulations and standards contained in this Article shall apply to (1) outdoor lighting upon any property for which site plan review and approval is required; and (2) the installation, alteration to and/or the changing of outdoor lighting upon any residential property including single – and multi- family dwelling units. All outdoor light fixtures installed and thereafter maintained shall comply with the requirements specified in this article.

§185-128 Definitions.

Artificial Light Source: a man-made object from which light originates (ex: an electrically-powered lamp)

Downward-Aimed Light Fixture: a light fixture aiming no more than 60 degrees in either direction from the center of the lowest light-emitting point of the luminaire.

Externally Illuminated Sign: a sign any face of which is illuminated by one or more artificial light sources located between the reader and the sign face and directed toward the sign face

Floodlight: an unshielded artificial light source or lamp designed to produce relatively uniform illumination across a broad area

Footcandle: (abbreviated "fc") a unit of measurement of illuminance; 1 footcandle equals 1 lumen per square foot of area

Fully Shielded Luminaire: a luminaire that emits no direct uplight.

Glare: The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or loss in visual performance and visibility.

IESNA: Illuminating Engineering Society of North America. An organization that recommends standards for the lighting industry.

Light Trespass: Any form of artificial illuminance emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance, as specified in §185-130.

Illumination: (see "Lighting")

Illuminance: the total amount (density) of visible light incident upon (i.e. illuminating) a point of a surface from all directions above the surface measured in footcandles (note: the "surface" may be a part, or all, of a physical object or an imaginary plane)

Internally Illuminated Sign: a sign any face of which is opaque and illuminated by one or more artificial light sources enclosed entirely within the sign cabinet and not directly visible from any point outside of the sign cabinet.

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International System of Units: (abbreviated "SI") the modern form of the metric system

Lamp: a radiant light source; the replaceable, electrically-powered light source of a light fixture

Lighting: the deliberate utilization of one or more artificial light sources to achieve an aesthetic or intended effect

Light Source: a thing or object from which light originates (note: an object that reflects light originating from a different object is not a light source)

Light Spillage: light projected onto a property from an artificial light source not located upon that property

Light Trespass: light spillage not compliant with the requirements of this Chapter

Lumen: (abbreviated "lm") a unit of measurement of luminous flux (i.e., of the total amount of light emitted in all directions per unit time) within the International System of Units

Luminaire: a self-contained lighting system component containing a light fixture and, as necessary, an outer shell or housing, a mirror or reflector, an aperture, a lens or refractor and a mounting bracket or pole socket; within this Chapter, the term "luminaire" shall refer to outdoor lighting luminaires unless otherwise stated

Objectionable Direct Glare Source: Glare resulting from excessive levels of illumination or insufficiently shielded light sources emanating from light fixtures in the field of view where the lens, lamp or reflector is offensively visible above a height of five (5) feet at a property line or a public roadway.

Outdoor Lighting: the lighting of areas exterior to the walls of enclosed buildings and/or within structures having open or partially open walls such as canopies, pavilions, gazebos, etc.

Shielded Light Fixture: A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees from the center of the luminaire facing straight down through the light fixture's lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

Shielded Light Source: a light source which is positioned and/or equipped with light shielding devices so that it is not directly visible to any person distant 10 feet or more from the light source, or from any point upon or outside of the property boundary.

Spotlight: an unshielded artificial light source or lamp designed to produce a narrow, well directed beam of light upon a small area.

Temporary Lighting: Temporary lighting is outdoor lighting which does not conform to the provisions of this Chapter and which will not be used for longer than a period of thirty (30) consecutive days; temporary lighting is intended for uses which, by their nature, are of limited duration such as holiday decorations, civic events, or construction projects.

§185-129 Design Standards.

A. Residential Uses. All outdoor lighting fixtures serving residential dwellings shall comply with the requirements specified in this section:

- (1) All outdoor light fixtures serving one- and two-family dwellings and having initial light outputs greater than 1,500 lumens shall be of a type which provides a luminaire that is recessed or enclosed within the fixture so as to eliminate sky glow and glare. Light fixtures with initial light outputs less than 1,500 lumens, such as decorative porch lights, wall sconces, post top lanterns and walkway fixtures, may contain lamps and glass/plastic diffusing devices that extend beyond the opaque fixture enclosure. All outdoor fixtures shall comply with the requirements as specified below:

- a) Outdoor light fixtures properly installed and maintained shall be directed so that there will not be any direct glare source visible from any adjacent residential property.

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- b) Pole-mounted lighting fixtures shall not exceed sixteen (16) feet (base plus pole) in height.
- c) Light fixtures installed within any setback area, including front, rear or side yard setbacks, shall contain shielding devices to prevent light spill and glare upward and onto adjacent properties.
- d) Accent lighting used to enhance the architectural features, materials color, style of buildings, landscaping, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to minimize light spill into the dark sky or cause glare or direct light beyond the facade onto a neighboring property or streets.

B. Where used for security purposes or to illuminate walkways, roadways and parking lots, only outdoor light fixtures having luminaires that are shielded from public view and having the performance characteristics of a cutoff light fixture shall be used.

C. Heights. Mounting heights (base plus pole) shall not exceed sixteen (16) feet above grade. Lower heights shall be used for walkways.

D Shielding. All luminaires shall be shielded to eliminate glare. Lamps shall be recessed in the luminaire.

E. Adjoining properties. The maximum illumination at any point on adjoining properties shall not exceed 0.2 footcandles. The light source shall not be visible from adjacent properties.

F. Hours of operation. All outdoor lighting fixtures serving residential dwellings, except those used for security purposes, shall be turned off from 11:00 p.m. until dawn.

H. Security lighting. The average maintained illumination for security purposes shall be 0.4 footcandles.

I. Underground installation. All wires and cables shall be underground, inside of the pole of a pole mounted fixture or inside an electrical conduit when wiring is attached to a building. No visible wires shall be permitted for outdoor lighting.

§185-130 Light Trespass (nuisance light).

All light fixtures, except street lighting maintained by a governmental authority or that was part of an approved subdivision or site plan, shall be designed, installed and maintained to prevent light trespass, as specified below:

- A. Outdoor light fixtures properly installed and thereafter maintained shall be directed so that there will not be any direct glare source visible from another property.

§185-131 Prohibitions.

The use or installation of the following outdoor light fixtures is prohibited:

- A. Outdoor lighting fixtures for purposes of private, commercial or industrial usage shall not be attached or mounted to public property (i.e., public buildings, utility poles, telephone poles, streetlights, road or street signs) or to any trees located within a public road right-of-way.
- B. No outdoor lighting fixtures for purposes of private, commercial or industrial usage shall be erected within a public road right-of-way unless approval is obtained from the Township Council.

§185-132 Enforcement.

A. Construction. All lighting fixtures and mounting structures shall be constructed in compliance with applicable construction codes.

- 1) Issuance of building permit. No building permit shall be issued by the Construction Official for any proposed outdoor lighting unless found to be in accordance with this Chapter.
- 2) Certificate of occupancy. No certificate of occupancy shall be issued by the Construction Official unless and until proof has been submitted to him/her or her that all proposed outdoor lighting has been installed in compliance with the site plan approval or in the case of residential dwellings or commercial uses not requiring a site plan, that the outdoor lighting conforms to § 185-129 of this Chapter.

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B. The requirements of this chapter may be enforced on the basis of a valid, formal complaint filed in writing with the Planning and Zoning Department.

C. Violations. If the Zoning Official determines that an outdoor light is in excess of the standards established by this article, or that artificial light is emanating from inappropriate or misdirected light fixtures not in compliance with the provisions of this article, the Zoning Official shall give written notice by certified mail to the owner or tenant that the outdoor light(s) be returned to good repair, be made to comply or be removed as required by such notice. Noncompliance by the owner or tenant upon whom the notice is served for any violation of the terms and conditions of this article shall be subject to a fine in accordance with procedures established by law at §185-92.

Section 3. Chapter 185, Zoning Section 185-67 Standards to be enforced Subsection (E) of the Township of Hardyston Land Use Code is hereby amended and supplemented to read as follows:

§185-67 Standards to be enforced

E. Glare. The standards promulgated at Article XXVIII, Sections 185-126 thru 185-132 shall be enforced in order to regulate the nuisance elements potentially generated as a result of glare from outdoor lighting fixtures.

Section 4. This Ordinance may be renumbered for codification purposes.

Section 5. 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 6. 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 7. This Ordinance shall take effect immediately following adoption and publication as required by law.

A motion was made by Kula to approve Ordinance 2018-10 on first reading, seconded by Hamilton. All in favor. Motion carried.

2018-12

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX TO AMEND TOWNSHIP GENERAL ORDINANCES CHAPTER 51 ABANDONED PROPERTIES TO ESTABLISH A NEW FEE SCHEDULE FOR THE REGISTRATION OF VACANT AND ABANDONED PROPERTIES

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

Section 1. Chapter 51, Abandoned Properties Section 51-2 General requirements, Subsection (A) of the Township of Hardyston General Code is hereby amended and supplemented to read as follows:

A. The owner of any vacant property, as defined herein, shall within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Township of Hardyston Clerk on forms provided by the Clerk for such purposes, as well as any additional information that the Clerk may reasonably request. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew, the registration annually, no later than January 31 as long as the building remains vacant property and shall pay a registration or renewal fee according to the fee schedule in §51-4. The initial registration fee shall be prorated for registration statements received less than 10 months prior to renewal deadline.

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Section 2. Chapter 51, Abandoned Properties Section 51-4 Fee schedule, of the Township of Hardyston General Code is hereby amended and supplemented to read as follows:

The initial registration fee for each Vacant and Abandoned property under the provisions of this Section shall be five hundred (\$500.00) dollars. The fee for the first annual renewal shall be one thousand five hundred (\$1,500.00) dollars and the fee for the second annual renewal shall be three thousand (\$3,000.00) dollars. The fee for any subsequent annual renewal beyond the second renewal shall be five thousand (\$5,000.00) dollars.

Section 3. Chapter 51, Abandoned Properties Section 51-7 Violations; penalties, Subsection (A) of the Township of Hardyston General Code is hereby amended and supplemented to read as follows:

A. Any owner who is not in full compliance with this article or who otherwise violates any provision of this chapter or of the rules and regulations issued hereunder shall be subject to a fine of \$1,500 for each day of violation. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

Section 4. This Ordinance may be renumbered for codification purposes.

Section 5. 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 6. 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 7. This Ordinance shall take effect immediately following adoption and publication as required by law.

A motion was made by Verrilli to approve Ordinance 2018-12 on first reading, seconded by Kaminski. All in favor. Motion carried.

ORDINANCES
2nd READING:

2018-09

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX TO AMEND TOWNSHIP GENERAL ORDINANCES, CHAPTER 104 HOUSING TO ESTABLISH A NEW ARTICLE III TO BE TITLED "SHORT-TERM RENTAL PROPERTY" IN ORDER TO ESTABLISH RESTRICTIONS ON THE RENTAL OF RESIDENTIAL DWELLING UNITS FOR CERTAIN TIME PERIODS

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

SECTION 1. Chapter 104, Housing of the Code of the Township of Hardyston is hereby amended and supplemented with a new Article III entitled "Short-Term Rental Property", which shall read as follows:

CHAPTER 104 HOUSING

Article III: Short-Term Rental Property

§104-13 Rental for Certain Time Periods Prohibited.

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- A. Notwithstanding anything to the contrary contained in the Township of Hardyston Code, it shall be unlawful for an owner, lessor, sub-lessor, any other person(s), or entity(ies) with possessor or use right(s) in a dwelling unit, their principals, partner or shareholders, or their agents, employees, representatives and other person(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any dwelling unit, as defined herein, for a period of 60 days or less.
- B. Nothing in this section will prevent formation of an otherwise lawful occupancy of a dwelling unit for a rental period of more than 60 days.

§104-14 Definitions.

As used in this section, the following terms shall have the meanings indicated:

ADVERTISE OR ADVERTISING shall mean any form of solicitation, promotion and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this section, as same may be viewed through various media, including, but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration, which are prohibited by this section.

CONSIDERATION shall mean soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration, including a promise or benefit, a quid pro quo, rent, fees, other form of payment, or thing of value.

DWELLING UNIT shall mean any structure, or portion thereof, whether furnished or unfurnished, which is occupied, in whole or in part, or intended, arranged or designed to be occupied for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, cooperative, converted space, or portions thereof, that are offered to use, made available for use, or are used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration, for a period of 60 days or less.

HOUSEKEEPING UNIT constitutes a family-type situation involving one or more persons living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

OCCUPANT shall mean any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a dwelling unit.

OWNER shall mean any person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sublease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a dwelling unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON shall mean an individual, firm, corporation, association, partnership, limited liability company, entity, and any other person(s) and/or entity(ies) acting in concert or any combination thereof. Residential occupancy shall mean the use of a dwelling by an occupant(s).

§104-15 Permitted Uses.

- A. The residential occupancy of an otherwise lawful and lawfully occupied dwelling unit for a period of 60 days or less by any person who is a member of the housekeeping unit of the owner, without consideration, such as house guests, is permitted.

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B. Golf villas in connection with the golf course resort orientated housing as permitted within the C-R zone shall be permitted to rent, lease or otherwise lawfully occupy the dwelling unit in accordance with the land use approvals and conditions governing the development for a period of 60 days or less.

C. The cabins/dwelling units located at Block 59 Lot 6.04 in the MIDD-10 zone are permitted to be rented, leased or otherwise lawfully occupied for a period of 60 days or less in accordance with the land use approvals and conditions governing the property.

§104-16 Advertising Prohibited.

It shall be unlawful to advertise, solicit or promote by any means actions in violation of this section.

§104-17 New Jersey Uniform Fire Code Requirements.

Any change of occupancy for a residential dwelling unit as permitted pursuant to this ordinance shall be required to obtain a certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance (CSACMAPFEC) pursuant to the New Jersey Uniform Fire Code (N.J.A.C 5:70-2.3)

§104-18 Property Registration.

- A. Any person who is renting their dwelling unit for consideration on a temporary basis for a period greater than 60 days but less than 365 days shall be required to register with the Township Clerk by completing a registration form approved by the Manager of Hardyston Township.
- B. The registration shall include the property location, owner contact information, emergency contact information, the names of the occupants and the term of residence.
- C. The registration shall include a fee as established in Chapter 88 of the Township General Ordinances.

§104-19 Enforcement; Violations and Penalties.

- A. The provisions of this section shall be enforced by the Building Code Official, Fire Official, Health Department, other Subcode, Code Official, or law enforcement agent of the Hardyston Township Police Department, as their jurisdiction may arise, including legal counsel for the Township or other persons designated by the Township of Hardyston to issue municipal civil infractions directing alleged violators of this to appear in court or file civil complaints.
- B. A violation of this section is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- C. Any person found to have violated any provision of this section, without regard to intent or knowledge, shall be liable for maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding the maximum permitted by N.J.S.A. 40:49-5. Each day of such violation shall be a new and separate violation of this section.
- D. The penalty imposed herein shall be in addition to any other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Township's Municipal Court or the Superior Court of New Jersey in the vicinage of SussexCounty, or in such other court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

Section 2. Chapter 88 Fees, Section 88-1 Fees Payable to Municipal Clerk of the Code of the Township of Hardyston is hereby amended and supplemented to read as follows:

§88-1 Fees Payable to Municipal Clerk

- B. Licenses
 - (19) Temporary Rental Registration Fee: \$50 (Chapter 104)

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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. Some questions and concerns from the public were addressed and clarified by the Council. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Hamilton to approve Ordinance 2018-09 on second reading, seconded by Kula. All in favor. Motion carried.

2018-11

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX TO AMEND TOWNSHIP GENERAL ORDINANCES CHAPTER 125 OUTDOOR SHOWS TO CLARIFY THE REQUIREMENTS FOR HOLDING OUTDOOR EVENTS WITHIN THE TOWNSHIP

A motion was made by Hamilton and seconded by Verrilli to table the above Ordinance 2018-11 to a future meeting. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution #38-18 – Resolution of support for the Western Highlands Scenic Byway Corridor Management Plan

RESOLUTION #38-18

RESOLUTION OF SUPPORT FOR THE WESTERN HIGHLANDS SCENIC BYWAY CORRIDOR MANAGEMENT PLAN

Whereas, the Township of Hardyston expressed support for the establishment of the Western Highlands Scenic Byway in Resolution #55-10, adopted July 6, 2010; and

Whereas, the Western Highlands Scenic Byway was designated a State Scenic Byway by the Commissioner of the New Jersey Department of Transportation in 2014; and

Whereas, development of a Corridor Management Plan for the Western Highlands Scenic Byway is required for continued participation in the New Jersey Department of Transportation Scenic Byways Program; and

Whereas, a Scenic Byway Committee and professional consultant team have completed a Corridor Management Plan for the Western Highlands Scenic Byway with input and support from local and regional stakeholders; and

Whereas, the Corridor Management Plan is to be used as a tool to properly administer the Byway vision

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and goals to protect, enhance, and promote the byway's intrinsic qualities, providing voluntary means for residents and visitors alike to explore and share in this area's rich heritage and recreational assets; and

Whereas, the recommendations contained in the Corridor Management Plan offer the byway host communities of Hardyston and Vernon opportunities for increased tourism, economic development, and potential funding assistance for the maintenance, marketing, stewardship and roadside improvements of the proposed byway,

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 of Hardyston supports the purpose and intent of the Corridor Management Plan for the Western Highlands Scenic Byway.

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

- B. Resolution #39-18 - Resolution authorizing execution of agreement between the Hardyston/Franklin Municipal Alliance and the Sussex County Board of Chosen Freeholders

RESOLUTION #39-18

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING AGREEMENT

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

- 1. Hardyston/Franklin Municipal Drug Alliance – Sussex County Board of Chosen Freeholders

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

- C. Resolution #40-18 – Emergency IT Service Agreement – Core BTS, Inc.

RESOLUTION #40-18

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING AGREEMENT

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

- a. Emergency IT Service Agreement – Core BTS, Inc.

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

- D. Resolution #41-18 – Resolution authorizing the public display of fireworks at Hardyston Day on September 21, 2018 (Rain Date September 22nd)

RESOLUTION #41-18

RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS AT HARDYSTON DAY ON SEPTEMBER 21, 2018 (RAIN DATE SEPTEMBER 22nd)

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 21, 2018 (rain date - September 22, 2018) 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 21, 2018; 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 Verrilli to approve the resolution as presented, seconded by Kaminski. All in favor. Motion carried.

- E. Resolution #42-18 – Resolution authorizing the extension of a shared service agreement with the Sussex County Municipal Utilities Authority for the provision of designated Class A fiber recyclable material handling and marketing with profit sharing

RESOLUTION #42-18

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXTENSION OF A SHARED SERVICES AGREEMENT WITH THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR THE PROVISION OF DESIGNATED CLASS A FIBER RECYCLABLE MATERIAL HANDLING AND MARKETING WITH PROFIT SHARING

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter “SCMUA”), among other things, operates a recycling program within Sussex County as provided in the Sussex County District Solid Waste Management Plan; and

WHEREAS, the Uniform Shared Services and Consolidation Act, (N.J.S.A. 40A:65-1, et. seq.) (hereinafter, “the Act”) provides that local units of government may enter into a contract to provide or receive any service that either local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating units. (N.J.S.A. 40A:65-4.); and

WHEREAS, the Township of Hardyston has entered into a contract for services of the SCMUA in the form of performing designated Class A Fiber recyclable material handling and marketing with profit sharing; and

WHEREAS, the Township of Hardyston seeks to extend such terms of said contract for a term expiring August 31, 2019; and

WHEREAS, SCMUA has the ability and is desirous of making its Recycling Facility and recycling marketing capabilities available to Hardyston Township under the terms and conditions set forth in the Shared Services 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 extend the Shared Services Agreement, a copy of which is attached hereto, with the SCMUA for the provision of designated Class A Fiber recyclable material handling and marketing with profit sharing whereby the term of said agreement shall expire on August 31, 2019.

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2. The Mayor and Clerk are hereby authorized to execute any additional non-substantial amendments and/or modifications to the Agreement without the consent of the Township Council.
3. This Resolution shall take effect immediately.

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

- F. Resolution #43-18 – Resolution adopting the Hardyston Township Payroll Policy Guidelines/Procedures

RESOLUTION #43-18

RESOLUTION ADOPTING THE HARDYSTON TOWNSHIP PAYROLL POLICY GUIDELINES/PROCEDURES

BE IT RESOLVED, by the Township Council of the Township of Hardyston that it hereby adopts the Hardyston Township Payroll Policy Guidelines/Procedures.

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

- G. Resolution #44-18 – St. Clare’s Agreement for Emergency Medical Services

RESOLUTION #44-18

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOLLOWING AGREEMENT

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

- a. Agreement for Emergency Medical Services – St. Clare’s

A motion was made by Kula to approve the resolution as presented, seconded by Kaminski. All in favor with Hamilton abstaining.

- H. Request for refund of Zoning Board Application Fees – Lake Stockholm Community Association – Block 57, Lot 14

A motion was made by Verrilli to approve the request for a refund of the variance application fees due to the withdrawal of the application, seconded by Hamilton. All in favor. Motion carried.

- I. Manager’s Report – Public Works analysis

Township Manager gave a written and oral presentation regarding capital improvement planning and operational issues relating to staffing levels and a review of municipal services. It was the consensus of the Council to give authorization to seek non-binding bids for service relative to recycling and park maintenance. Township Manager stated that a formal Capital Improvement Plan will be prepared and presented to the Council at the September 26, 2018 meeting.

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- J. Resolution #45-18 – Resolution authorizing an extension of the employment agreement between the Chief of Police and the Township of Hardyston

RESOLUTION #45-18

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND
STATE OF NEW JERSEY AUTHORIZING AN EXTENSION
OF THE EMPLOYMENT AGREEMENT BETWEEN THE CHIEF
OF POLICE AND THE TOWNSHIP OF HARDYSTON**

WHEREAS, Bret Aley presently serves as the Chief of Police for Hardyston Township; and

WHEREAS, the Township Manager and the Mayor and Council wish to memorialize the terms of Chief Aley's employment; and

WHEREAS, the Police Chief's Employment Agreement has been discussed, negotiated and considered by the Mayor and Council; and

WHEREAS, a copy of the Employment Agreement is on file with the Township Clerk.

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 the Police Chief's Employment Agreement dated August 22, 2018.

This Resolution shall take effect immediately upon adoption.

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

- K. Resolution #46-18 – Resolution authorizing an employment agreement between the Township Manager and the Township of Hardyston

RESOLUTION #46-18

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND
STATE OF NEW JERSEY AUTHORIZING AN EMPLOYMENT
AGREEMENT BETWEEN THE TOWNSHIP MANAGER AND
THE TOWNSHIP OF HARDYSTON**

WHEREAS, the Mayor and Council wish to memorialize the terms of the Township Manager, Marianne Smith; and

WHEREAS, the Township Attorney has presented an Employment Agreement for the Council's consideration which memorializes the terms of Marianne Smith's employment with the Township; and

WHEREAS, a copy of the Employment Agreement is on file with the Township Clerk.

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 the Employment Agreement with Marianne Smith dated August 22, 2018.

This Resolution shall take effect immediately upon adoption.

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

	Hourly Salary
Winter Seasonal Laborer/Driver	\$ 20.00
Custodian	
Municipal Complex	\$ 13.80
Littell Center	\$ 10.20
Secretary/Clerical - Construction	\$ 17.29
Secretary/Clerical - Administration	\$ 13.80
Secretary/Clerical Temporary	\$ 8.60
Secretary/Administration (Technical Assistant to Construction Official & Police Secretary Hired before 6/28/05)	\$ 23.45
Secretary/Administration - Construction & Administration	\$ 23.13
Secretary/Administration - Tax Assessor	\$ 22.25
Assistant to the Chief Financial Officer	\$ 23.13
Recreation Director	\$ 23.05
Recreation On-Call Staff	\$ 10.00
Recreation Program Presenter Without Certification	\$ 15.00
Recreation Program Presenter With Certification	\$ 25.00
Electrical Subcode Official	\$ 51.34
Plumbing Subcode Official	\$ 41.00
Plumbing Subcode Inspector	\$ 33.00
Building Inspector - Part Time	\$ 30.00

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

M. Correspondence

1. Vernon Township
2. Vernon Township
3. Lafayette Township
4. Lafayette Township
5. Lafayette Township
6. Lafayette Township
7. Sandyston Township
8. County of Sussex
9. State of NJ

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

BILLS TO BE PAID: A motion was made by Hamilton 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. Resident Michelle Van Allen had a question regarding Resolution #42-18 and resident Michael Fiscus had a question regarding Ordinance 2018-11 which was tabled. Mayor Miller suggested, and it was the consensus of the Council, that the Township Attorney prepare a draft ordinance that addresses the use of fireworks at weddings for discussion at the next meeting. 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 August, 2018, 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.

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- () 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: Hamilton
 Seconded by: Kula

MOTION	YES	NO	ABSTAIN	ABSENT
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 Hamilton to come out of Executive Session, seconded by Kula. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Hamilton to adjourn at approximately 9:44 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
 Municipal Clerk