

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

The meeting was called to order via Zoom webinar by Mayor Kula at approximately 7:15 P.M. with the opening statement that the notice requirements of the Open Public Meetings Act were satisfied with respect to this meeting of the Mayor and Council of the Township of Hardyston which was held via Zoom webinar. Specifically, the time, date, and public call-in information were included in the meeting notice, posted in the Municipal Building, and sent the official newspapers of the Township, the NJ Herald and the NJ Sunday Herald. Additionally, the agenda and public call-in information for this meeting was posted in the Municipal Building and on the Township website, at least 48 hour preceding the start time of this meeting.

Also present via Zoom webinar were: Deputy Mayor Miller, Councilman Verrilli, Councilman Kaminski, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau. Councilwoman Hamilton joined the meeting at approximately 7:30 p.m.

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 – March 2020
2. Tax Collector Report – March 2020
3. Construction Certificate Activity Report – March 2020
4. Construction Permit Activity Report – Hardyston – March 2020
5. Construction Permit Activity Report – Hamburg – March 2020
6. Construction Permit Activity Report – Franklin – March 2020
7. Construction Permit Activity Report – Newton – March 2020
8. Construction Permit Activity Report – Sussex – March 2020
9. Construction Permit Activity Report – Wantage – March 2020
10. Municipal Court Report – March 2020
11. Littell Community Center Report – March 2020
12. Land Use Report – March 2020
13. Police Department Report – March 2020

Minutes:

1. Regular Minutes of 3/25/20

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

ORDINANCES

1st READING: None

ORDINANCES

2nd READING: 2020-03

**CALENDAR YEAR 2020
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.50%

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

unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$77,470.14 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Hardyston, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Township of Hardyston shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$271,145.48, and that the CY 2020 municipal budget for the Township of Hardyston be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Miller to approve Ordinance 2020-03 on second reading, seconded by Kaminski. All in favor. Motion carried.

NEW BUSINESS:

- A. Resolution #29-20 – Shared Service Agreement – Street Sweeping – Ogdensburg Borough

RESOLUTION #29-20

**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. Street Sweeping Services – Ogdensburg Borough

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

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

- B. Resolution #30-20 – Resolution authorizing the execution of an employment agreement between Scott Lobban and the Township of Hardyston

RESOLUTION #30-20

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

WHEREAS, the Chief of Police retired and the Township Council has engaged in efforts to select a new Chief of Police; and

WHEREAS, the Mayor and Council of the Township of Hardyston and Scott Lobban have agreed to terms whereby Mr. Lobban shall be appointed as Township of Hardyston Chief of Police effective April 1, 2020; and

WHEREAS, the Parties wish to memorialize the terms of this arrangement in an Employment Agreement between the Township of Hardyston and Scott Lobban; and

WHEREAS, the Township Attorney has reviewed and approved of the proposed Employment Agreement; 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, as follows:

- 1) That the Employment Agreement between the Township of Hardyston and Scott Lobban for the term April 1, 2020 through December 31, 2024 is hereby approved.
- 2) That the Mayor is hereby authorized to execute the Employment Agreement between the Township of Hardyston and Scott Lobban.

This Resolution shall take effect immediately upon adoption.

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

- C. Resolution #31-20 – Resolution converting the township’s snow removal reserves to storm recovery reserves and authorizing the use of same for coronavirus response efforts

RESOLUTION #31-20

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY CONVERTING THE TOWNSHIP’S
SNOW REMOVAL RESERVES TO STORM RECOVERY RESERVES AND AUTHORIZING
THE USE OF SAME FOR CORONAVIRUS RESPONSE EFFORTS**

WHEREAS, through issuance of Executive Order 103, Governor Murphy declared a state of emergency in response to the coronavirus outbreak in New Jersey; and

WHEREAS, the Township has expended significant resources in ensuring the health, safety and well-being of the residents and employees of Hardyston; and

WHEREAS, the Township has established a snow removal reserve which currently contains significant funds in light of the limited snow recovery efforts over the past winter season; and

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

WHEREAS, the Department of Community Affairs, Division of Local Government Services has provided guidance indicating that municipalities may convert snow removal reserves to storm recovery reserves pursuant to N.J.S.A. 40A:4-62.1; and

WHEREAS, when a state of emergency has been declared, N.J.S.A. 40A:4-62.1a(2) permits a municipality to utilize storm recovery reserves for “any purpose necessary to protect the safety, security, health and welfare” of the Township residents;

WHEREAS, the Township Council has determined that it is in the Township’s best interests to convert the snow removal reserves into storm recovery reserves and utilize those reserves to fund the Township’s efforts to fight the coronavirus outbreak.

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

1. The Township hereby creates a storm recovery reserve fund pursuant to N.J.S.A. 40A:4-62.1a(1).
2. The current snow removal reserves shall be converted to the storm recovery reserve fund.
3. A copy of this Resolution shall be provided to the Division of Local Government Services in accordance with LFN 2020-06.
4. The Township shall utilize the storm recovery reserves to finance the efforts to fight the coronavirus outbreak in Hardyston.
5. Any reimbursement of these expenditures shall be deposited back into the storm recovery reserve.

This Resolution shall take effect immediately upon adoption.

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

D. Resolution #32-20 – Self-examination of Budget Resolution

**RESOLUTION #32-20
SELF-EXAMINATION OF BUDGET RESOLUTION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 THRU 7.5 the Township of Hardyston has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Hardyston meets the necessary conditions to participate in the program for the 2020 budget year, so now therefore

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

BE IT RESOLVED, by the Township Council of the Township of Hardyston that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated.
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE Director of the Division of Local Government Services.

Councilwoman Hamilton joined the meeting at this time. A motion was made by Miller to approve the resolution as presented, seconded by Verrilli. All in favor with Hamilton abstaining. Motion carried.

E. 2020 Municipal Budget Public Hearing/Adoption

Township Manager Carrine Piccolo-Kaufer gave a verbal and written presentation of the 2020 Municipal Budget.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. The Mayor ensured that the phone lines were available for public comment, they were opened up for public comment and no one from the public wished to be heard. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

A motion was made by Miller to approve the 2020 Municipal Budget as presented, seconded by Kaminski. All in favor. Motion carried.

F. Correspondence

1. Lafayette Township
2. Franklin Borough
3. Hampton Township
4. Frankford Township
5. Sparta Township

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

6. State of NJ
7. Dykstra Associates, PC

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

BILLS TO BE PAID: A motion was made by Verrilli to approve the bill list as presented, seconded by Hamilton. 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. The Mayor ensured that the phone lines were available for public comment, they were opened up for public comment and no one from the public wished to be heard. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Verrilli to adjourn at approximately 8:00 p.m., seconded by Miller. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk