

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 23, 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, Councilman Verrilli, Councilman Kaminski, Manager Carrine Piccolo-Kaufer and Clerk Jane Bakalarczyk. Township Attorney Fred Semrau of Dorsey & Semrau was in attendance via Zoom. Councilwoman Hamilton was absent from this meeting.

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

Agreements/Applications/Licenses:

1. Raffle License – Friends of Robbie, Inc.
2. Raffle License – Sussex County Association of Realtors
3. Raffle License – The Craig School

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: 2020-06

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE
OF NEW JERSEY AMENDING THE TOWNSHIP CODE BY ESTABLISHING
CHAPTER 135 “NOISE”**

WHEREAS, the Township Code currently contains regulations and restrictions regarding noise throughout the Township; and

WHEREAS, the Mayor and Township Council have reviewed the recommended changes and believe that the changes promote the peace, health, public safety of the residents of the Township and are in the public interest.

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

SECTION 1. Chapter 135 "Noise" is hereby established to read as follows:

§135-1 Noise prohibited.

It shall be unlawful for any person to make, to continue, or cause to be made or continued and allowed, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Township of Hardyston.

§135-2 Definitions.

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The complainant need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

“Sounds-amplifying equipment” means any machine or device for the amplification of the human voice, music or any other sounds. Sound-amplifying equipment as used herein shall not be construed as including standard automobile radios when used and heard

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only by occupants of the vehicles in which they are installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

“Sound production device” means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

§135-3 Unlawful Acts

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but enumerations shall not be deemed to be exclusive:

- A. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, street car, or other vehicle on any street or public place of the Township, except as a danger warning; the creation by means of any such signaling device or any unreasonably loud or harsh sound; the sounding of any such device for any unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- B. Radios, phonographs, etc. Using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time at louder volume than is necessary for convenient hearing for the personal enjoyment of persons who are on the property or in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners.
- C. The operation of any device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the property line, building, structure or vehicle from which it emanates shall be prima facie evidence of a violation of this chapter.
- D. Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing in the public or private right of way, particularly between the hours of 10:00 p.m. and 7:00 a.m. or any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
- E. Steam whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper Township authorities.
- F. Exhausts. The discharge into the open air of the exhaust of any internal combustion engine except through an adequate muffler or other device which will effectively prevent loud or explosive noises therefrom. This includes by way of example and not by way of limitation, internal combustion engines power mowing motor vehicles, lawnmowers and chain saws.
- G. Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to a school, institution of learning, church or courthouse while the same are in use, or adjacent to a hospital, which unreasonably interferes with the workings of such institutions or which disturbs or unduly annoys patients in such

hospitals; provided that conspicuous signs are displayed in the streets indicating that located thereon is a school, hospital or court house.

- H. Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

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- I. Miscellaneous night noises. The "warming up" of diesel motors or motor vehicles; creation of loud or excessive noise in connection with loading or unloading of any vehicle; the repair, erection or demolition of any building, or the creation of any other loud or raucous sound or noise between the hours of 10:00 p.m. and 7:00 a.m. in proximity to any dwelling, residence or other inhabited buildings.
- J. The sound of any landscaping equipment, construction vehicles and/or equipment in operation that creates unreasonably loud or harsh sounds, including engine noise which shall be prohibited at commercial and residential development construction sites every day between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and 9:00 p.m. and 9:00 a.m. on weekends.

§135-4 Exemptions and exclusions.

- A. Use of sound-amplification equipment by Township and county, state or federal governments or agencies in connection with any emergency or other governmental or educational function, or use of any program or activity sponsored by the Township Council.
- B. Use of sound-amplification equipment by persons at the Wheatsworth Road Recreation Complex in Hardyston, provided that such equipment is approved or sanctioned by the Township Mayor and Council.
- C. Use of sound-amplification equipment in enclosed buildings where the sound is not audible at a distance of 50 feet from such buildings.
- D. The emission of sound at any regularly, permitted outdoor commercial recreational facility for the conduct of its usual business, as long as such activity takes place during the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends.
- E. Noise from or generated as a result of farming operations or farming equipment/vehicles incidental to the undertaking of a farming business or enterprise as long as such activity takes place during the hours of 6:00 a.m. and 11:00 p.m.
- F. Noise resulting from the use generators for the purpose of providing power to residential properties or commercial properties as the result of power outages lasting greater than four hours.

§135-4 Violations.

Violations of the provisions of this chapter may be enforced by the Township Health officer, Police and/or the Zoning officer and punished as provided in Chapter 1, General Provisions, Article I, §1-15, General penalties. In addition, any Township establishment or owner thereof that has a license to serve or sell alcohol that is issued a violation of this section must disclose such violation to the Township Clerk.

SECTION 3. 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 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 7. This Ordinance may be renumbered for codification purposes.

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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 Kaminski to approve Ordinance 2020-06 on second reading, seconded by Miller. All in favor. Motion carried.

NEW BUSINESS:

A. Resolution #64-20 – Certification of Annual Audit

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
FORM OF RESOLUTION #64-20**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Township Council* of the Township of Hardyston, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

B. Resolution #65-20 – Resolution authorizing a one year extension to the Turf Maintenance Agreement between the Township of Hardyston and Farmside Landscape & Design

RESOLUTION #65-20

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF
NEW JERSEY AUTHORIZING A ONE YEAR EXTENSION TO THE**

**TURF MAINTENANCE AGREEMENT BETWEEN THE TOWNSHIP
OF HARDYSTON AND FARMSIDE LANDSCAPE & DESIGN**

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WHEREAS, on November 28, 2018, the Township of Hardyston and Farmside Landscape & Design entered into a contract in the amount of \$54,860 for the maintenance of turf fields at the Township's Sports and Recreation Facility; and

WHEREAS, the bid specifications for the service included a provision that permits the Township to extend the contract for two (2) one year terms; and

WHEREAS, the Township has determined that a one year extension of the current contract with Farmside Landscape & Design is desirable and in the best interests of the Township; and

WHEREAS, Farmside Landscape & Design has agreed to perform all services currently being performed at the cost of \$54,860 for the term of the extension; and

WHEREAS, the Chief Financial Officer of the Township of Hardyston has certified that sufficient funds are available.

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 a one year extension of the current contract for maintenance of the turf fields at the Township's Sports and Recreation Facility at the total amount of \$54,860 is hereby approved in the contract between the Township of Hardyston and Farmside Landscape & Design.

This Resolution shall take effect immediately upon adoption.

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

- C. Resolution #66-20 – Resolution authorizing the Township Manager to enter into an agreement with MuniPay Nationwide Payment Solutions for the collection of tax payments

RESOLUTION #66-20

WHEREAS, N.J.A.C. 5:30-9.1 et seq. permits municipalities to accept electronic receipt transactions such as credit cards and debit cards as a means of collecting municipal obligations; and

WHEREAS, the Township of Hardyston desires to accept credit cards, debit cards and e-checks for the collection of tax payments by the Tax Collector; and

WHEREAS, the acceptance of credit cards, debit cards and e-checks by the Township for property taxes will make payment easier and more efficient; and

WHEREAS, the Township will not incur any fees associated with the use of credit cards or e-checks for tax payments since the fee is assessed to each individual user, and the Tax Collector will post the charge for credit card or e-check use on the website and in the Tax Collection Office;

WHEREAS, the Township now desires to enter into an Agreement with MuniPay Nationwide Payment Solutions as the most reasonable and least expensive provider of electronic receipting.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Township Council of the Township of Hardyston, in the County of Sussex, State of New Jersey, that the Township Manager is hereby authorized to execute an Agreement with MuniPay Nationwide Payment Solutions.

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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 #67-20 – Resolution urging Governor Murphy to reopen businesses in Hardyston Township and New Jersey in the immediate future

Resolution #67-20

**A RESOLUTION URGING GOVERNOR MURPHY TO REOPEN BUSINESSES IN HARDYSTON TOWNSHIP AND
NEW JERSEY IN THE IMMEDIATE FUTURE**

WHEREAS, the Sussex County Chamber of Commerce on August 20, 2020 gave testimony before the New Jersey Assembly Commerce and Economic Development Committee urging the State consider a regionalized reopening strategy for New Jersey businesses based upon the degree of disease; and

WHEREAS, Hardyston Township businesses are prepared and New Jersey's economy needs to open before more business are lost as outlined in the "Gateway to Resources for Business Re-opening," prepared by the regional coalition of Hunterdon, Sussex, and Warren Counties; and

WHEREAS, the regional coalition expressed its concern in a May 28, 2020 letter to the Governor expressing its on-going concern with the "one size fits all" approach to the reopening of the State's economy, and the regional precedent for reopening businesses based upon local conditions; and

WHEREAS, the citizens and leaders of Hardyston Township have demonstrated their ability to take proper precautions and measures to control the spread of the virus, which has resulted in the lowest infection rate and lowest new daily cases per capita in the entirety of the State; and

WHEREAS, the State of New Jersey's own COVID-19 Activity Level Report for the weeks of August 8 and 15, 2020 show the current activity level for the Northwest (which comprises Sussex, Morris, Passaic, and Warren Counties) as low with a COVID-19 Activity Level Index (CALI) Score of 1 (the lowest possible score); and

WHEREAS, the call for a regional approach to opening, based on data, if there is not a willingness by the Governor to fully reopen the State for business, is a reasonable approach inasmuch as decisive action is needed immediately so businesses will know whether to plan for a further reopening now or a prolonged limit on their business.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Hardyston concurs with statements made and reasons given by our businesses and elected leaders reflected above and notes that the uncertainties and economic damage to Hardyston Township reflected therein are not economically sustainable, and urges Governor Phil Murphy to seriously consider and plan with our leaders for a safe and regional reopening of our businesses in the immediate future; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded forthwith to the Governor, State Senate, State Assembly, each State and Congressional elected official representing any portion of Sussex County, the New Jersey Business Coalition and the Sussex County Chamber of Commerce.

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

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E. Resolution #68-20 – 2020 – 2021 Annual Liquor License Renewal

- Stone Hill Recreation SPE LLC - #1911-33-005-010 (Owen's Pub)

RESOLUTION #68-20

LIQUOR LICENSE RENEWAL

WHEREAS, the following Liquor License is to be renewed effective July 1, 2020, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2020 for the following license holder.

1. Stone Hill Recreation SPE LLC - #1911-33-005-010

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

F. Resolution #69-20 – 2020 – 2021 Annual Liquor License Renewal

- Stone Hill Recreation SPE LLC - #1911-33-006-012 (The Crystal Tavern, Restaurant La Tour, The Wine Cellar, Vista 180 Café)

RESOLUTION #69-20

LIQUOR LICENSE RENEWAL

WHEREAS, the following Liquor License is to be renewed effective July 1, 2020, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2020 for the following license holder.

1. Stone Hill Recreation SPE LLC - #1911-33-006-012

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

G. Resolution #70-20 – 2020 – 2021 Annual Liquor License Renewal

- Stone Hill Recreation SPE LLC - #1911-36-007-004 (Grand Cascades Lodge – The Springs Bistro, The Biosphere Café, The Chef's Garden)

RESOLUTION #70-20

LIQUOR LICENSE RENEWAL

WHEREAS, the following Liquor License is to be renewed effective July 1, 2020, for a one year period; and
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WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective July 1, 2020 for the following license holder.

1. Stone Hill Recreation SPE LLC - #1911-36-007-004

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

- H. Resolution #71-20 – Resolution authorizing the award of a contract for recycling collection to Blue Diamond Disposal, Inc.

RESOLUTION #71-20

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR RECYCLING COLLECTION TO BLUE DIAMOND DISPOSAL INC.

WHEREAS, pursuant to authorization by the Mayor and Township Council of the Township of Hardyston, the Township received sealed competitive bids for recycling collection; and

WHEREAS, one (1) sealed bid was received and opened on September 11, 2020, in accordance with the bid specifications:

	Option 1 Single Stream	Option 2 Dual Stream	Alternate A Recycling with Marketing
First Year A Once every 4 weeks	\$144,000.00	\$144,000.00	\$144,000.00
Second Year A Once every 4 weeks	\$144,000.00	\$144,000.00	\$144,000.00
Total A	\$288,000.00	\$288,000.00	\$288,000.00
First Year B Once every 2 weeks	\$288,000.00	\$288,000.00	\$288,000.00
Second Year B Once every 2 weeks	\$288,000.00	\$288,000.00	\$288,000.00
Total B	\$576,000.00	\$576,000.00	\$576,000.00

; and

WHEREAS, said bid has been duly reviewed and analyzed by the Hardyston Township Attorney and Township DPW Director; and

WHEREAS, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, responsive bidder; and

WHEREAS, the bid received from Blue Diamond Disposal Inc., for Option 2 (Dual Stream) A (once every 4 weeks) in the total amount of \$288,000.00 (\$144,000 per

year for two (2) years) has been found to be in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; and

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WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this service.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey as follows:

1. The Township Council hereby awards a contract to Blue Diamond Disposal Inc., 5 Brandywine Court, PO Box 267, Succasunna, New Jersey 07876 for recycling collection in accordance with the bid specifications for Option 2 (Dual Stream) A (once every 4 weeks) in the total amount of \$288,000.00 (\$144,000 per year for two (2) years).

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Blue Diamond Disposal Inc. in accordance with its bid for performing recycling collection for the Township of Hardyston.

3. The Township's Chief Financial Officer has certified the availability of funds for this contract.

4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

This Resolution will take effect immediately upon adoption.

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

- I. Resolution #72-20 – Resolution opposing reallocation from the State Recycling Fund

RESOLUTION #72-20

**TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY
RESOLUTION OPPOSING REALLOCATION FROM THE STATE RECYCLING FUND**

WHEREAS the international markets for recycled materials have all but collapsed; and

WHEREAS, not enough domestic market capacity exists; and

WHEREAS, this market crisis has resulted in tipping fees for single stream recycling in the range of \$75 to \$100 per ton and higher, thus being equivalent to and, in some cases exceeding, the cost of disposal, and

WHEREAS, New Jersey towns have been forced to scramble under severe budget constraints to cover unanticipated costs to maintain these mandated recycling services to their residents; and

WHEREAS, the New Jersey State Recycling Fund provides an estimated \$24 million to municipalities and counties to fund mandated and essential recycling services to their constituents; and

WHEREAS, the impact of COVID-19 and subsequent business and government shutdowns have substantially increased the residential recycling generation rates due to work from home policies and orders; and

WHEREAS, the lack of recycling markets along with higher volumes have the potential for further straining municipal budgets in the coming years; and

WHEREAS, Governor Murphy's proposed reallocation of \$12 million to state park management will severely cut the grant amounts available and will have a negative impact on local budgets, as recycling is mandated by state law; and

WHEREAS, now is not the time to further compromise municipalities' ability to meet state recycling mandates; and

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WHEREAS, the Township Mayor & Council of the Township of Hardyston, Sussex County are concerned that reduction of \$12 million from the State Recycling Fund will impair its ability to maintain an adequate recycling program; and

NOW, THEREFORE, BE IT RESOLVED that the Township Mayor & Council of the Township of Hardyston, Sussex County, oppose the reallocation of any and all monies from the State Recycling Fund.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this resolution to the New Jersey Secretary of State; the Governor of the State of New Jersey; the President of the New Jersey State Senate; the Speaker of the General Assembly; the 24th Legislative District, the New Jersey State League of Municipalities, Sussex County Municipalities and the Sussex County Board of Chosen Freeholders.

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

- J. Resolution #73-20 – Resolution to authorize settlement regarding a dispute relating to the abandoned and vacant property registration fee assessed by the Township of Hardyston

RESOLUTION #73-20

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF
NEW JERSEY TO AUTHORIZE SETTLEMENT REGARDING A
DISPUTE RELATING TO THE ABANDONED AND VACANT
PROPERTY REGISTRATION FEE ASSESSED BY THE TOWNSHIP
OF HARDYSTON**

WHEREAS, the property known as 212 Davis Road was rightfully designated as an abandoned property in 2018; and

WHEREAS, in January, 2019 the property continued to be rightfully designated as abandoned as permits were not applied for and yet and work began in the latter part of 2019 on the property; and

WHEREAS, Boughton Enterprises, who purchased the subject property in late 2018, has requested reconsideration by the Mayor and Township Council of the abandoned property fee for 2019 in the amount of \$1,500; and

WHEREAS, at the public meeting of August 26, 2020, the governing body has proposed that they will consider the return of said fee if a Certificate of Occupancy is issued by June 30, 2021.

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 abandoned and vacant property registration fee for the property known as 212 Davis Road for the year 2019 in the amount of \$1,500 will be refunded if a Certificate of Occupancy is issued by June 30, 2021.

BE IT FURTHER RESOLVED, the governing body's consideration of the return of this fee will be premised upon receiving a report from the Township Construction Official and the Township Zoning Officer to confirm that since the date of this Resolution, there were no other violations issued by the Construction or Zoning Official from the date of this Resolution to the date of the issuance of the Certificate of Occupancy.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Boughton Enterprises as well as the Construction and Zoning Officers for the Township of Hardyston.

This Resolution shall take effect immediately upon adoption.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 23, 2020**

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

K. Correspondence

1. Lafayette Township
2. Fredon Township
3. Stillwater Township
4. Sandyston Township
5. Sandyston Township
6. Franklin Borough
7. Franklin Borough
8. Hamburg Borough
9. Sparta Township
10. Byram Township
11. Sussex Borough
12. County of Sussex
13. County of Sussex
14. State of NJ
15. State of NJ

Deputy Mayor Miller suggested drafting an amendment to the Hardyston Township ordinance regarding recreational vehicles similar to correspondence item #6. The Council was in agreement.

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 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. Members of the public, Bohdan Senyszyn and John Burger shared their concerns regarding the completion of roads and sidewalks in the Brecia Farms Development. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Miller to adjourn at approximately 7:50 p.m., seconded by Verrilli. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk