

TOWNSHIP OF HARDWICK
WARREN COUNTY, NEW JERSEY

November 6, 2019

The monthly Business meeting of the Hardwick Township Committee was held on this date at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey. This meeting was called to order at 6:38PM by the Township Clerk Judith Fisher who noted that this meeting was being held in compliance with the "Open Public Meetings Act":

In accordance with Chapter 231 of the Public Laws of 1975, notice of this meeting was given by way of notice with the New Jersey Herald and/or the Express-Times, filed in the Municipal Clerk's Office and posted in the Hardwick Municipal Building.

Roll Call:

Present: Mayor Kevin Duffy, Deputy Mayor Alfred Carrazzone, Committeeman James Perry

Also present: Township Attorney Michael Lavery, CPWM Thomas Campbell, CMFO Christine Rolof and Township Engineer Ted Rodman

Absent: None

Executive Session: RESOLUTION

A motion was made by Mr. Perry, seconded by Mr. Carrazzone and carried to adopt the Resolution to go into Closed Session at 6:39PM.

RESOLUTION

WHEREAS, Section 8 of the Open Pubic Meeting Act, Chapter 231, P. L 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hardwick, in the County of Warren and State of New Jersey as follows:

1. The public shall be excluded from that portion of this meeting
2. The general nature of the subject matter to be discussed is as follows:

A. Contractual, Vass Farmstead

B. Attorney Client – Personnel – Township Employee

As nearly as can be ascertained, the matter or matters to be discussed at this time will be disclosed to the public when such matters are resolved.

Time In: 6:39PM

Present: Mr. Carrazzone, Mr. Duffy, Mr. Jim Perry

Also Present: CPWM Thomas Campbell, Twp. Attorney Michael Lavery, Township Clerk Judith Fisher

Absent: None

Time Out: 7:03PM

A motion was made by Mr. Carrazzone, seconded by Mr. Perry to come out of closed session at 7:03PM. Motion carried and unanimous.

Attorney Mr. Lavery noted that he met in closed session with the Committee and discussed one item: Contractual – Vass Farmstead. The Attorney/Client Information – Personnel, Township Employee was not discussed tonight. No official action was taken by the Committee at this time. Copies of the minutes will be made available at such time as the Committee determines that there is no harm to the public interest.

Payment of the Bills:

A motion was made by Mr. Carrazzone, seconded by Mr. Perry and carried to authorize the payment of the bills in the amount of \$139,562.32

Roll Call

Ayes: Mr. Jim Perry, Mr. Carrazzone, Mayor Duffy

Nays: None

Abstentions: None **Absent:** None

REPORTS

Ted Rodman, Twp. Engineer reported that core samples were done on Sunset Lake Road per the DOT agreement. The cost for doing this comes out of the State DOT money – Township portion. Right now, the samples are not looking good. AS for the Guide Rail replacements on Sunset, Township is waiting to schedule with the Company that will be doing this from the Co-Op. The driveway issue on River View has been resolved and their Bond Escrow has been returned.

Stormwater Education will be done at the Elementary School November 14 & 15. Township will receive a credit and there will be no cost to the Township.

Mr. Carrazzone talked with the Engineer about a 4 way stop at Stillwater Road and Spring Valley Road. This is a County road and the request will need to go to the County Engineer as a formal request. Since the Hardwick Seniors are asking for this, it was suggested that they write a letter to the Committee about this that will be forwarded to the County Engineer.

Tom Campbell, CPWM, reported that he and Mayor Duffy have been working with FEMA to close out a project from 8 years ago. The project then was Paulinskill Road. They (FEMA) would like to open this case again and discuss what work was done back 8 years ago. There is a possibility of the Township receiving funds from them.

Mr. Perry noted that he received a call about tractor marks on Tannery Road. These marks were made after the road was oil/stoned. Mr. Campbell noted that this will be fixed after the first snow.

Christine Rolef, CFO: The bills and her monthly report were reviewed. Since the League Convention is coming up soon, a friendly reminder that for reimbursement, all receipts must to submitted with a voucher.

Attorney: Mr. Lavery has nothing more to report on at this time.

Clerk: Mrs. Fisher reviewed correspondents received

Grant: Mrs. Desiree Dunn reminded all that the Firewise Certification is due by November 15th. As for Stand Pipes, she and Bob Wolff are surveying the Township for locations.

OEM: No Report tonight

Retired Fire Warden: Mr. Wolff is attending a Fire Company meeting tonight and was unable to attend tonight.

RESOLUTION

Motion by Mr. Carrazzone, second by Mr. Perry to approve **Resolution 2019-48** as presented. Motion carried and a voice vote was unanimous.

2019-48 Resolution Calling for Study Commission to Review the Open Public Records Act

WHEREAS, the Township of Hardwick strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, Township of Hardwick has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, Township of Hardwick received and responded to 58 OPRA requests in 2017, 100 OPRA requests in 2018, and to date has received and responded to 135 OPRA requests as of September 1, 2019; and

WHEREAS, Township of Hardwick municipal staff has spent approximately 75 hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 50 hours since 2017; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Township of Hardwick must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees of approximately \$300.00 in response to OPRA requests in 2017, \$400.00 in response to OPRA requests in 2018, and currently has spent 500.00 in response to OPRA requests in 2019; and

WHEREAS, Construction Department, Zoning Office, Tax Collector, Tax Assessor and Municipal Clerk OPRA requests that were costly, interrupted operations; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever-increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of Township of Hardwick appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission’s findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Senator Steve Oroho, Assemblyman Parker Space, Assemblyman Hal Wirth, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, Congressman Josh Gottheimer, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

Dated: November 6, 2019

CERTIFICATION

I, Judith Fisher, Township Clerk of the Township of Hardwick, certifying the foregoing to be a true copy of a resolution adopted by the Township Committee at their meeting held November 6, 2019.

Mr. Perry noted that he plans for form a Committee to discuss this issue and to figure out a way to fix the problems with OPRA.

RESOLUTION

Motion by Mr. Carrazzone, second by Mr. Perry to approve **Resolution 2019-49** as presented. Motion carried and a voice vote was unanimous.

2019-49 RESOLUTION TO RELIEVE THE TAX COLLECTOR FROM COLLECTING CERTAIN TAXES

WHEREAS, the Assessor has discovered an error in the Tax Book of the Township of Hardwick, County of Warren, State of New Jersey for 2019.

WHEREAS, the Assessor of the Township of Hardwick during his course of work has discovered that the following errors with the corrections:

Block	Lot	Tax Dollars	Revised Tax Dollars	Reason
701	1	366.85	0	Exempt
701	1 - Q0034	104.26	0	Exemp0074
801	14	63.80	0	Exempt
801	16	105.27	0	Exempt
801	17	41.47	0	Exempt

All the above are exempt block/lots because of Green Acres Tax Exemption.

NOW, THEREFORE BE IT RESOLVED that the Township of Hardwick Committee relieve the Tax Collector from collecting taxes on the above block / lots.

C e r t i f i c a t i o n

I hereby certify that the foregoing resolution is a true and accurate copy of a resolution duly adopted by the Township Committee of the Township of Hardwick, at its meeting held on November 6, 2019.

ORDINANCE: 2nd Reading and Public Hearing

Motion was made by Mr. Carrazzone, seconded by Mr. Perry and carried to approve **Ordinance 2019-09** for 2nd Reading and Public Hearing

2019-09 An Ordinance of the Township of Hardwick, County of Warren, State of New Jersey, Amending and Supplementing Chapter II “Administration”, to Add Section 2-25. Entitled “Reimbursement to Fire Department for Costs.

WHEREAS, the Fire Department provides fire suppression and emergency services in and around the Township of Hardwick; and

WHEREAS, the costs incurred for the maintenance of equipment used by the Fire Department grows each year; and

WHEREAS, it is the desire of the Township Committee to create an Ordinance to allow a recovery plan for the costs and expenses incurred to remediate hazards; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey, as follows:

SECTION 1. Chapter II of the Code of the Township is hereby amended to add Section 2-25 entitled “Reimbursement to Fire Department for Costs” which reads as follows:

2-25. Reimbursement to Fire Department for Costs.

§ 2-25.1 Definitions.

Costs. All costs incurred by the Township or Department, including but not limited to the following: actual labor costs of personnel, workers’ compensation benefits, cost of equipment operation, and cost of materials.

Hazardous Substance. Any and all elements and compounds, including petroleum products, which are defined as such by the New Jersey Department of Environmental Protection, N.F.P.A. Guide of Hazardous Materials, list of hazardous substances adopted by the Federal Environmental Protection Agency, or list of toxic pollutants designated by Congress or the Environmental Protection Agency.

§ 2-25.2. Authorization to Recover Costs.

The governing body of the Township of Hardwick authorizes the Department to recover the costs of fire-fighting materials used and expended; the costs of the use of the fire trucks, fire engines, rescue equipment, and tankers; and the costs of personnel hours and hazardous situation abatement materials used in any hazardous abatement incident.

§ 2-25.3. Schedule of Fees and Costs.

Below is a schedule of fees and costs to be charged by the Department to any person, or their insurance carrier, for whom or for whose property such services were rendered.

Type of Incident	Description	Fee
Vehicle Incidents	Any hazardous abatement incident involving a vehicle substantial enough to cause the Department to use tools and skill to bring the incident under control.	For year 2019 the fee per vehicle shall be \$750. Thereafter the Township Committee will set the fee by Resolution.
Hazardous Substance	Intentional or unintentional discharge of a hazardous substance or hazardous material fires.	Actual costs incurred at an hourly rate set by the Township Committee for personnel involved in the response to the incident.

§ 2-25.4. Parties Responsible for Reimbursement to the Department.

Reimbursement to the Department shall be made by:

The owner or operator of the vehicle responsible for the hazardous condition;

Any person responsible for the discharge of any hazardous substance which is abated by the Department;

The owner or person responsible for the vessel containing the hazardous material causing the hazardous condition;

The owner or person responsible for the property from which the hazardous condition emanated;

§ 2-25.5. Third-Party Billing Agent.

The Department is hereby authorized to bill and collect costs due to it under this Article through a third-party billing agent, provided such agreement with the third-party billing agent is subject to the approval of the Township committee.

§ 2-25.6. Collection of Costs.

Said costs and fees as outlined above shall be recovered directly by the Department, or through a third-party billing agent, by billing to the responsible party.

§ 2-25.7. Report to the Township Committee.

The Department shall provide a monthly report to the Township Committee detailing all billing and receipts under this Article.

§ 2-25.8. Time Limit for Reimbursement.

Any person or entity responsible for any hazardous condition abatement incident shall reimburse the Department pursuant to the schedule of fees set forth above, or provide proof that they have submitted a claim to their insurance carrier for payment within 45 days after receipt of the Department's invoice. These provisions shall be subject to the following:

Persons receiving services from the Department shall cooperate with the Department, or other billing personnel hired by the Department, to secure full payment for services rendered.

Due to anticipated time requirements for the preparation and processing of insurance claims, parties that have provided proof of a claim to their insurance carrier shall not be charged interest or subject to the penalties hereunder.

Responsible parties under this chapter shall ensure that the Department is authorized to receive any payments from any insurance carrier as required this chapter.

The Department reserves the right to determine that a bill, uncollectable by reason of unavailability of insurance coverage, can be written off.

§ 2-25.9. Violations and Penalties.

Any person violating any provision of this article and responsible for any hazardous condition within the service area of the Department who fails to reimburse the Department as provided herein, or submit a claim to the appropriate insurance carrier within the time required, shall be subject to a penalty and/or fine for each violation in accordance with Code of the Township of Mansfield.

SECTION 2

All ordinances or parts of ordinances which are consistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

SECTION 3

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 4

This Ordinance shall take effect after final passage and publication in accordance with the law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced to pass on the first reading meeting of the Township Committee of the Township of Hardwick held on October 2, 2019 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on November 6, 2019, at 7:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Judith Fisher, R.M.C.
Township of Hardwick

Mr. Perry moved to open this portion of the meeting to the Public for any questions on this Ordinance, second by Mr. Duffy. Motion carried. Seeing there was no public comments, Mr. Perry then moved to close this portion of the meeting to the Public, second by Mr. Carrazzone. Mr. Perry then moved to adopt Ordinance 2019-09, Mrs. Fisher then asked for a second and there was **no second**. Ordinance 2019-09 then died for a lack of a second motion to adopt.

ORDINANCE Introduction 1st Reading

Motion was made by Mr. Carrazzone, seconded by Mr. Perry to re-introduce Ordinance 2019-09 for first reading.

The only change to this ordinance is that the **FEES** will be **ACTUAL COSTS INCURRED** for Vehicle Incidents and Hazardous Substances.

2019-10 An Ordinance of the Township of Hardwick, County of Warren, State of New Jersey, Amending and Supplementing Chapter II “Administration”, to Add Section 2-25. Entitled “Reimbursement to Fire Department for Costs.

WHEREAS, the Fire Department provides fire suppression and emergency services in and around the Township of Hardwick; and

WHEREAS, the costs incurred for the maintenance of equipment used by the Fire Department grows each year; and

WHEREAS, it is the desire of the Township Committee to create an Ordinance to allow a recovery plan for the costs and expenses incurred to remediate hazards; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey, as follows:

SECTION 1. Chapter II of the Code of the Township is hereby amended to add Section 2-25 entitled “Reimbursement to Fire Department for Costs” which reads as follows:

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Hazardous Substance. Any and all elements and compounds, including petroleum products, which are defined as such by the New Jersey Department of Environmental Protection, N.F.P.A. Guide of Hazardous Materials, list of hazardous substances adopted by the Federal Environmental Protection Agency, or list of toxic pollutants designated by Congress or the Environmental Protection Agency.

§ 2-25.2. Authorization to Recover Costs.

The governing body of the Township of Hardwick authorizes the Department to recover the costs of fire-fighting materials used and expended; the costs of the use of the fire trucks, fire engines, rescue equipment, and tankers; and the costs of personnel hours and hazardous situation abatement materials used in any hazardous abatement incident.

§ 2-25.3. Schedule of Fees and Costs.

Below is a schedule of fees and costs to be charged by the Department to any person, or their insurance carrier, for whom or for whose property such services were rendered.

Type of Incident	Description	Fee
Vehicle Incidents	Any hazardous abatement incident involving a vehicle substantial enough to cause the Department to use tools and skill to bring the incident under control.	Actual costs incurred.
Hazardous Substance	Intentional or unintentional discharge of a hazardous substance or hazardous material fires.	Actual costs incurred.

§ 2-25.4. Parties Responsible for Reimbursement to the Department.

Reimbursement to the Department shall be made by:

The owner or operator of the vehicle responsible for the hazardous condition;

Any person responsible for the discharge of any hazardous substance which is abated by the Department;

The owner or person responsible for the vessel containing the hazardous material causing the hazardous condition;

The owner or person responsible for the property from which the hazardous condition emanated;

§ 2-25.5. Third-Party Billing Agent.

The Department is hereby authorized to bill and collect costs due to it under this Article through a third-party billing agent, provided such agreement with the third-party billing agent is subject to the approval of the Township committee.

§ 2-25.6. Collection of Costs.

Said costs and fees as outlined above shall be recovered directly by the Department, or through a third-party billing agent, by billing to the responsible party.

§ 2-25.7. Report to the Township Committee.

The Department shall provide a monthly report to the Township Committee detailing all billing and receipts under this Article.

§ 2-25.8. Time Limit for Reimbursement.

Any person or entity responsible for any hazardous condition abatement incident shall reimburse the Department pursuant to the schedule of fees set forth above, or provide proof that they have submitted a claim to their insurance carrier for payment within 45 days after receipt of the Department's invoice. These provisions shall be subject to the following:

Persons receiving services from the Department shall cooperate with the Department, or other billing personnel hired by the Department, to secure full payment for services rendered.

Due to anticipated time requirements for the preparation and processing of insurance claims, parties that have provided proof of a claim to their insurance carrier shall not be charged interest or subject to the penalties hereunder.

Responsible parties under this chapter shall ensure that the Department is authorized to receive any payments from any insurance carrier as required this chapter.

The Department reserves the right to determine that a bill, uncollectable by reason of unavailability of insurance coverage, can be written off.

§ 2-25.9. Violations and Penalties.

Any person violating any provision of this article and responsible for any hazardous condition within the service area of the Department who fails to reimburse the Department as provided herein, or submit a claim to the appropriate insurance carrier within the time required, shall be subject to a penalty and/or fine for each violation in accordance with Code of the Township of Mansfield.

SECTION 2

All ordinances or parts of ordinances which are consistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

SECTION 3

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.

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OLD BUSINESS: NONE

NEW BUSINESS

2020: As of Jan 14, 2020, Windows 7 support will end. IT has made upgrade recommendations An email from Mr. Reece, IT Support noted that as of January 14, 2020, Microsoft will no longer provide security updates or support for PCs running Windows 7. Mr. Perry suggested that we might be able to cycle computers, like upgrade 2 with Windows 10 and then purchase 2 new and a laptop. Mrs. Fisher reminded the Committee that the Server will also need to be updated next year before the warranty expires. Mrs. Fisher will propose this question to Mr. Reece with an answer for the December meeting.

DISCUSSION

2020- In-Building Radio Communications

An Ordinance of the Township of Hardwick, County of Warren, State of New Jersey to Require Large Hardened Buildings to Install Radio Booster Equipment to Support Interior Radio Communications with Law Enforcement Officers, Firefighters and Emergency Medical Personnel (Emergency First Responders) when Radio Communications Deficiencies Exit

A copy of this proposed ordinance was sent to the Chairman of the Planning/Land Use Board for any comments. Mr. Lavery noted that if the one concern the Committee has is with the sentence "However, should the exempted structure undergo renovation, restoration, or significant

modification to the original structure, exemption from the provisions of the ordinance, shall not apply” it could be taken out. After a brief discussion, it was suggested to eliminate that sentence and then introduce at the Reorganization meeting on January 2, 2020

Slabtown Creek Park: The dedication of the park has been postponed to the Spring 2020.

White Lake – Update: Expansion of the new dock No update at this time

APPROVAL OF THE MINUTES: October 2, 2019, Business Mtg & Executive Session
October 26, 2019, Work Meeting

Motion made by Mr. Carrazzone. second by Mr. Perry to approve the above minutes as corrected. Motion carried and a voice vote was unanimous.

PUBLIC COMMENTS:

A motion was made by Mr. Carrazzone, seconded by Mr. Perry and carried to open this portion of the meeting for comments from the Public.

Mr. Ohl, Stillwater Road asked the Committee about a Township newsletter. He also questioned the Clean Community funds disbursement.

Mrs. Dunn, Millbrook Stillwater Road reported that next years Hardwick Day will be hosted by Happiness is Camping. She also asked about maybe having a railing on the walk way to access the building and then making sure that the walk way ramp is ADA Compliant. It was noted by Mr. Campbell that the Insurance Company comes every year to inspect the building and the ramp and work way is acceptable.

Mr. Fisher, Sunset Lake Road noted that he was upset with Mr. Perry about not paying the Township back for his Health Insurance. At several meetings, when he took the insurance, he noted that it would not cost the Township anything and he would pay the Township back; to date there has been nothing paid back.

Seeing there were no other public comments, Mr. Perry motioned to closed this portion of the meeting to the public, second by Mr. Duffy. Motion carried.

Committee Reports:

Mr. Perry talked about Century Link and upgrades.

Mr. Carrazzone talked about Sunset Lake Road, thanking the DPW for getting it done. His question is when will the other half of the road be done. Mr. Campbell noted that the DOT money only went so far. Next years budget, we will need to budget to finish the remaining section; cost would be estimated at about \$75,000. Mr. Carrazzone then noted that he is interested in take the medical insurance next year.

Mr. Duffy spoke about Service Electric noting that we needed more clarification about non-channels and the survey that they did about the upgrades.

Adjournment:

A motion was made by Mr. Perry, seconded by Mr. Duffy and carried to adjourn tonight’s meeting of the Hardwick Township Committee at 8:08PM

Respectfully submitted

Judith M. Fisher, RMC