

TOWNSHIP OF HARDWICK
WARREN COUNTY, NEW JERSEY

JUNE 5, 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 6:43PM 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. Mrs. Fisher then led the public in the pledge of allegiance.

Roll Call:

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

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

Absent: None

Executive Session: RESOLUTION

A motion was made by Mr. Perry, seconded by Mr. Duffy and carried to adopt the Resolution to go into Closed Session at 6:44PM.

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. Potential Litigation, Attorney/Client: Primrose Road

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: 6:44PM

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

Also Present: Township Engineer Ted Rodman, CPWM Tom Campbell. Attorney Michael Lavery, Township Clerk Judith Fisher

Time Out: 7:04PM

A motion was made by Mr. Perry, seconded by Mr. Carrazzone to come out of closed session at 7:04PM. Motion carried and unanimous.

Attorney Mr. Lavery noted that he met in closed session with the Committee and discussed three items: Attorney/Client privilege Information, Potential Litigation, Primrose Road, . 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 \$196,056.68.

Roll Call

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

Nays: None

Abstentions: None **Absent:** None

Desiree Dunn spoke about Hardwick Day which is schooled for October 20 at Princeton Education Camp on Millbrook Road from 12PM to 5PM. Firewise will be incorporated into this event so that we can qualify for grant money. Her budget will be \$1000 for this event.

REPORTS

Engineer: Mr. Rodman talked about Sunset Lake Road and a change in the scope of work.

The necessary paperwork has been resubmitted to DOT. This project will now be from Millbrook Road to the driveway of Happiness is Camping. The project needs to be awarded no later than March 25, 2021. State Aid for the Transportation DOT for 2020 needs to be submitted no later than July 20th, 2019. He will do the estimates that will be reviewed by the Committee before submitting to DOT.

DPW: Mr. Campbell talked paving in July. He has a meeting set up with Tilcon next week.

CFO: The bills and her monthly report were reviewed.

Attorney: Mr. Lavery had nothing more than what we discussed in closed session

Clerk: Mrs. Fisher reviewed correspondents received

Grant: No report tonight

OEM: No Report tonight

Retired Fire Warden: Mr. Wolff, retired Fire Warden and Eric Weber, Fire Warden talked about a few issues that involved a search and rescue in Worthington State Park. Mr. Wolff noted that the Catfish Tower will be 100 years year and there are plans of a celebration.

RESOLUTION

Motion was made by Mr. Perry, second by Mr. Carrazzone to approve **Resolution 2019-27**. Motion carried and a voice vote was unanimous.

2019-27 K-12 Feasibility Study

WHEREAS, our community recognizes the fundamental importance of strong public schools providing our students with thorough and efficient public educations; and

WHEREAS, severe changes to the school funding formula were made by former Senate Bill 2, now adopted as P.L. 2018 Chapter 67, without consideration to its consequences to our community, which will virtually eliminate state aid funding (“AID REDUCTION”) for the K-12 students from Blairstown, Frelinghuysen, Hardwick, and Knowlton which will occur over the next six fiscal years; and

WHEREAS, the aid reduction will have an irreparable impact to not only those school districts but also to the economic viability of the surrounding townships and region because when our schools suffer, our communities lose; and

WHEREAS, the recently created Legislative Economic and Fiscal Policy Workgroup was charged with a “broad mission to identify ways to address soaring . . . costs, hold down property taxes, make state and local government and school districts more efficient . . . and mitigate the negative impact of the federal tax law that targeted high-cost states,” and on August 9, 2018, published its report called “Path to Progress;” and

WHEREAS, increasing educational costs create tax burdens for our communities; and

WHEREAS, consistent with the mission of the Path to Progress, our local entities are collaboratively looking to conserve resources and find efficiencies through shared services and other options, including the consideration of regionalization, consolidation, and expanded send-receive relationships between and among our school districts; and

WHEREAS, guidance from the New Jersey School Boards Association released on February 16, 2018, analyzed barriers to regionalization, consolidation, and expanded send-receive relationships between and among school districts titled, “Impediments to School District Regionalization” which suggests that the first step in determining whether such actions are viable is to engage in a fact-gathering “feasibility study;” and

WHEREAS, our community recognizes that this resolution is not a vote to regionalize, consolidate, create new send-receive relationships, or in any other way change our current and established school district.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Hardwick supports and agrees to participate in a feasibility study, as facilitated by Blairstown Township, which will be reimbursed by the State of New Jersey.

Motion was made by Mr. Carrazzone, second by Mr. Perry to approve **Resolution 2019-28**. Motion carried and a voice vote was unanimous

2019-28 CONCERNING TRAFFIC IMPACTS TO THE NJDOT’S ROUTE 80 WESTBOUND ROCKWALL MITIGATION PROJECT

WHEREAS, the New Jersey Department of Transportation (NJDOT) alleges falling rock from Mount Tammany poses a hazard to public safety traveling on Route 80; and

WHEREAS, the NJDOT intends to build a series of high industrial fences and a 60-foot concrete pyramid called a “rockfall berm” at a cost currently estimated a \$64 million along Route 80 through the Delaware Gap and within lands located in Knowlton and Hardwick Townships and the Delaware Water Gap National Park; and

WHEREAS, the construction is expected to last two years and is slated to begin in 2022; and

WHEREAS, there are 70 to 80 annual motor vehicle accidents in this section of Route 80 due to speed and poor road conditions that this project will not address; and

WHEREAS, traffic congestion during the 2 years of construction will likely cause motorists' GPS systems to divert them onto local roads; and

WHEREAS, the closest hospital to Knowlton Township is located west of the construction zone and Knowlton Fire and Rescue responders will need to bypass congestion and plan for possible detours as soon as possible; and

WHEREAS, significant volumes of Route 80 truck traffic, if diverted onto local roads, raises safety concerns for families and children in the area, and

WHEREAS, significant volumes of Route 80 truck traffic, if diverted onto local roads, raises liability concerns for damage to local roads; and

WHEREAS the NJDOT's written response to these concerns has been that the information will be provided during the Final Design phase of development; and

WHEREAS, it is in the best interest of transparency and the safety of residents and the traveling public to have as much advanced notice as possible of any detours that may be necessary during construction; and

NOW, THEREFORE, BE IT RESOLVED, that the Township of Hardwick formally requests that the following from the NJDOT in relation to the Route 80 Westbound Rockfall Mitigation Project:

1. The current Maintenance and Protection of traffic plans for the project, in whatever stage those plans are in at the present
2. The traffic volume studies that will be used to design any detour plans
3. Any available statistics on increased accidents in the construction zones on Route 80 in New Jersey
4. The exact plan for Emergency and Rescue vehicles to bypass the construction zone, in whatever stage those plans are in at the present
5. That this information be provided prior to the Public Information Session planned tentatively for the end of June 2019, so that the public has the opportunity to ask informed questions and make informed comment at that session

Motion was made by Mr. Perry, second by Mr. Carrazzone to approve **Resolution 2019-30**. Motion carried and a voice vote was unanimous

2019-30 Proclaiming to Local Residents and Businesses that the Municipality Will Not Collect New Stormwater Management or Rain Taxes

WHEREAS, bill S1073/A2694 authorizing municipalities and counties to establish stormwater utilities was signed into law by Governor Phil Murphy; and

WHEREAS, municipalities or counties that choose to establish a stormwater utility will be allowed to apply an undetermined tax on property and business owners based on the amount of impervious surface they have, often referred to as a rain tax; and

WHEREAS, there is no limit to the amount property owners and local businesses can be taxed as long as it can be justified as going towards improving stormwater management, however, 5 percent or \$50,000 of the revenue is required to be paid to the state and another 5 percent can be used for a locality's general fund; and

WHEREAS, sewage authorities must adhere to a two-percent cap on annual increases to property owners and businesses, but stormwater utilities will not have to adhere to the cap; and

WHEREAS, municipalities and counties already have stormwater systems in place that manage stormwater without the need of creating another level of bureaucracy; and

WHEREAS, New Jersey property taxpayers already pay the highest taxes in the nation, and the creation of any new tax is an impossible burden to put on their backs; and

WHEREAS, New Jersey's Business Tax Climate was named last in the nation by the nonpartisan

Tax Foundation, and any new taxes to our business owners are not feasible; and

WHEREAS, State Senator Steve Oroho, Assemblyman Parker Space, and Assemblyman Hal Wirths are calling on municipalities and counties to come together and signal to their tax-paying residents and businesses that they're aware that New Jersey's tax burden is already too high by making their intentions known through this resolution; and now be it

RESOLVED, that the **Township of Hardwick** already has a system in place to manage stormwater and will not create a stormwater utility that would impose new taxes on its residents; and be it further

RESOLVED, that the **Township of Hardwick** understands and sympathizes with the heavy tax burden already placed on New Jersey residents and businesses and, therefore, will not charge them an extra tax for having driveways, parking lots and other impervious surface

RESOLVED, that certified copies of this Resolution be forwarded to Governor Phil Murphy, Lieutenant Governor Sheila Oliver, New Jersey Senate President Steve Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Craig Coughlin, New Jersey Assembly Republican Leader Jon Bramnick, State Senator Steve Oroho, Assemblyman Parker Space, and Assemblyman Hal Wirths.

Motion was made by Mr. Perry, second by Mr. Carrazzone to approve **Resolution 2019-32**. Motion carried and a voice vote was unanimous

2019-32 Path to Progress Recommendations made by NJ Economic & Fiscal Policy Workgroup

WHEREAS, New Jersey faces a daunting financial crisis; and

WHEREAS, for two decades, while county and municipal governments made the proper pension payments, New Jersey governors from both parties severely underfunded the pension system for teachers and State government workers; and

WHEREAS, while the government pension systems are funded at the national average, the State's unfunded liability for pension and retiree health benefits now tops \$150 billion – four times the size of the State budget; and

WHEREAS, actuaries project the State will have to increase its contribution from \$3.2 billion in this year's budget to \$6.7 billion to reach the Actuarially Required Contribution (ARC) by FY 2023; and

WHEREAS, health care costs continue to rise, and New Jersey and its local governments cannot sustain the unparalleled platinum-level benefits that they provide to their employees; and,

WHEREAS, the State has held municipal aid flat, moved the Energy Tax Receipts out of the Property Tax Relief Fund, and with the sunset of Chapter 78 relief and the 2% arbitration cap; and,

WHEREAS, the State must bring pension and health care costs under control in order to hold down property taxes.

NOW, THEREFORE, BE IT RESOLVED that Hardwick Township in the County of Warren expresses its support for the recommendation of the Path to Progress report issued by the New Jersey Economic and Fiscal Policy Workgroup; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Congressman Josh Gottheimer, State Senator Robert Menendez, Senate President Sweeney, Assembly Speaker Coughlin, Senator Paul Sarlo, Senator Steve Oroho, Assemblywoman Eliana Pintor-Martin, Senator Tony Bucco, Senator Troy Singleton, Senator Dawn Addiego, the Governor of the State of New Jersey, the New Jersey Association of Counties and the New Jersey State League of Municipalities.

ORDINANCE: 2nd Reading and Public Hearing

Motion made by Mr. Perry, seconded by Mr. Duffy and carried to approve the following **Ordinance 2019-04** for Second reading and Public hearing reading.

2019-04 An Ordinance of the Township of Hardwick, County of Warren, State of New Jersey, Amending the Hardwick Municipal Code and Adopting Chapter XXIV Entitled "Fire Insurance Claims".

WHEREAS, New Jersey statutes permit municipalities to enact an ordinance preventing insurance companies from issuing payment on claims in excess of certain dollar amounts unless certain requirements have been met; and

WHEREAS, it is the determination of the Township Committee of the Township of Hardwick that enactment of such an ordinance, pursuant to N.J.S.A. 17:36-9 is in the best interest of the Township; and

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

Section 1

Chapter XXIV is hereby adopted and shall be entitled as follows:
"Fire Insurance Claims"

Section 2

Chapter XXIV, Fire Insurance Claims, of the Hardwick Township Municipal Code is hereby adopted and established to read as follows:

§ 24-1 Purpose. Pursuant to N.J.S.A. 17:36-9, the Township may, by ordinance, prohibit the payment to a claimant by an insurance company on any claim in excess of \$2,500 for fire damages on any real property located within the municipality prior to satisfaction of certain statutory requirements.

§ 24-2 Payment of Fire Insurance Claims Restricted. No insurance company authorized to issue fire insurance policies in the State of New Jersey shall pay an insured any claim in excess of \$2,500 for fire damages on any real property located within the Township of Hardwick, pursuant to any fire insurance policy issued or renewed after the adoption of this section and the filing of this section with the State Commissioner of Insurance, until such time as:

(1) All taxes and assessments and all other municipal liens or charges due and payable appearing on an official "certificate of search for municipal liens" pursuant to *N.J.S.A. 54:5-12*, shall have been paid either by the owner of such real property or by the insurance company; or

(2) The Township submits to the insurance company a copy of a resolution adopted pursuant to *N.J.S.A. 17:36-11* (installment payments), provided that if an appeal is taken on the amount of any lien or charge, other than an appeal on the assessed valuation of real property, pursuant to *N.J.S.A. 54:3-21*, the insurance company shall withhold 75 percent of the full amount of the lien or charge being contested pending termination of all proceedings.

§ 24-3 Agreement with Owner; Restoration of Property. The Township Committee may, by resolution, enter into an agreement with the owner of any fire damaged property situated in the Township to pay in full all delinquent taxes, assessments or other municipal liens by installments, pursuant to *N.J.S.A. 54:5-19*, or for the redemption of a tax sale lien by installments, pursuant to *N.J.S.A. 54:5-7*, if the Township Committee is satisfied that the claim for fire damages is to be used to restore or improve the fire damaged property.

In the event of such resolution, a certified copy of the resolution shall be sent to the insurance company authorizing the insurance company to make full payment on the claim to the insured.

§ 24-4 Mortgagee as Named Insured. Notwithstanding the provision of this Section, an insurance company may pay proceeds of a fire insurance policy to a mortgagee of a fire damaged real property where the fire insurance policy, at the time of the loss, listed the mortgagee as a named insured; provided the payment may not be in an amount which exceeds that due and payable to the mortgagee under the mortgage contract.

Section 3

This ordinance shall take effect immediately after passage.

Section 4

All ordinances or parts of ordinances of the Township of Hardwick inconsistent herewith are repealed to the extent of such inconsistency

Section 5

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Hardwick held on May 1, 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 June 5, 2019 at 7:00 PM, 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 closed this portion of the meeting to the Public, second by Mr. Carrazzone. Mr. Perry then moved to adopt Ordinance 2019-04, second by Mr. Duffy. Motion carried followed by a roll call vote:

Roll Call

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

Nays: None

Abstentions: None **Absent:** None

ORDINANCE 1st Reading

Motion made by Mr. Perry, seconded by Mr. Carrazzone and carried to introduce the following **Ordinance 2019-05** for first reading

2019-05 An Ordinance of the Township of Hardwick, County of Warren, State of New Jersey, Amending Adopted Section 12-2, Importation of Soil and Fill Materials of Chapter XII, Soil and Removal, of the Hardwick Township Municipal Code.

WHEREAS, the Mayor and Township Committee of the Township of Hardwick, in the County of Warren, New Jersey, find and determine that it is necessary to provide for procedures governing the importation of soil and fill materials within the boundaries of the Township of Hardwick.

WHEREAS, the Mayor and the Township Committee of the Township of Hardwick, in the County of Warren, New Jersey, find and determine that the unregulated and uncontrolled importation of soil and fill materials into the boundaries of the Township of Hardwick poses a threat to the safety, public health, and general welfare of the Township's residents.

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

The title section of Chapter 12, Section 12-2 of the Hardwick Township Municipal Code shall read as follows:

"Importation of Soil and Fill Materials"

Section 2

Section 12-2 is hereby adopted and shall read as follows:

§ 12-2.1 Preamble. The Township Committee finds and determines that the placement of contaminated soil within the boundaries of the Township of Hardwick poses a threat to the safety, public health, and general welfare of the Township's residents. The adoption and enforcement of this Section does not exempt an applicant from required approvals of the local Soil Conservation District and is meant to act in conjunction with all Soil Conservation District requirements with respect to soil importation.

§ 12-2.2 Definitions. As used in this Section:

- a. "Property" shall mean all contiguous lands owned by the same person or entity.
- b. "Soil" shall mean and include all forms of earth, whether organic or inorganic, including by way of example, but not by way of limitation, surface or subsurface dirt, stone, rock, gravel, crushed stone, sand, humus, clay, loam, minerals, topsoil, and any mixtures thereof.
- c. "Fill Material" shall mean, all forms of reclaimed materials, whether organic or inorganic, including by way of example, but not by way of limitation, quarry process, crushed masonry, recycled concrete aggregate, brick or brick fragments, asphalt millings, dredging materials, and any mixtures thereof or in mixtures with soil.
- d. "Applicant" shall mean any person or entity who has filed an application with the Township Clerk pursuant to the provisions of § 12-2.4 herein.
- e. "Importation" and "import" shall mean the movement of soil or fill materials onto properties located within the boundaries of the Township of Hardwick from one or more locations outside the Township's boundaries.
- f. "Contaminated" shall mean soil or fill material containing one or more contaminants from an unintentional or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a hazardous substance, hazardous waste, pollutant, or naturally occurring contaminant at a concentration which fails to satisfy any applicable remediation standard as defined by the New Jersey Department of Environmental Protection.
- g. *Hazardous* shall mean the presence of one or more contaminants at levels generally considered to pose a threat to human health, whether from short-term or long-term direct exposure, or from consequent degradation of surface or groundwater resources.

§ 12-2.3 Importation of Contaminated Soil Prohibited. Importation of contaminated soil or fill materials into the Township of Hardwick is prohibited.

§ 12-2.4 Permit Requirements; Fees.

- a. No person shall import or engage in any preparatory site work to import soil or fill materials onto a site within the Township of Hardwick in quantities of two hundred fifty (250) cubic yards or more without first having procured a permit thereof by the filing of an application for such soil importation with the Zoning Officer. The Application shall be accompanied by a minimum fee of one hundred fifty (\$150) dollars for a maximum of five hundred (500) cubic yards. For quantities in excess of five hundred (500) cubic yards, said fee shall be three hundred (300). The Applicant shall also deposit an escrow with the Township Clerk in the amount of one hundred fifty (\$150.00) dollars to cover the costs of the Township Engineer's review of the Application pursuant to § 12-2.6. The Township Engineer may require additional escrow provided that Township Engineer's initial review result in a determination for additional engineering review or retention of professional services as described in § 12-2.6 herein.

- b. The Application shall disclose the address and location from which the soil or fill materials will be obtained, the owner or representative of the owner of the premises from which the soil or fill materials is to be obtained and the kind and quality of soil and fill materials to be imported.
- c. The Application shall include the name(s) and address(es) of the property owner and the stated purpose for importation activity, for example, to level a rocky area for the purposes of establishing a lawn or pasture area.
- d. The Application shall include documentation from the soil or fill material supplier(s) certifying that the material imported is free of contaminants.

e. The Applicant shall ensure that the materials supplier provides Bills of Landing, or its equivalent, for each truckload of material imported into Hardwick Township. Said Bill of Landing shall originate from the materials supplier, be carried by the trucker during transportation and delivery, and a copy of the original shall be provided to the Applicant or the Applicant's agent upon delivery of the material. The Applicant shall retain all Bills of Landing, or its equivalent documentation, for a period of two (2) years after completion of the importation activity or expiration of the permit, whichever occurs first, and, upon request, shall present said documentation to the Zoning Officer for his inspection. The Zoning Officer may, at his discretion, request photocopies of said documentation for the Township's records. Failure to provide this documentation is a violation of the Soil Importation Ordinance and is subject to fines and stop work orders at the Zoning Officer's discretion. At minimum, the Bills of Landing, or its equivalent, shall provide the following information:

- (1) Date, time-of-day, and location at which a load of material is received by the trucker;
- (2) Name and address of the supplier of the loaded material;
- (3) Summary description of the material;
- (4) Volume of the material in cubic yards;
- (5) Date, time-of-day, and location at which the material is delivered; and
- (6) Place for Applicant's signature or the Applicant's agent confirming receipt of the delivered material.

§ 12-2.5 Permit Expiration; Renewals. Permits shall expire ninety (90) days after approval pursuant to § 12-2.4. Expired permits may be renewed one time upon the filing of a Renewal Application with the Zoning officer. The Renewal Application shall be accompanied by a minimum fee of one hundred (\$100.00) dollars. Application for renewals shall be approved provided that there are no changes to the scope of the project or to the previously approved source of imported soil and fill materials as described pursuant to § 12-2.4. Material changed to the project, including but not limited to, changed in scope of project or source of imported soil and fill materials, shall result in denial of the Renewal Application. Denials of Renewal Applications shall not prejudice the re-filing of an Application for a Permit pursuant to § 12-2.4.

§ 12-2.6 Permit Exemption. Where there is an approved site plan and said site plan approval includes provisions for importation of soil or fill materials, no additional permit or fee shall be required. Permitted construction or repair of septic systems and driveways is explicitly exempted from the requirements of § 12-2.3.

§ 12-2.7 Township Engineer Review; Violations. a. The Township Engineer shall review all applications required by § 12-2.4 and if, in the opinion of the Township Engineer, professional review of the application including physical examination or testing of soil or fill materials is required, the Engineer shall forward all pertinent materials to a soil consultant or environmental consultant for review and testing. A certified testing soil laboratory report shall be delivered to the Zoning Officer within thirty (30) days from the date of a completed application during which time the permit shall be considered pending approval with the possibility of denial. The report of the consultant shall be accompanied by an invoice for the services performed. The applicant shall establish an escrow fund in the Township Clerk's office to satisfy the cost of testing and professional review based upon an estimate of the cost involved to be provided by the Township Engineer.

b. If the Township Engineer, in the course of review, determines that Township roads may sustain meaningful "wear and tear" damage due to the passage of trucks carrying the imported materials, the Township's Public Works Manager shall review the application. If meaningful damage is determined to be likely, the Public Works Manager shall provide a reasonable estimate of excess costs attributable to truck traffic associated with the importation activity. Such estimate(s) shall fairly apportion and distinguish between costs associated with the importation activity and those associated with normal usage of the Township's roadways including occasional passage of heavy trucks. The applicant shall be solely responsible for costs attributable to the importation activity and shall establish an escrow fund in the Township Clerk's office sufficient to refund the Township for this expense.

c. If, during the course of soil or fill material importation, the Township Engineer shall determine that a physical examination of the material involved is required to ensure protection of public health and safety, the Township may retain, at its discretion, a soil consultant to examine the imported material. Such examination shall be at the sole expense of the applicant who shall establish an escrow account to cover the possibility that this cost may be incurred.

d. If it is determined that contaminated soil or fill materials have been imported into the Township, whether unintentionally or intentionally, any ongoing importation activities shall cease immediately and the property owner shall, at the Township's discretion, be responsible for remediation or removal of the material. If the imported material is determined to be hazardous, remediation and/or removal shall be required. Any such remediation or removal shall be conducted under the supervision of the Township Engineer at the sole expense of the property owner. In addition, a fine of two thousand (\$2,000) dollars per day will be imposed until all contaminated materials have been removed from the municipality.

e. If the Township Engineer, in the course of review, determines the need for site plan review, the Application shall be referred to the Hardwick Township Planning Board for review pursuant to

the provisions of § 13-71 et seq. of the Land Use Ordinance and Approval of the permit shall be stayed pending review of the Application by the Hardwick Township Land Use Board.

§ 12-2.8 Truck Traffic Limitations On Permitted Importation. When local schools are in session, truck traffic for the permitted importation of soil or fill materials shall be limited to the hours of 9AM to 3PM Mondays through Fridays inclusive. When local schools are not in session, truck traffic for the permitted importation of soil or fill materials shall be limited to the hours of 7AM to 6PM Mondays through Fridays inclusive. Traffic for permitted importation of materials is prohibited on Saturdays and Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Section 2

This ordinance shall take effect immediately after passage.

Section 3

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Hardwick held on June 5, 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 July 3, at 7:00 PM, 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.

Second Reading and Public Hearing is scheduled for July 3, 2019

ORDINANCE 1st Reading

Motion made by Mr. Carrazzone, seconded by Mr. Perry and carried to introduce the following **Ordinance 2019-06** for first reading

2019-06 An Ordinance of the Township of Hardwick, County of Warren, State of New Jersey, Amending Chapter XIII, Land Development Ordinance, of the Hardwick Township Municipal Code to Regulate the Importation of Soil and Fill Materials.

WHEREAS, the Mayor and Township Committee of the Township of Hardwick, in the County of Warren, New Jersey, find and determine that it is necessary to provide for procedures governing the importation of soil and fill materials within the boundaries of the Township of Hardwick.

WHEREAS, the Mayor and the Township Committee of the Township of Hardwick, in the County of Warren, New Jersey, find and determine that it is necessary to make amendments to Chapter XIII, Land Development Ordinance, of the Township of Hardwick Municipal Code to regulate the importation of soil and fill materials into the Township of Hardwick.

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

Section 13-24.2, Uses Requiring Site Plan Approval, of Chapter XIII, Land Development Ordinance, of the Hardwick Township Municipal Code, is hereby amended to include part c and hereby adopted read as follows:

c. A soil or fill importation activity requiring a permit, as defined in § 12.2 of the Municipal Code, additionally requires site plan approval if one (1) or more of the following criteria is met, as determined by the Zoning Officer or the Township Engineer when an applicant applies for a soil/fill importation permit:

1. The volume of material to be imported exceeds 1500 cubic yards.
2. One (1) quarter acre or more area is to be filled to an average depth of three (3) feet or more.
3. Fill is to be placed or graded to locations at a distance of one hundred (100) feet or less from any property line.

Additional items at the end of the Minor Site Plan Checklist apply when site plan approval is required for soil/fill importation activities. Inapplicable checklist items, e.g. Lighting Plan and Details, may be waived by the Township Engineer or by the Land Use Board at the time of the hearing for completeness.

In general terms, the applicant is required to demonstrate to the satisfaction of the Land Use Board the following:

All requirements as defined in § 12.2 are met.

The proposed importation activity complies with all NJ State and Federal requirements for wetlands setbacks and floodplain incursions.

The proposed importation activity and any subsequent grading activities comply with Warren County NJ Soil Conservation requirements.

The proposed importation/grading activity does not materially alter pre-existing stormwater surface runoff or groundwater recharge characteristics of the property being developed or of adjoining properties.

NOTE The Board may, at its discretion or upon recommendation by the Township Engineer, retain the services of a licensed Hydrologist in order to access necessary expertise to determine whether runoff or recharge characteristics are likely to be altered as a consequence of the proposed importation activity. Should such services be determined necessary it is the sole responsibility of the applicant to pay the resulting fees.

Adequate measures are taken, e.g. silt fences, erosion control plantings, etc., both during the time work is undertaken and once work is completed, to ensure that erosion does not occur as a consequence of the importation or grading activity.

Section 2

Part 15 of Subsection 13-88.1, Sketch Plat and Concept Plan Checklist, of Chapter XIII, Land Development Ordinance, of the Hardwick Township Municipal Code, is hereby amended to read as follows

15. All existing water courses, flood plains, floodway and flood fringe areas, wetlands, marshes, pounds and land subject to flooding on the site and off the site wherever any part of the parcel falls within buffer areas for such features as defined by applicable New Jersey or Federal wetlands or floodplain regulations.

Section 3

Part 28 of Subsection 13-88.2, Minor Subdivision Checklist, of Chapter XIII, Land Development Ordinance, of the Hardwick Township Municipal Code, is hereby amended to read as follows

28. All existing water courses, flood plains, floodway and flood fringe areas, wetlands, marshes, pounds and land subject to flooding on the site and off the site wherever any part of the parcel falls within buffer areas for such features as defined by applicable New Jersey or Federal wetlands or floodplain regulations.

Section 4

Part 24 of Subsection 13-88.3, Minor Site Plan Checklist, of Chapter XIII, Land Development Ordinance, of the Hardwick Township Municipal Code, is hereby amended to read as follows:

24. All existing water courses, flood plains, floodway and flood fringe areas, wetlands, marshes, pounds and land subject to flooding on the site and off the site wherever any part of the parcel falls within buffer areas for such features as defined by applicable New Jersey or Federal wetlands or floodplain regulations.

Section 5

Section 13-88.3, Minor Site Plan Checklist, of Chapter XIII, Land Development Ordinance, of the Hardwick Township Municipal Code, is hereby amended to include parts 44, 45, 46, 47, 48, and 49 and is hereby adopted to be read as follows:

The following additional checklist items apply if the Minor Site Plan Review is for the importation of soil or fill material activity:

Contour maps with two (2) foot contour intervals showing the parcel contours both before and after the proposed importation and grading activity. These details may be added to the plat otherwise required for Minor Site Plan approval. If separate sheets, sufficient title block details shall be provided to properly identify the maps as part of the Minor Site Plan application.

Documentation from the Zoning Officer certifying that the requirements of §12.2 – Importation of Soil and Fill Materials of the Municipal Code have been met.

Documentation certifying compliance with Warren County Soil Conservation requirements.

Grading plan.

Erosion control plan.

Documentation certifying compliance with the requirement that the proposed importation activity shall not materially alter existing stormwater surface runoff or groundwater recharge characteristics. Required if the services of a licensed Hydrologist are retained.

Section 6

Part 26 of Subsection 13-88.4, Preliminary Major Subdivision Checklist, of Chapter XIII, Land Development Ordinance, of the Hardwick Township Municipal Code, is hereby amended to read as follows:

26. All existing water courses, flood plains, floodway and flood fringe areas, wetlands, marshes, pounds and land subject to flooding on the site and off the site wherever any part of

the parcel falls within buffer areas for such features as defined by applicable New Jersey or Federal wetlands or floodplain regulations.

Section 7

Part 29 of Subsection 13-88.5, Final Major Subdivision Checklist, of Chapter XIII, Land Development Ordinance, of the Hardwick Township Municipal Code, is hereby amended to read as follows:

29. All existing water courses, flood plains, floodway and flood fringe areas, wetlands, marshes, pounds and land subject to flooding on the site and off the site wherever any part of the parcel falls within buffer areas for such features as defined by applicable New Jersey or Federal wetlands or floodplain regulations.

Section 8

Part 22 of Subsection 13-88.6, Preliminary Major Site Plan Checklist, of Chapter XIII, Land Development Ordinance, of the Hardwick Township Municipal Code, is hereby amended to read as follows:

22. All existing water courses, flood plains, floodway and flood fringe areas, wetlands, marshes, pounds and land subject to flooding on the site and off the site wherever any part of the parcel falls within buffer areas for such features as defined by applicable New Jersey or Federal wetlands or floodplain regulations.

Section 9

Part 25 of Subsection 13-88.7, Final Major Site Plan Checklist, of Chapter XIII, Land Development Ordinance, of the Hardwick Township Municipal Code, is hereby amended to read as follows:

25. All existing water courses, flood plains, floodway and flood fringe areas, wetlands, marshes, pounds and land subject to flooding on the site and off the site wherever any part of the parcel falls within buffer areas for such features as defined by applicable New Jersey or Federal wetlands or floodplain regulations.

Section 10

Part c 3 of subsection 13-110.1, Scope and Purpose, of Section 13-110, Stormwater Control, of Chapter XIII of the Hardwick Township Municipal Code is hereby amended to read as follows:

c. *Applicability.*

1. This section shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

- (a) Nonresidential major developments; and
- (b) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This section shall also be applicable to all major developments undertaken by the Township of Hardwick.

3. The following activities shall be exempt from the provisions of this section:

(a) The construction or development of single family detached residential dwellings including new construction as well as the construction of additions or modifications to existing structures and the implementation of associated accessory uses provided the following conditions are met:

(1) The total impervious coverage on the lot or lots, where these are less than twenty (20) acres in area, will not exceed ten (10%) percent of the lot's surface area or one-quarter (1/4) acre, whichever is greater;

(2) For a lot or lots greater than one hundred (100) acres in area, the total impervious coverage will not exceed five (5%) percent of the lot's surface area;

(3) For a lot or lots greater than twenty (20) acres and less than one hundred (100) acres in area, the total impervious coverage will not exceed a percentage value which may be calculated as linearly decreasing from ten (10%) percent to five (5%) percent as the lot's surface area increases from twenty (20) acres to one hundred (100) acres;

Note: The impervious coverage limit for lot areas between 20 and 100 acres may be calculated as follows:

$$\text{Limit} = 10\% - (\text{Lot Area} - 20) (5\%/80)$$

(4) Development does not occur within wetlands, wetlands transition areas, or other conservation easement areas;

(5) The disturbance will not cause a discernable deterioration of surface water or groundwater resources; and

(6) The stormwater runoff will not create an adverse impact either on site or off site.

Compliance with impervious coverage limits given in this subsection creates a presumption of conformity with the provisions of the section, in particular with respect to 1) deterioration of surface water or groundwater resources and 2) creation of an adverse impact on site or off site. In exceptional circumstances, for example when a lot is predominantly wetlands or steep slopes, or when development activities result in changes to land topology to a degree likely to materially alter recharge or runoff characteristics; the Construction Official, Township Engineer, the

Planning Board, or another responsible official may request that the developer provide appropriate documentation to support a determination that the development complies with the provisions of this section in addition to complying with the impervious coverage limits.

Section 11

This ordinance shall take effect immediately after passage.

Section 12

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Hardwick held on June 5, 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 July 3, 2019 at 7:00 PM, 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.

Second Reading and Public Hearing is scheduled for July 3, 2019

OLD BUSINESS:

Appointments: Land Use Board: Alternate #3

Mayor Duffy appointed Mr. **John Hadden** to the **Land Use Board** as **Alternate #3**. Term expire 12/2019.

Stillwater & Knowlton Fire Companies: Proposed Ordinance

Discussion held to the July 3rd mtg

Discussion Hazardous Material Cleanup Recovery of Costs

NEW BUSINESS:

Open Space: Resignation of member Joyce Siegmeister

The Mayor read a open letter from Ms. Siegmeister in which she noted that it was a pleasure to serve on the Open Space Committee. On behalf of the Township Committee, they expressed their thanks and gratitude for her contributions. The Committee wants to formally recognize Joyce at a meeting and she has accepted having this done at the August 7 meeting.

Mayor Duffy then appointed **John Decker** to the **Open Space Committee** filling Joyce's unexpired term.

Report of Audit 2018: Resolution **2019-33** and Group Affidavit

Copies of the 2018 Audit has been circulate to the Committee for their review. There was one Recommendation and Comment from the Audit that the CFO noted was taken care of already.

Resolution 2019-33 was then adopted on a motion made by Mr. Perry to accept the 2018 Audit as prepared by the Township Auditor Anthony Ardito, second by Mr. Duffy. Motion carried followed by a roll call vote:

Roll Call

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

Nays: None

Abstentions: None **Absent:** None

Resolution 2019-33

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

WHEREAS, the Annual Report of Audit for the year 2018 has been files by a Registered Municipal Accountant and 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 report 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 Committee of the Township of Hardwick, hereby state 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.

DISCUSSION

Referendum: Wording on Referendum Question from 1998 (Deadline to File Question, Aug 16) Discussion will continue as Mr. Carrazzone is proposing a modification to the 2002 Referendum question for Historic Preservation.

Slabtown Creek Park: Proposed Rules for Park

Suggested proposed rules were reviewed but no decision was made.

Mr. Campbell noted that he and his wife will be donating the kiosk for the park.

APPROVAL OF THE MINUTES: May 1, 2019 Business Meeting & Executive Session
May 15, 2019 Work Meeting & Executive Session

Mr. Carrazzone moved to approve the above minutes as corrected, seconded by Mr. Perry. 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. Liccese asked about getting a copy of the propose ordinances. He was instructed to contact the Township Clerk.

Mr. John Nause asked for an update on Spring Valley Road asking if the County has made any decision on the closure.

Ms. Stephanie Rucereto also asked about the proposed Soil Ordinances and getting copies she also asked who make the approval decision. She then noted that she too had spoken to the County about the road closure on Spring Valley Road.

Eric Weber, Knowlton Fire Company noted that their fire agreement will be ending the end of this year. The Clerk will check on this.

Seeing there was no other public comments, a motion was then made by Mr. Perry, seconded by Mr. Carrazzone and carried to close this portion of the meeting to the Public.

COMMITTEE REPORTS

Mr. Perry – No report at this time

Mr. Carrazzone – talked about the water problems on Spring Valley Road and that the County should be doing something to open that portion of the roadway.

Mayor Duffy – will be attending a meeting at the Vass House on June 10 to discuss with the State the Historical Society’s lease agreement. This is a closed meeting not opened to the public.

Adjournment:

A motion was made by Mr. Carrazzone, seconded by Mr. Perry and carried to adjourn tonight’s meeting of the Hardwick Township Committee at 8:13PM

Respectfully submitted
Judith M. Fisher, RMC