

TOWNSHIP OF HARDWICK  
WARREN COUNTY, NEW JERSEY

**APRIL 14, 2021**

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 6:30PM by the Township Clerk Judith Fisher who noted that this meeting was being held in compliance with the "Open Public Meetings Act":

Mayor Duffy noted that since the Municipal Building is closed to the Public, this is a virtual meeting being done through Zoom because of the Coronavirus Pandemic.

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 on the Township Web page and in the Hardwick Municipal Building. Mayor Kevin Duffy then led the public in the pledge of allegiance.

**Roll Call:**

**Present:** Mayor Kevin Duffy, Deputy Mayor John Lovell, Jr. and Committeewoman Jodi Butler

**Also present:** Township Attorney Richard Wenner, CPWM, CPWM Thomas Campbell, CMFO  
Christine Rolef

**Absent:** None

Mayor Duffy thanks those that joined us tonight using Zoom. The other Board meetings will also be using Zoom. He apologized for any glitches.

The Township Clerk, Mrs., Fisher, noted that the April 4, 2021, meeting was cancelled, due to a advertising glitch and rescheduled for tonight, April 14, 2021.

**EXECUTIVE SESSION: RESOLUTION**

A motion was made by Ms. Butler, seconded by Mr. Lovell, and carried to adopt the Resolution to go into Closed Session at 6:31PM.

**RESOLUTION**

WHEREAS, Section 8 of the Open Public 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. Personnel Matter
  - B. Attorney Client

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:** 6:31PM

Present: Mr. Lovell, Ms. Butler, Mr. Duffy

Also Present: Attorney Richard Wenner and Township Clerk Judith Fisher

**Time Out:** 7:01PM

Motion was made by Mr. Lovell, seconded by Ms. Butler, and carried to come out of closed session. Motion carried and a voice vote was unanimous.

Mr. Wenner, Township Attorney noted that he met with the Committee for 30 minutes at which time they discussed health insurance, recruitment for the DPW and advertising. 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.

Motion was then made by Mr. Lovell, seconded by Ms. Butler and carried to change our health benefit with the State of New Jersey to the OMNI Plan, which is an option now, will be effective April 14, 2021. Motion carried followed by a Roll Call:

**Roll Call**

**Ayes:** Mr. Lovell, Ms. Butler, Mr. Duffy

**Nays:** None

**PAYMENT OF THE BILLS:**

**A motion** was made by Ms. Butler, seconded by Mr. Lovell to pay the March bills that total \$17,897.70. Motion carried followed by a roll call vote:

**Roll Call**

**Ayes:** Mr. Lovell, Ms. Butler, Mr. Duffy

**Nays:** None

**Abstentions:** None     **Absent:** None

**REPORTS:**

**Mr. Campbell, CPWM:** reported that the Right to Know survey has been done, PAIC has been in to do the Lost Control survey noting that there were no claims. He has been working on cleaning up after the winter storms.

**Mrs. Rolef, CFO:** reviewed her monthly report with the Committee

**Mr. Lavery, Twp. Attorney:** no report for this month

**Mrs. Fisher, Twp. Clerk:** no report for this month

Mr. Joseph Dunn, OEM reported that everything is status quo with the State of Emergency. Vaccines are readily available.

**RESOLUTION**

Motion was made by Mr. Lovell, seconded by Ms. Butler to adopt **Resolution 2021-23** as presented tonight. Motion carried and a voice vote was unanimous.

**2021-23 URGES SUPPORT OF A-5450/S-3827 CLARIFYING TELECOMMUNICATIONS INDUSTRY CORPORATE TAX RESPONSIBILITIES**

**WHEREAS**, A-5450/S-3827 seeks to clarify telecommunications industry corporate tax responsibilities and shield taxpayers from the costs of endless tax court litigation, and

**WHEREAS**, a misinterpretation of P. L. 1997, c.162 (C.54:10A-3 et al.) has resulted in municipalities facing the cost of litigating Verizon's tax appeal filed for every tax year subsequent to 2009, up to and including the current year, and

**WHEREAS**, tax court litigation in one municipality took ten years to ensure that Verizon would pay its 2008 business personal property taxes (BPPT), and further litigation will be needed to secure BPPT payments for each subsequent year in which the exemption was claimed, and

**WHEREAS**, every municipality faces the same prospect of costly annual tax court filings and appeals, adding to taxpayers burden, and

**WHEREAS**, A-5450/S-3827 would clarify the intent to permanently apply the business personal property tax on local exchange telephone companies that were subject to the BPPT tax as of April 1, 1997.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hardwick:

1. That it does hereby support A-5450/S-3827, which will clarify the telecommunications industry corporate tax responsibilities.
2. That a copy of this Resolution be sent to the Office of the Governor, our State Legislators, and the New Jersey League of Municipalities.

**CERTIFICATION**

I, Judith M. Fisher, Clerk of the Township of Hardwick do hereby certify that the above resolution is a true and exact copy adopted by the Township Committee of the Township of Hardwick at a regular meeting held on April 14, 2021.

Judith M. Fisher, RMC  
Township Clerk

Motion was made by Ms. Butler, seconded by Mr. Lovell to adopt Resolution **2021-27** as presented tonight. Motion carried and a voice vote was unanimous.

**2021-27 Retirement – Robert Ahlers, March 31, 2021**

**BE IT RESOLVED** that Robert Ahlers, Equipment Operator/Laborer for the Township of Hardwick has been an employee from 1995 to 2021; and

**BE IT RESOLVED** effective March 31, 2021, Robert Ahlers has retired his employment with the Township of Hardwick, and

**BE IT FURTHER RESOLVED** that the Hardwick Township Committee acknowledges and accepted his retirement effective March 31, 2021.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Hardwick Township Committee thanks Robert Ahlers for his years of service and wishes him a Wonderful and Happy Retirement.

**CERTIFICATION**

I, Judith M. Fisher, Clerk of the Township of Hardwick do hereby certify that the above resolution is a true and exact copy adopted by the Township Committee of the Township of Hardwick at a regular meeting held on April 14, 2021.

Judith M. Fisher, RMC  
Township Clerk

Motion was made by Mr. Lovell, seconded by Ms. Butler to adopt Resolution **2021-28** as presented tonight. Motion carried and a voice vote was unanimous.

**2021-28 RESOLUTION OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH LANDMARK I APPRAISAL FOR APPRAISAL SERVICES**

**WHEREAS**, the Township of Hardwick has a need to obtain appraisal services in connection with 154 Stillwater Road, Block 901, Lot 2, 61.87 vacant acres within the Township; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), a contract for such services may be awarded without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship; and

**WHEREAS**, Landmark I Appraisal submitted a proposal dated March 22, 2021, to provide the aforementioned services; and

**WHEREAS**, the value of these services will be a flat cost of \$1,950 for Landmark I Appraisal to provide an Appraisal in summary report format on said property; and

**WHEREAS**, funding is available as evidenced by the attached Certification of Funds; and

**WHEREAS**, the Township Committee finds it to be in the best interest of the Township of Hardwick to authorize said work, which is not subject to public bidding.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey, that the Mayor and Municipal Clerk are authorized to enter into a Contract with Landmark I Appraisal as described therein, subject to the certification of funds, **NOT TO EXCEED** \$1,950.00 without further authorization from the Township Committee.

**BE IT FURTHER RESOLVED** that the Clerk is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Contract and that the resolution and Contract are on file in the Office of the Clerk and are available for public inspection.

**CERTIFICATION**

I, Judith M. Fisher, RMC, Clerk of the Township of Hardwick, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution duly adopted by the Hardwick Township Committee at a meeting of said Committee held on April 14, 2021.

**RESOLUTIONS: BUDGET INTRODUCTION**

Motion was made by Mr. Lovell, seconded by Ms. Butler to adopt Resolution **2021-24** as presented tonight. Motion carried and a voice vote was unanimous.

**2021-24 Late Introduction of the 2021 Budget**

**WHEREAS**, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 30 of the fiscal year; and,

**WHEREAS**, the Township of Hardwick has delayed the introduction of the 2021 Municipal Budget past the statutory deadline; and,

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Hardwick, Warren County, New Jersey, that the Township of Hardwick hereby petitions the Director of the Division of Local Government Services to allow a delayed introduction of the 2021 Hardwick Township Municipal Budget; and,

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services, 101 South Broad Street, P.O. Box 803, Trenton, New Jersey 08625-0803

**CERTIFICATION**

I, Judith M. Fisher, Clerk of the Township of Hardwick, County of Warren do hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Hardwick Township Committee at a meeting of said Township Committee held on April 14, 2021.

Judith M. Fisher, Township Clerk

Motion was made by Mr. Lovell, seconded by Ms. Butler to adopt Resolution **2021-25** as presented tonight. Motion carried followed by a roll call vote

**Roll Call**

**Ayes:** Mr. Lovell, Ms. Butler, Mr. Duffy

**Nays:** None

**2021-25 Special Items of Revenue**

**WHEREAS**, the 2021 Local Municipal Budget was introduced on the 14th day of April, 2021; and,

**WHEREAS**, during the fiscal year 2021 the Township of Hardwick will receive revenue for various other special items in the amount of \$65,000.00

**NOW, THEREFORE BE IT RESOLVED**, that petition be made herewith to the Director of the Division of Local Government Services that the 2021 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items:

|                              |                     |
|------------------------------|---------------------|
| Alina Lodge In Lieu Payments | \$ 15,000.00        |
| Cell Tower Revenue           | <u>50,000.00</u>    |
|                              | <u>\$ 65,000.00</u> |

**Certification**

I, Judith M. Fisher, Clerk of the Township of Hardwick, County of Warren do hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Hardwick Township Committee at a meeting of said Township Committee held on April 14, 2021.

Judith M. Fisher, Township Clerk

Motion was made by Mr. Lovell, seconded by Ms. Butler to adopt Resolution **2021-26** as presented tonight. Motion carried followed by a roll call vote.

**Roll Call**

**Ayes:** Mr. Lovell, Ms. Butler, Mr. Duffy

**Nays:** None

**2021-26 Budget 2021 Introduction**

**WHEREAS**, the Township of Hardwick is holding a meeting on April 14, 2021, for the purpose of introducing the 2021 Municipal Budget and conducting other matters, and,

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Hardwick, Warren County, New Jersey, that the Township of Hardwick hereby petitions the Director of the Division of Local Government Services that the 2021 Local Municipal Budget be introduced and approved on April 14, 2021.

**2021 HARDWICK TOWNSHIP MUNICIPAL BUDGET**

|                                      |                       |
|--------------------------------------|-----------------------|
| Surplus anticipated general revenues | \$ 222,996.00         |
| Total Miscellaneous revenue          | 224,274.00            |
| Receipts from Delinquent Taxes       | 69,000.00             |
| Local Property Taxes                 | <u>807,743.00</u>     |
| Total General Revenues               | <u>\$1,324,013.00</u> |
| Total Operations                     |                       |
| Salaries and Wages                   | \$ 354,369.00         |
| Other Expenses                       | 472,471.00            |
| Capital Improvements                 | 150,000.00            |
| Debt Service                         | 66,000.00             |
| Statutory Expenditures               | 68,503.00             |
| Reserve for Delinquent Taxes         | <u>212,670.00</u>     |
| Total 2021 Municipal Budget          | <u>\$1,324,013.00</u> |
| 2021 Municipal Tax Rate (Estimated)  | \$0.5159              |

**CERTIFICATION**

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Hardwick at a regular meeting held April 14, 2021.

Judith M. Fisher, Township Clerk

The Clerk noted that 2<sup>nd</sup> reading and public hearing on the 2021 Municipal Budget will be May 19, 2021

**ORDINANCE: 1<sup>st</sup> Reading**

**Motion** made by Mr. Lovell, seconded by Ms. Butler and carried to approve the following **Ordinance 2021-03** for first reading. Motion carried and a voice vote was unanimous.

**2021-03 AN ORDINANCE OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN, STATE OF NEW JERSEY GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF HARDWICK, NEW JERSEY TO CSC TKR, LLC**

**WHEREAS**, the governing body of Township of Hardwick (hereinafter referred to as the "Township") determined that CSC TKR, LLC (hereinafter referred to as "the Company") has the technical competence and general fitness to operate a cable television system in the Municipality (as defined in Section 1 of this Ordinance), and by prior ordinance granted its municipal consent for the Company's predecessor in interest, Service Electric Cable T. V. of New Jersey, Inc. ("SECTV") to obtain a non-exclusive franchise (the "Franchise") for the placement of facilities and the establishment of a cable television system in the Municipality; and

**WHEREAS**, by application for renewal consent filed with the Township and the Office of Cable Television on or about October 14, 2011, SECTV, and the Company as its successor in interest, has sought a renewal of the Franchise; and

**WHEREAS**, on or about July 14, 2020; with the prior approval of the Board of Public Utilities of the State of New Jersey (hereinafter the "Board") the Company completed its purchase of the assets of SECTV, including the cable television franchise for, and the cable television system within the territorial limits governed by, the Township, and

**WHEREAS**, the Township having held public hearings has made due inquiry to review the Company's performance under the Franchise, and to identify the Township's future cable-related needs and interests and has concluded that the Company has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Township's future cable-related needs and interests;

**WHEREAS**, the Township has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided the Company's proposal for renewal embodies the commitments set forth below, the Township's municipal consent to the renewal of the Franchise should be given; and

**WHEREAS**, imposition of the same burdens and costs on other competitors franchised by the Township is a basic assumption of the parties;

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

#### **SECTION 1. DEFINITIONS**

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

"Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.

"Application" shall mean the Company's application for Renewal of Municipal Consent, which application is on file in the Township Clerk's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.

"Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.

"Township" shall mean the governing body of the Township Hardwick in the County of Warren, and the State of New Jersey.

"Company" shall mean CSC TKR, LLC, the grantee of rights under this Ordinance.

"FCC" shall mean the Federal Communications Commission.

"Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.

"Federal Regulations" shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.

"Municipality" shall mean the area contained within the present municipal boundaries of the Township of Hardwick in the County of Warren, and the State of New Jersey.

"Standard installation" shall mean the installation of drop cable to a customer's premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.

"State" shall mean the State of New Jersey.

"State Regulations" shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

#### **SECTION 2. STATEMENT OF FINDINGS**

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the Township having received all comments regarding the qualifications of the Company to receive this consent, the Township hereby finds the Company possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that the Company's operating and construction arrangements are adequate and feasible.

#### **SECTION 3. GRANT OF AUTHORITY**

The Township hereby grants to the Company its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the Municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

#### **SECTION 4. DURATION OF FRANCHISE**

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

#### **SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL**

If the Company seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Township and the Company shall be bound by the terms of this municipal consent until such time as the Company converts the municipal consent (and any certificate of approval) into a system-wide franchise.

**SECTION 6. FRANCHISE TERRITORY**

The consent granted under this Ordinance to the Company shall apply to the entirety of the Municipality and any property hereafter annexed.

**SECTION 7. SERVICE AREA**

The Company shall be required to proffer video programming service along any public right-of-way to any person's residence within the "primary service area," as it exists on the effective date of any written approval order by the Board of this consent, at The Company's schedule of rates for standard and nonstandard installation.

**SECTION 8. EXTENSION OF SERVICE**

Pursuant to the requirements of the Board, as ordered in its approval of the transfer of the Franchise from SECTV to the Company (Docket No. CM20030211, effective July 6, 2020): (1) The Company shall complete all needed construction necessary to provide service to the entirety of Spring Valley Road between Millbrook Road and the Hardwick municipal building driveway in the Municipality; and (2) upon request, the Company shall extend service along any public right of way outside its primary service area to those residences or small businesses within the franchise territory which are located in areas that have a residential home density of twenty-five (25) homes per mile or greater (as measured from the then existing primary service area), or areas with less than twenty-five (25) homes per mile where residents and/or small businesses agree to share the cost of such extension in accordance with the line extension formula as provided by the Company in its application for municipal consent.

**SECTION 9. FRANCHISE FEE**

Pursuant to the terms and conditions of the Cable Television Act, the Company shall pay to the Township, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Municipality. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Township and the Company shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Township to require payment of a franchise fee by the Company that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

**SECTION 10. FREE SERVICE**

Subject to applicable federal regulations, the Company shall, upon written request, provide free of charge, one (1) standard installation and monthly internet service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Municipality. Hardwick Township shall make a one time payment in the amount of \$2,500.00 to cover permit fees incurred by Altice in exchange for free internet service.

**SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS**

The Company shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Municipality:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Township shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Township, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Township so as to prevent the branches of such trees from coming in contact with

the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

**SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS**

The Company shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

**SECTION 13. LOCAL OFFICE OR AGENT**

The Company shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

**SECTION 14. DESIGNATION OF COMPLAINT OFFICER**

The Office of Cable Television is hereby designated as the complaint officer for the Township pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

**SECTION 15. LIABILITY INSURANCE**

The Company agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

**SECTION 16. PERFORMANCE BOND**

The Company shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the Township in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

**SECTION 17. RATES**

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

B. The Company shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62) years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,

In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,

The senior discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment offered by the Company, including any premium channel services and pay-per-view services; and,

Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,

C. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Municipality files, in accordance with N.J.S.A. 48:5A-30(d), is capable of serving sixty percent (60%) or more of the households within the Municipality. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.

**SECTION 18. EMERGENCY USES**

The Company shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Township pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the Township is unable to make full use of the cable television system as contemplated herein. The Township shall utilize the state-approved procedures for such emergency uses.

**SECTION 19. EQUITABLE TERMS**

In the event that the service of another multi-channel video program provider not subject to the Township's regulatory authority within the Municipality creates a significant competitive



disadvantage to the Company, the Company shall have the right to request from the Township lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Township agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Township acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Township shall be under no obligation to support The Company's request for such relief from the Board.

In any subsequent municipal consent, Township shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Township's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Township agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

#### **SECTION 20. REMOVAL OF FACILITIES**

Upon expiration, termination or revocation of this Ordinance, the Company at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless the Company, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

#### **SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS**

A. The Company shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Municipality as described in the Application for municipal consent. All the Company support for PEG access shall be for the exclusive benefit of the Company's subscribers.

B. The Township agrees that the Company shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Township is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Township's provision of PEG access programming on such channel.

C. The Company shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

#### **SECTION 22. INCORPORATION OF APPLICATION**

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Township by the Company except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other written amendments thereto submitted by The Company in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

#### **SECTION 23. CONSISTENCY WITH APPLICABLE LAWS**

This consent shall be construed in a manner consistent with all applicable federal, State and local laws; as such laws, rules and regulations may be amended from time to time.

#### **SECTION 24. SEPARABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

#### **SECTION 25. NOTICE**

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Altice USA  
1 Court Square West, 49<sup>th</sup> Floor  
Long island City, NY 11101  
Attention: Senior Vice President for Government Affairs  
With a copy to:  
CSC TKR, LLC  
c/o Altice USA  
1 Court Square West  
Long island City, NY 11101  
Attention: Legal Department  
Notices to the Township shall be mailed to:  
Township of Hardwick  
40 Spring Valley Road  
Hardwick, NJ 07825  
Attention: Township Manager

**SECTION 26. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL**

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7. In accordance with N.J.S.A. 48:5A-25.1, the terms of this Ordinance will no longer be in effect upon The Company converting the municipal consent (and any certificate of approval) into a system-wide franchise.

**SECTION 27. REPEALER.**

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon the passage, and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Township Committee on the first reading at a meeting of the Township Committee of the Township of Hardwick, held April 14, 2021, and will be considered for a second reading and final passage at a regular meeting of the Township Committee to be held on May 5, 2021, at 7:00 p.m., at the Municipal Building, located at 40 Spring Valley Road, Hardwick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Judith Fisher, Township Clerk

The Clerk noted that 2<sup>nd</sup> reading, and public hearing will be May 5, 2021.

**OLD BUSINESS:**

**Spring Clean Up** - Looking to do this possibly in September. The Committee is discussing either a voucher system or bulk pick up. In previous year, the Township use Sanico where the residents would bring the items to the garage, but because of the COVID virus, they are trying to avoid contact with the employees/residents.

The Clerk was asked to check with other companies to see if they would do a bulky pickup in the Township. The Clerk checked with the following companies about doing the bulk pickup: Sanico – interested, Gary Gray and Balbi – no, Waster Management – not in our area. No decision has been made but discussions will continue.

**Altice/Optimum:** The Mayor reported that they have agreed to bring the internet to the Municipal Building in exchange for the Township paying \$2500 for the permit fee. The Committee had first reading on the ordinance 2021-03 tonight with second reading and public hearing at the May 5 meeting.

**Web Site:** Update The Committee is actively looking for a new vendor. They are working with several vendors on having them come to a work meeting, one at a time, for the Committee to review a demo and talk about pricing and time frame to have the new site up and working.

**NEW BUSINESS:**

**Knowlton Fire Service:** Request contribution for additional monies for equipment Their Fire Service Agreement is up for renewal this year and they are requesting their donation from Hardwick the same as what was done in the previous agreement. With the additional

funds, the agreement would be for 6 years. Knowlton Fire covers Hardwick's portion of the Route 80 corridor to the Delaware Bridge. It was noted that Blirstown and Stillwater companies cover Hardwick and Hope Fire backs up Knowlton. The Township Attorney will draft this renewal agreement.

**Broadband Funding Grant Opportunity:** Ms. Butler reported that she is part of the Grant Committee that is working with Ms. Dunn on this. This Committee has met and are working on several grants and their task right now is to rank the Grants in priority.

**Replacement of Equipment Operator/Laborer Position:** There is work being done to update the job description. The advertisement for this position is ready to be advertised. Mr. Campbell and Ms. Fisher will take part in the interviews along with a committee member. Recommendation for hiring will be made to the Township Committee soon.

**NJ Cannabis Law:** Ordinance discussion: The Committee discussed this with the Township Attorney. The Township has until August 21, 2021, to pass an ordinance to formally opt out of some or all of the types of recreational cannabis businesses by adopting an "opt out" ordinance. It was noted that the Township will have until August 21, 2021, to make critical zoning decisions as to the six different cannabis licenses that have been established by our Legislature. They talked about recreational cannabis being now legal in the State, while certain aspects regarding its cultivation, manufacturing, wholesaling, distribution, retail sales and delivery involve decisions that may be made on the local level. If the municipalities do not formally opt out of some or all of these types of recreational cannabis businesses by adopting an "opt out" ordinance by the deadline, they will be locked in for a period of five years.

## **DISCUSSION**

**Stormwater Ordinance:** The Township received a letter from the Warren County Planning Board noting that they are giving Hardwick a Conditional Approval. A copy of this letter was forwarded to the Land Use Board.

**Dept of Public Works:** Recruitment of second full time member  
This was discussed earlier, advertisement will be in the newspaper shortly.

**Job Description:** DPW Mr. Lovell is presently working on this.

**Vass Farmstead Lease:** Lease agreement will be expiring soon. The Township sent a revised lease to the State DEP that rejected it and sent it back with revisions. Mr. Lovell noted that he had a productive meeting with the Township Attorney and Mr. Ohl on the revisions. The draft is almost done according to Mr. Lovell, and it will be forwarded to Mr. Chidley for review again. Mr. Lovell will also be talking with the Township Insurance Agent about general liability and the cost to the Township. The Township has been working on having us be the tenant and the Vass Farmstead being the sub-tenant. There has been talk about maybe the County having interest in managing the Vass Farmstead. The mayor will check to see if there is any interest from the Freeholders/Commissioners about this.

**Hardwick House:** Update

Mr. Duffy has tried to reach out to the owner's son but has not had a return call. The property is a pre-existing non-conforming use since 1996 and there is a variance that was approved for the barn years ago.

**Spring Valley Road:** Bridge Mr. Lovell has reached out to the County to get information what their plans are, but there has been no response from the Freeholders yet.

**Municipal Building Opening:** Update Plans are for a target date of June for an opening.

**Memorial Day Parade, May 30<sup>th</sup>:** American Legion request for a donation - \$1000  
The Committee agreed on donating \$500 but because of the State Statute, the Township cannot just hand the Legion the check. Mr. Lovell will contact Mr. Ohl to see if there are vendors the Township could work with. The check would then be sent to that vendor.

**APPROVAL OF MINUTES:**  
January 20, 2021 Work Meeting  
February 3, 2021 Business Meeting  
February 17, 2021 Work Meeting

Mr. Lovell moved to approve the above minutes, seconded by Ms. Butler. Motion carried and a voice vote was unanimous.

**PUBLIC COMMENTS:**

**A motion** was made by Ms. Butler, seconded by Mr. Duffy, and carried to open this portion of the meeting for comments from the Public.

Mr. McKim, Birch Ridge Road talked about the Hardwick House

Mr. Dunn talked about Green Acres funds

Mr. Curreri asked about the Spring Clean Up

Ms., Rolef, CFO talked about the American Rescue Plan updating that she is waiting to see what the specifics will be. Our Bond Anticipation Note was renewed for \$0.52% by the Amboy Bank. There is \$180,000 left and this will be the last year that the Township can renew.

Motion was made by Mr. Lovell, seconded by Ms. Butler to close this portion of the meeting to the public. Motion carried and a voice vote was unanimous.

**Committee Reports:**

**Ms. Butler:** There is a Grant meeting schedule for April 15. The PPE packets are available to the residents by just email the Township Clerk at [hardwicktpclerk@yahoo.com](mailto:hardwicktpclerk@yahoo.com). Resident just need to give us your name, address and phone number and we will drop off to you. Hope Township is having their Green Fair this year, April 24 from 10a – 2p

**Mr. Lovell:** Thanked the State for installing the requested signs in Route 94. He talked about the front door rust that should be looked at and the kiosk top board that also needs to be replaced. He also suggested a doorbell intercom.

**Mr. Duffy:** He reminded everyone that on the Township web there is a survey from Planet Networks. He hopes that everyone will take the time to do it.

**Adjournment:**

A motion was made by Ms. Butler, seconded by Mr. Lovell, and carried to adjourn tonight's meeting of the Hardwick Township Committee at 8:30PM

Respectfully submitted,  
Judith M. Fisher, RMC

TOWNSHIP OF HARDWICK  
WARREN COUNTY, NEW JERSEY

**APRIL 14, 2021**

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 6:30PM by the Township Clerk Judith Fisher who noted that this meeting was being held in compliance with the "Open Public Meetings Act":

Mayor Duffy noted that since the Municipal Building is closed to the Public, this is a virtual meeting being done through Zoom because of the Coronavirus Pandemic.

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 on the Township Web page and in the Hardwick Municipal Building. Mayor Kevin Duffy then led the public in the pledge of allegiance.

**Roll Call:**

**Present:** Mayor Kevin Duffy, Deputy Mayor John Lovell, Jr. and Committeewoman Jodi Butler

**Also present:** Township Attorney Richard Wenner, CPWM, CPWM Thomas Campbell, CMFO  
Christine Rolef

**Absent:** None

Mayor Duffy thanks those that joined us tonight using Zoom. The other Board meetings will also be using Zoom. He apologized for any glitches.

The Township Clerk, Mrs., Fisher, noted that the April 4, 2021, meeting was cancelled, due to a advertising glitch and rescheduled for tonight, April 14, 2021.

**EXECUTIVE SESSION: RESOLUTION**

A motion was made by Ms. Butler, seconded by Mr. Lovell, and carried to adopt the Resolution to go into Closed Session at 6:31PM.

**RESOLUTION**

WHEREAS, Section 8 of the Open Public 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. Personnel Matter
  - B. Attorney Client

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:** 6:31PM

Present: Mr. Lovell, Ms. Butler, Mr. Duffy

Also Present: Attorney Richard Wenner and Township Clerk Judith Fisher

**Time Out:** 7:01PM

Motion was made by Mr. Lovell, seconded by Ms. Butler, and carried to come out of closed session. Motion carried and a voice vote was unanimous.

Mr. Wenner, Township Attorney noted that he met with the Committee for 30 minutes at which time they discussed health insurance, recruitment for the DPW and advertising. 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.

Motion was then made by Mr. Lovell, seconded by Ms. Butler and carried to change our health benefit with the State of New Jersey to the OMNI Plan, which is an option now, will be effective April 14, 2021. Motion carried followed by a Roll Call:

**Roll Call**

**Ayes:** Mr. Lovell, Ms. Butler, Mr. Duffy

**Nays:** None

**PAYMENT OF THE BILLS:**

**A motion** was made by Ms. Butler, seconded by Mr. Lovell to pay the March bills that total \$17,897.70. Motion carried followed by a roll call vote:

**Roll Call**

**Ayes:** Mr. Lovell, Ms. Butler, Mr. Duffy

**Nays:** None

**Abstentions:** None     **Absent:** None

**REPORTS:**

**Mr. Campbell, CPWM:** reported that the Right to Know survey has been done, PAIC has been in to do the Lost Control survey noting that there were no claims. He has been working on cleaning up after the winter storms.

**Mrs. Rolef, CFO:** reviewed her monthly report with the Committee

**Mr. Lavery, Twp. Attorney:** no report for this month

**Mrs. Fisher, Twp. Clerk:** no report for this month

Mr. Joseph Dunn, OEM reported that everything is status quo with the State of Emergency. Vaccines are readily available.

**RESOLUTION**

Motion was made by Mr. Lovell, seconded by Ms. Butler to adopt **Resolution 2021-23** as presented tonight. Motion carried and a voice vote was unanimous.

**2021-23 URGES SUPPORT OF A-5450/S-3827 CLARIFYING TELECOMMUNICATIONS INDUSTRY CORPORATE TAX RESPONSIBILITIES**

**WHEREAS**, A-5450/S-3827 seeks to clarify telecommunications industry corporate tax responsibilities and shield taxpayers from the costs of endless tax court litigation, and

**WHEREAS**, a misinterpretation of P. L. 1997, c.162 (C.54:10A-3 et al.) has resulted in municipalities facing the cost of litigating Verizon's tax appeal filed for every tax year subsequent to 2009, up to and including the current year, and

**WHEREAS**, tax court litigation in one municipality took ten years to ensure that Verizon would pay its 2008 business personal property taxes (BPPT), and further litigation will be needed to secure BPPT payments for each subsequent year in which the exemption was claimed, and

**WHEREAS**, every municipality faces the same prospect of costly annual tax court filings and appeals, adding to taxpayers burden, and

**WHEREAS**, A-5450/S-3827 would clarify the intent to permanently apply the business personal property tax on local exchange telephone companies that were subject to the BPPT tax as of April 1, 1997.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hardwick:

1. That it does hereby support A-5450/S-3827, which will clarify the telecommunications industry corporate tax responsibilities.
2. That a copy of this Resolution be sent to the Office of the Governor, our State Legislators, and the New Jersey League of Municipalities.

**CERTIFICATION**

I, Judith M. Fisher, Clerk of the Township of Hardwick do hereby certify that the above resolution is a true and exact copy adopted by the Township Committee of the Township of Hardwick at a regular meeting held on April 14, 2021.

Judith M. Fisher, RMC  
Township Clerk

Motion was made by Ms. Butler, seconded by Mr. Lovell to adopt Resolution **2021-27** as presented tonight. Motion carried and a voice vote was unanimous.

**2021-27 Retirement – Robert Ahlers, March 31, 2021**

**BE IT RESOLVED** that Robert Ahlers, Equipment Operator/Laborer for the Township of Hardwick has been an employee from 1995 to 2021; and

**BE IT RESOLVED** effective March 31, 2021, Robert Ahlers has retired his employment with the Township of Hardwick, and

**BE IT FURTHER RESOLVED** that the Hardwick Township Committee acknowledges and accepted his retirement effective March 31, 2021.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Hardwick Township Committee thanks Robert Ahlers for his years of service and wishes him a Wonderful and Happy Retirement.

**CERTIFICATION**

I, Judith M. Fisher, Clerk of the Township of Hardwick do hereby certify that the above resolution is a true and exact copy adopted by the Township Committee of the Township of Hardwick at a regular meeting held on April 14, 2021.

Judith M. Fisher, RMC  
Township Clerk

Motion was made by Mr. Lovell, seconded by Ms. Butler to adopt Resolution **2021-28** as presented tonight. Motion carried and a voice vote was unanimous.

**2021-28 RESOLUTION OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH LANDMARK I APPRAISAL FOR APPRAISAL SERVICES**

**WHEREAS**, the Township of Hardwick has a need to obtain appraisal services in connection with 154 Stillwater Road, Block 901, Lot 2, 61.87 vacant acres within the Township; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), a contract for such services may be awarded without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship; and

**WHEREAS**, Landmark I Appraisal submitted a proposal dated March 22, 2021, to provide the aforementioned services; and

**WHEREAS**, the value of these services will be a flat cost of \$1,950 for Landmark I Appraisal to provide an Appraisal in summary report format on said property; and

**WHEREAS**, funding is available as evidenced by the attached Certification of Funds; and

**WHEREAS**, the Township Committee finds it to be in the best interest of the Township of Hardwick to authorize said work, which is not subject to public bidding.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey, that the Mayor and Municipal Clerk are authorized to enter into a Contract with Landmark I Appraisal as described therein, subject to the certification of funds, **NOT TO EXCEED** \$1,950.00 without further authorization from the Township Committee.

**BE IT FURTHER RESOLVED** that the Clerk is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Contract and that the resolution and Contract are on file in the Office of the Clerk and are available for public inspection.

**CERTIFICATION**

I, Judith M. Fisher, RMC, Clerk of the Township of Hardwick, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution duly adopted by the Hardwick Township Committee at a meeting of said Committee held on April 14, 2021.

**RESOLUTIONS: BUDGET INTRODUCTION**

Motion was made by Mr. Lovell, seconded by Ms. Butler to adopt Resolution **2021-24** as presented tonight. Motion carried and a voice vote was unanimous.

**2021-24 Late Introduction of the 2021 Budget**

**WHEREAS**, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 30 of the fiscal year; and,

**WHEREAS**, the Township of Hardwick has delayed the introduction of the 2021 Municipal Budget past the statutory deadline; and,

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Hardwick, Warren County, New Jersey, that the Township of Hardwick hereby petitions the Director of the Division of Local Government Services to allow a delayed introduction of the 2021 Hardwick Township Municipal Budget; and,

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services, 101 South Broad Street, P.O. Box 803, Trenton, New Jersey 08625-0803

**CERTIFICATION**

I, Judith M. Fisher, Clerk of the Township of Hardwick, County of Warren do hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Hardwick Township Committee at a meeting of said Township Committee held on April 14, 2021.

Judith M. Fisher, Township Clerk

Motion was made by Mr. Lovell, seconded by Ms. Butler to adopt Resolution **2021-25** as presented tonight. Motion carried followed by a roll call vote

**Roll Call**

**Ayes:** Mr. Lovell, Ms. Butler, Mr. Duffy

**Nays:** None

**2021-25 Special Items of Revenue**

**WHEREAS**, the 2021 Local Municipal Budget was introduced on the 14th day of April, 2021; and,

**WHEREAS**, during the fiscal year 2021 the Township of Hardwick will receive revenue for various other special items in the amount of \$65,000.00

**NOW, THEREFORE BE IT RESOLVED**, that petition be made herewith to the Director of the Division of Local Government Services that the 2021 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items:

|                              |                     |
|------------------------------|---------------------|
| Alina Lodge In Lieu Payments | \$ 15,000.00        |
| Cell Tower Revenue           | <u>50,000.00</u>    |
|                              | <u>\$ 65,000.00</u> |

**Certification**

I, Judith M. Fisher, Clerk of the Township of Hardwick, County of Warren do hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Hardwick Township Committee at a meeting of said Township Committee held on April 14, 2021.

Judith M. Fisher, Township Clerk



Motion was made by Mr. Lovell, seconded by Ms. Butler to adopt Resolution **2021-26** as presented tonight. Motion carried followed by a roll call vote.

**Roll Call**

**Ayes:** Mr. Lovell, Ms. Butler, Mr. Duffy

**Nays:** None

**2021-26 Budget 2021 Introduction**

**WHEREAS**, the Township of Hardwick is holding a meeting on April 14, 2021, for the purpose of introducing the 2021 Municipal Budget and conducting other matters, and,

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Hardwick, Warren County, New Jersey, that the Township of Hardwick hereby petitions the Director of the Division of Local Government Services that the 2021 Local Municipal Budget be introduced and approved on April 14, 2021.

**2021 HARDWICK TOWNSHIP MUNICIPAL BUDGET**

|                                      |                       |
|--------------------------------------|-----------------------|
| Surplus anticipated general revenues | \$ 222,996.00         |
| Total Miscellaneous revenue          | 224,274.00            |
| Receipts from Delinquent Taxes       | 69,000.00             |
| Local Property Taxes                 | <u>807,743.00</u>     |
| Total General Revenues               | <u>\$1,324,013.00</u> |
| Total Operations                     |                       |
| Salaries and Wages                   | \$ 354,369.00         |
| Other Expenses                       | 472,471.00            |
| Capital Improvements                 | 150,000.00            |
| Debt Service                         | 66,000.00             |
| Statutory Expenditures               | 68,503.00             |
| Reserve for Delinquent Taxes         | <u>212,670.00</u>     |
| Total 2021 Municipal Budget          | <u>\$1,324,013.00</u> |
| 2021 Municipal Tax Rate (Estimated)  | \$0.5159              |

**CERTIFICATION**

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Hardwick at a regular meeting held April 14, 2021.

Judith M. Fisher, Township Clerk

The Clerk noted that 2<sup>nd</sup> reading and public hearing on the 2021 Municipal Budget will be May 19, 2021

**ORDINANCE: 1<sup>st</sup> Reading**

**Motion** made by Mr. Lovell, seconded by Ms. Butler and carried to approve the following **Ordinance 2021-03** for first reading. Motion carried and a voice vote was unanimous.

**2021-03 AN ORDINANCE OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN, STATE OF NEW JERSEY GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF HARDWICK, NEW JERSEY TO CSC TKR, LLC**

**WHEREAS**, the governing body of Township of Hardwick (hereinafter referred to as the "Township") determined that CSC TKR, LLC (hereinafter referred to as "the Company") has the technical competence and general fitness to operate a cable television system in the Municipality (as defined in Section 1 of this Ordinance), and by prior ordinance granted its municipal consent for the Company's predecessor in interest, Service Electric Cable T. V. of New Jersey, Inc. ("SECTV") to obtain a non-exclusive franchise (the "Franchise") for the placement of facilities and the establishment of a cable television system in the Municipality; and

**WHEREAS**, by application for renewal consent filed with the Township and the Office of Cable Television on or about October 14, 2011, SECTV, and the Company as its successor in interest, has sought a renewal of the Franchise; and

**WHEREAS**, on or about July 14, 2020; with the prior approval of the Board of Public Utilities of the State of New Jersey (hereinafter the "Board") the Company completed its purchase of the assets of SECTV, including the cable television franchise for, and the cable television system within the territorial limits governed by, the Township, and

**WHEREAS**, the Township having held public hearings has made due inquiry to review the Company's performance under the Franchise, and to identify the Township's future cable-related needs and interests and has concluded that the Company has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Township's future cable-related needs and interests;

**WHEREAS**, the Township has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided the Company's proposal for renewal embodies the commitments set forth below, the Township's municipal consent to the renewal of the Franchise should be given; and

**WHEREAS**, imposition of the same burdens and costs on other competitors franchised by the Township is a basic assumption of the parties;

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

#### **SECTION 1. DEFINITIONS**

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

"Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.

"Application" shall mean the Company's application for Renewal of Municipal Consent, which application is on file in the Township Clerk's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.

"Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.

"Township" shall mean the governing body of the Township Hardwick in the County of Warren, and the State of New Jersey.

"Company" shall mean CSC TKR, LLC, the grantee of rights under this Ordinance.

"FCC" shall mean the Federal Communications Commission.

"Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.

"Federal Regulations" shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.

"Municipality" shall mean the area contained within the present municipal boundaries of the Township of Hardwick in the County of Warren, and the State of New Jersey.

"Standard installation" shall mean the installation of drop cable to a customer's premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.

"State" shall mean the State of New Jersey.

"State Regulations" shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

#### **SECTION 2. STATEMENT OF FINDINGS**

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the Township having received all comments regarding the qualifications of the Company to receive this consent, the Township hereby finds the Company possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that the Company's operating and construction arrangements are adequate and feasible.

#### **SECTION 3. GRANT OF AUTHORITY**

The Township hereby grants to the Company its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the Municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

#### **SECTION 4. DURATION OF FRANCHISE**

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

#### **SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL**

If the Company seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Township and the Company shall be bound by the terms of this municipal consent until such time as the Company converts the municipal consent (and any certificate of approval) into a system-wide franchise.

**SECTION 6. FRANCHISE TERRITORY**

The consent granted under this Ordinance to the Company shall apply to the entirety of the Municipality and any property hereafter annexed.

**SECTION 7. SERVICE AREA**

The Company shall be required to proffer video programming service along any public right-of-way to any person's residence within the "primary service area," as it exists on the effective date of any written approval order by the Board of this consent, at The Company's schedule of rates for standard and nonstandard installation.

**SECTION 8. EXTENSION OF SERVICE**

Pursuant to the requirements of the Board, as ordered in its approval of the transfer of the Franchise from SECTV to the Company (Docket No. CM20030211, effective July 6, 2020): (1) The Company shall complete all needed construction necessary to provide service to the entirety of Spring Valley Road between Millbrook Road and the Hardwick municipal building driveway in the Municipality; and (2) upon request, the Company shall extend service along any public right of way outside its primary service area to those residences or small businesses within the franchise territory which are located in areas that have a residential home density of twenty-five (25) homes per mile or greater (as measured from the then existing primary service area), or areas with less than twenty-five (25) homes per mile where residents and/or small businesses agree to share the cost of such extension in accordance with the line extension formula as provided by the Company in its application for municipal consent.

**SECTION 9. FRANCHISE FEE**

Pursuant to the terms and conditions of the Cable Television Act, the Company shall pay to the Township, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Municipality. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Township and the Company shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Township to require payment of a franchise fee by the Company that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

**SECTION 10. FREE SERVICE**

Subject to applicable federal regulations, the Company shall, upon written request, provide free of charge, one (1) standard installation and monthly internet service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Municipality. Hardwick Township shall make a one time payment in the amount of \$2,500.00 to cover permit fees incurred by Altice in exchange for free internet service.

**SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS**

The Company shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Municipality:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Township shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Township, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Township so as to prevent the branches of such trees from coming in contact with

the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

**SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS**

The Company shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

**SECTION 13. LOCAL OFFICE OR AGENT**

The Company shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

**SECTION 14. DESIGNATION OF COMPLAINT OFFICER**

The Office of Cable Television is hereby designated as the complaint officer for the Township pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

**SECTION 15. LIABILITY INSURANCE**

The Company agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

**SECTION 16. PERFORMANCE BOND**

The Company shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the Township in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

**SECTION 17. RATES**

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

B. The Company shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62) years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,

In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,

The senior discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment offered by the Company, including any premium channel services and pay-per-view services; and,

Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,

C. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Municipality files, in accordance with N.J.S.A. 48:5A-30(d), is capable of serving sixty percent (60%) or more of the households within the Municipality. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.

**SECTION 18. EMERGENCY USES**

The Company shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Township pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the Township is unable to make full use of the cable television system as contemplated herein. The Township shall utilize the state-approved procedures for such emergency uses.

**SECTION 19. EQUITABLE TERMS**

In the event that the service of another multi-channel video program provider not subject to the Township's regulatory authority within the Municipality creates a significant competitive

disadvantage to the Company, the Company shall have the right to request from the Township lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Township agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Township acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Township shall be under no obligation to support The Company's request for such relief from the Board.

In any subsequent municipal consent, Township shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Township's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Township agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

#### **SECTION 20. REMOVAL OF FACILITIES**

Upon expiration, termination or revocation of this Ordinance, the Company at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless the Company, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

#### **SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS**

A. The Company shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Municipality as described in the Application for municipal consent. All the Company support for PEG access shall be for the exclusive benefit of the Company's subscribers.

B. The Township agrees that the Company shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Township is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Township's provision of PEG access programming on such channel.

C. The Company shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

#### **SECTION 22. INCORPORATION OF APPLICATION**

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Township by the Company except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other written amendments thereto submitted by The Company in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

#### **SECTION 23. CONSISTENCY WITH APPLICABLE LAWS**

This consent shall be construed in a manner consistent with all applicable federal, State and local laws; as such laws, rules and regulations may be amended from time to time.

#### **SECTION 24. SEPARABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

#### **SECTION 25. NOTICE**

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Altice USA  
1 Court Square West, 49<sup>th</sup> Floor  
Long island City, NY 11101  
Attention: Senior Vice President for Government Affairs  
With a copy to:  
CSC TKR, LLC  
c/o Altice USA  
1 Court Square West  
Long island City, NY 11101  
Attention: Legal Department  
Notices to the Township shall be mailed to:  
Township of Hardwick  
40 Spring Valley Road  
Hardwick, NJ 07825  
Attention: Township Manager

**SECTION 26. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL**

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7. In accordance with N.J.S.A. 48:5A-25.1, the terms of this Ordinance will no longer be in effect upon The Company converting the municipal consent (and any certificate of approval) into a system-wide franchise.

**SECTION 27. REPEALER.**

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon the passage, and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Township Committee on the first reading at a meeting of the Township Committee of the Township of Hardwick, held April 14, 2021, and will be considered for a second reading and final passage at a regular meeting of the Township Committee to be held on May 5, 2021, at 7:00 p.m., at the Municipal Building, located at 40 Spring Valley Road, Hardwick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Judith Fisher, Township Clerk

The Clerk noted that 2<sup>nd</sup> reading, and public hearing will be May 5, 2021.

**OLD BUSINESS:**

**Spring Clean Up** - Looking to do this possibly in September. The Committee is discussing either a voucher system or bulk pick up. In previous year, the Township use Sanico where the residents would bring the items to the garage, but because of the COVID virus, they are trying to avoid contact with the employees/residents.

The Clerk was asked to check with other companies to see if they would do a bulky pickup in the Township. The Clerk checked with the following companies about doing the bulk pickup: Sanico – interested, Gary Gray and Balbi – no, Waster Management – not in our area. No decision has been made but discussions will continue.

**Altice/Optimum:** The Mayor reported that they have agreed to bring the internet to the Municipal Building in exchange for the Township paying \$2500 for the permit fee. The Committee had first reading on the ordinance 2021-03 tonight with second reading and public hearing at the May 5 meeting.

**Web Site:** Update The Committee is actively looking for a new vendor. They are working with several vendors on having them come to a work meeting, one at a time, for the Committee to review a demo and talk about pricing and time frame to have the new site up and working.

**NEW BUSINESS:**

**Knowlton Fire Service:** Request contribution for additional monies for equipment Their Fire Service Agreement is up for renewal this year and they are requesting their donation from Hardwick the same as what was done in the previous agreement. With the additional

funds, the agreement would be for 6 years. Knowlton Fire covers Hardwick's portion of the Route 80 corridor to the Delaware Bridge. It was noted that Blirstown and Stillwater companies cover Hardwick and Hope Fire backs up Knowlton. The Township Attorney will draft this renewal agreement.

**Broadband Funding Grant Opportunity:** Ms. Butler reported that she is part of the Grant Committee that is working with Ms. Dunn on this. This Committee has met and are working on several grants and their task right now is to rank the Grants in priority.

**Replacement of Equipment Operator/Laborer Position:** There is work being done to update the job description. The advertisement for this position is ready to be advertised. Mr. Campbell and Ms. Fisher will take part in the interviews along with a committee member. Recommendation for hiring will be made to the Township Committee soon.

**NJ Cannabis Law:** Ordinance discussion: The Committee discussed this with the Township Attorney. The Township has until August 21, 2021, to pass an ordinance to formally opt out of some or all of the types of recreational cannabis businesses by adopting an "opt out" ordinance. It was noted that the Township will have until August 21, 2021, to make critical zoning decisions as to the six different cannabis licenses that have been established by our Legislature. They talked about recreational cannabis being now legal in the State, while certain aspects regarding its cultivation, manufacturing, wholesaling, distribution, retail sales and delivery involve decisions that may be made on the local level. If the municipalities do not formally opt out of some or all of these types of recreational cannabis businesses by adopting an "opt out" ordinance by the deadline, they will be locked in for a period of five years.

## **DISCUSSION**

**Stormwater Ordinance:** The Township received a letter from the Warren County Planning Board noting that they are giving Hardwick a Conditional Approval. A copy of this letter was forwarded to the Land Use Board.

**Dept of Public Works:** Recruitment of second full time member  
This was discussed earlier, advertisement will be in the newspaper shortly.

**Job Description:** DPW Mr. Lovell is presently working on this.

**Vass Farmstead Lease:** Lease agreement will be expiring soon. The Township sent a revised lease to the State DEP that rejected it and sent it back with revisions. Mr. Lovell noted that he had a productive meeting with the Township Attorney and Mr. Ohl on the revisions. The draft is almost done according to Mr. Lovell, and it will be forwarded to Mr. Chidley for review again. Mr. Lovell will also be talking with the Township Insurance Agent about general liability and the cost to the Township. The Township has been working on having us be the tenant and the Vass Farmstead being the sub-tenant. There has been talk about maybe the County having interest in managing the Vass Farmstead. The mayor will check to see if there is any interest from the Freeholders/Commissioners about this.

**Hardwick House:** Update

Mr. Duffy has tried to reach out to the owner's son but has not had a return call. The property is a pre-existing non-conforming use since 1996 and there is a variance that was approved for the barn years ago.

**Spring Valley Road:** Bridge Mr. Lovell has reached out to the County to get information what their plans are, but there has been no response from the Freeholders yet.

**Municipal Building Opening:** Update Plans are for a target date of June for an opening.

**Memorial Day Parade, May 30<sup>th</sup>:** American Legion request for a donation - \$1000  
The Committee agreed on donating \$500 but because of the State Statute, the Township cannot just hand the Legion the check. Mr. Lovell will contact Mr. Ohl to see if there are vendors the Township could work with. The check would then be sent to that vendor.

**APPROVAL OF MINUTES:**  
January 20, 2021 Work Meeting  
February 3, 2021 Business Meeting  
February 17, 2021 Work Meeting

Mr. Lovell moved to approve the above minutes, seconded by Ms. Butler. Motion carried and a voice vote was unanimous.

**PUBLIC COMMENTS:**

**A motion** was made by Ms. Butler, seconded by Mr. Duffy, and carried to open this portion of the meeting for comments from the Public.

Mr. McKim, Birch Ridge Road talked about the Hardwick House

Mr. Dunn talked about Green Acres funds

Mr. Curreri asked about the Spring Clean Up

Ms., Rolef, CFO talked about the American Rescue Plan updating that she is waiting to see what the specifics will be. Our Bond Anticipation Note was renewed for \$0.52% by the Amboy Bank. There is \$180,000 left and this will be the last year that the Township can renew.

Motion was made by Mr. Lovell, seconded by Ms. Butler to close this portion of the meeting to the public. Motion carried and a voice vote was unanimous.

**Committee Reports:**

**Ms. Butler:** There is a Grant meeting schedule for April 15. The PPE packets are available to the residents by just email the Township Clerk at [hardwicktpclerk@yahoo.com](mailto:hardwicktpclerk@yahoo.com). Resident just need to give us your name, address and phone number and we will drop off to you. Hope Township is having their Green Fair this year, April 24 from 10a – 2p

**Mr. Lovell:** Thanked the State for installing the requested signs in Route 94. He talked about the front door rust that should be looked at and the kiosk top board that also needs to be replaced. He also suggested a doorbell intercom.

**Mr. Duffy:** He reminded everyone that on the Township web there is a survey from Planet Networks. He hopes that everyone will take the time to do it.

**Adjournment:**

A motion was made by Ms. Butler, seconded by Mr. Lovell, and carried to adjourn tonight's meeting of the Hardwick Township Committee at 8:30PM

Respectfully submitted,  
Judith M. Fisher, RMC