

**TOWNSHIP OF HARDWICK
WARREN COUNTY, NEW JERSEY**

June 2, 2021

The 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":

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.

Mayor Duffy commented that this is the Township's first In Person Meeting since the Covid Pandemic.

Roll Call:

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

Also present: Township Attorney Michael Lavery, CPWM, CPWM Thomas Campbell, CMFO
Christine Role

Absent: None

EXECUTIVE SESSION: will be done at the end of this meeting

PAYMENT OF THE BILLS:

A motion was made by Mr. Lovell, seconded by Ms. Butler to pay the June bills that totaled \$145,250.05. 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 Sanico is a good for the Fall Clean Up September 20 – 25. Right now, there are no issues. He had contacted a company that will do the Electronics, that will include all tv's computers, monitors, etc. and this will be free to the residents. The price for tires might be up, will have to wait and see for now. There was a discussion on limiting to Hardwick Taxpayers, limiting the number of loads per household and non-resident taxpayers.

Over the weekend, the computer in the DPW office got fried. Tom called IT to confirm that this happened. Since this was an old computer, it doesn't pay to fix, a new computer with a warranty cost is about \$900.00. Tom did mention that this cost would come out of his budget. Ms. Butler motioned to purchase the new computer with a 1-year warranty for \$900.00 for the DPW, second by Mr. Lovell. Motion carried followed by a roll call vote:

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

Nays: None

There was a discussion on State Aid projects for 2022 and the recommendation was for Primrose Road, possible the whole road since it is the last major road left to do.

Tom also asked about a possible compensation since he worked the last 2 and a half months by himself until the Committee hired a new Equipment operator for the DPW. There was a brief discussion that will be continued in Executive Session at the end of tonight's meeting.

Mrs. Rolef, CFO: talked about the American Rescue Plan Act and the need for better reporting. She will keep the Committee updates as more information comes in. She did let the Committee know that she will be unavailable for the July 6 meeting but will have voucher and check ready then to be approved.

Mr. Lavery, Twp. Attorney: Gave a follow up on Altice. Township is still waiting for the \$2500minvocie from them for the permit fee that the Township agreed to paid.

Mrs. Fisher, Twp. Clerk: no update at this time

Mr. Joseph Dunn, OEM reported that he rescinded his OEM Order and that as of June 1, 2021, the Municipal will be opened. As for now, there is no longer an emergency. PPE's may or may not be needed he will leave it up to the employees.

Mr. Robert Wolff, Retired Fire Warden: reported that it has been busy up to March when the Covid pandemic happened. In 2022, the Tower will be celebrating its 100 Anniversary.

RESOLUTION

Motion was made by Mr. Lovell, seconded by Ms. Butler to adopt **Resolution 2021-36** as presented tonight. Motion carried and a voice vote was unanimous.

2021-36 LEAP IMPLEMENTATION GRANT

WHEREAS, the State of New Jersey has appropriated \$10 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

WHEREAS, \$2 million in LEAP Implementation Grant funds has been set allocated to support costs associated with school district consolidation studies; and

WHEREAS, Blairstown, Knowlton Township, and Hardwick Township have determined to evaluate whether North Warren Regional School District, Blairstown School District, Frelinghuysen School District, and Knowlton School District may be able to attain improved educational quality and efficiencies through consolidation or regionalization; and

WHEREAS, a formal study must be undertaken to accomplish this objective; and

WHEREAS, the North Warren Regional School District has agreed to be the lead entity in conducting this study and will submit the application for financial support for this study to DLGS on behalf of all participating units.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Hardwick, that the Hardwick Township Committee does hereby join with North Warren Regional School District in applying for a LEAP Implementation Grant to support undertaking a feasibility study for regionalization/consolidation.

CERTIFICATION

I, Judith M. Fisher, Clerk of the Township of Hardwick in the County of Warren and the State of New Jersey do hereby Certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Hardwick Township Committee at its meeting of Wednesday, June 2, 2021

Judith M. Fisher, RMC
Township Clerk

Motion was made by Mr. Lovell, seconded by Ms. Butler to adopt **Resolution 2021-37** as presented tonight. Motion carried and a voice vote was unanimous.

2021-37 GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, Hardwick Township desires to further the public interest by obtaining funding in the amount of \$530,000, in the form of a \$265,000 matching grant from the State to fund the following project(s): Hardwick Township Opens Space Plan – DonCon Enterprises acquisition, at a cost of \$530,000;

NOW, THEREFORE, the governing body/board resolves that Kevin Duffy or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such a loan and/or such a grant,

(b) provide additional application information and furnish such documents as may be required, and act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE HARDWICK TOWNSHIP COMMITTEE:

1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Hardwick Open Space Plan DonCon Enterprises;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$265,000;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

CERTIFICATION

I, Judith Fisher, do hereby certify that the foregoing is a true copy of a resolution adopted by the Hardwick Township Committee at a meeting held on the 2nd day of June, 2021.

Judith Fisher, RMC,
TOWNSHIP CLERK

THE PUBLIC HEARING ON THE APPLICATION WILL BE ADVERTISED FOR JUNE 23, 2021 AT 7:00PM AND THE ADVERTISEMENT WILL BE IN A DISPLAY BOX IN THE NEW JERSEY HERALD.

ORDINANCE: 2nd Reading and Public Hearing

Motion made by Mr. Lovell, seconded by Mr. Duffy and carried to approve the following **Ordinance 2021-04** for second reading and public hearing. Motion carried and a voice vote was unanimous.

2021-04 An Ordinance of the Township of Hardwick, County of Warren, State of New Jersey Prohibiting the Operation of Any Class of Cannabis Businesses within its Geographical Boundaries and Creating Chapter 3-10 of the Code of the Township of Hardwick

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:
Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;

Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Committee of the Township of Hardwick has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Hardwick in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Hardwick’s residents and members of the public who visit, travel, or conduct business in the Township of Hardwick, to amend the Township of Hardwick’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Township of Hardwick; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act’s 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Hardwick, except for the delivery of cannabis items and related supplies by a delivery service.

2. Section 3-10 of the Code of the Township of Hardwick is hereby amended by adding to the list of prohibited uses, the following: “All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service.”

3. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Hardwick inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and filing with the Warren County Planning Board, and as otherwise provided for 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 May 5, 2021, and will be considered for a second reading and final passage at a regular meeting of the Township Committee to be held on June 2, 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, RMC
Township Clerk

Motion was made by Mr. Lovell, seconded by Mr. Duffy and carried to open this option of the meeting to the Public for any questions/comments.

Seeing that there were no questions from the Public on Ordinance 2021-04, a motion was then made by Mr. Lovell to close this portion of the meeting to the Public, seconded by Ms. Butler. Motion carried.

Motion was then made by Mr. Lovell, seconded by Ms. Butler to adopt Ordinance 2021-04 on 2nd reading. Motion carried followed by a roll call vote:

Roll Call

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

Nays: None

ORDINANCE 1st Reading BOND ORDINANCE

Motion made by Mr. Lovell, seconded by Ms. Butler and carried to approve the following **Ordinance 2021-05** for first reading. Motion carried and a voice vote was unanimous.

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Hardwick, in the County of Warren, State of New Jersey, on June 2, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held at its meeting room in the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, on July 7, 2021 at 7:00 P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available, at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF ROADS AND THE ACQUISITION OF A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF HARDWICK, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$360,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS. 2021-05

The purposes, appropriations and bonds/notes authorized in this multipurpose bond ordinance are as follows:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Resurfacing of Millbrook Stillwater Road (Phase 2) and such other roads as determined by the Township Committee. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$230,000
Down Payment Appropriated	\$ 11,500
Bonds and Notes Authorized	\$218,500
Period of Usefulness	10 years

B. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a mason dump truck for the use of the Department of Public Works.

Appropriation and Estimated Cost	\$130,000
Down Payment Appropriated	\$ 6,500
Bonds and Notes Authorized	\$123,500
Period of Usefulness	5 years

Aggregate Appropriation and Estimated Cost	\$360,000
Aggregate Down Payment Appropriated	\$ 18,000
Aggregate Amount of Bonds and Notes Authorized	\$342,000

Grants (if any) Appropriated: \$-0-
Section 20 Costs: \$45,000
Useful Life: 8.19 years

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Judith M. Fisher, RMC
Township Clerk
Township of Hardwick
County of Warren
State of New Jersey

Mrs. Fisher noted that 2nd reading, and public hearing will be July 7, 2021 at 7:00pm.

OLD BUSINESS:

Fall Clean Up – Scheduled for September 20 – 25, 2021 at the Township Garage.

Altice/Optimum: Attorney updated under Reports

Web Site: Update Committee is actively looking for at 2 vendor demos. They want to compare apples to apples. There was an agreement that a decision needs to be made this month on the vendor.

NEW BUSINESS:

Knowlton Fire Service: Request contribution for additional monies for equipment The Township’s have agreement to extend/renew their agreement. It was noted that the agreement is in process.

Broadband Funding Grant Opportunity: Mayor reported that this is a work in progress

ZOOM: Subscription ends June 2, 2021 Question to renew
Mrs. Fisher report that the subscription end today and if the Committee feels that it needs to be renewed, then someone else will have to step up and renew it. Cost is about \$1700 annually. With that, Mr. Lovell motion to discontinue the subscription with Zoom, seconded by Ms. Butler. Motion carried, followed by a roll call vote:

Roll Call

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

Nays: None

Municipal Building: Security and Safety

Mr. Lovell feels that its time to change and that security issues exists, and that he is open to suggestions. Discussion was on cameras, screening, and door locks. Ms. Butler agreed that security is important for the employees. The Committee agreed that the security camera is a good idea and start, simple and safe. Mr. Duffy also suggested a logbook to keep track on the traffic that comes into the building.

DISCUSSION

Job Description: Mr. Duffy updated that the zoning/code enforcement job description is complete and has been sent to the Attorney to review.

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. We have heard nothing back from them yet. Mr. Lovell talked about 3 concerts that they have planned. These will be outside and if it is a success, then they will plan on using the Barn in the future. The concert dates are June 25, July 23 and September 10; time is 7p-10p and the cost is \$10. The Hardwick Senior have planned another pizza party and the Township is preparing PPE hands for them.

Spring Valley Road: Update Request to discuss in Closed Session tonight
Mr. Duffy met with Mr. Kerns, Mr. Sarnoski and the County Engineer to talk about a timeline. Right now, construction is planned for 2022.

Newsletter: Mr. Lovell drafted this and is looking for feedback from the Committee. A few corrections were made but otherwise it looks good. The plan is to include this in the mailing of the tax bills which will be happening in about a few weeks.

Municipal Building Opening: Update The Municipal Building will be opened June 1st. Discussion on maybe revamping the hallway to greet the people, security system and an intercom system. Mr. Lovell will be working on this.

American Legion request for a donation for Fireworks \$1000.00
Mr. Lovell reached out to Mr. Ohl from the American Legion to see if there was a way that the Township could work with a company to pay them directly.

APPROVAL OF MINUTES: Executive Session April 14, 2021
Approval of there minutes will be at the July meting

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.

Seeing there was no public comment, a motion was made by Ms. Butler, seconded by Mr. Lovell to close this portion of the meeting to the public. Motion carrier and a voice vote was unanimous.

Committee Reports:

Ms. Butler: reported that the Grants Committee discussions are on going and that there is no update on the Firewise grant yet.

Mr. Lovell: thanks Mr. Campbell and Mrs. Fisher for working on the hiring of the Township's new employees for the DPW.

Mr. Duffy: talked about a formal opening of Slabtown Creek Park in June with a date to be determined.

Mr. Lovell: ask the Committee for their thoughts about talking to Senator Oroho about school consolidation. Committee was ok with this request.

EXECUTIVE SESSION: RESOLUTION

A motion was made by Mr. Lovell, seconded by Ms. Butler, and carried to adopt the Resolution to go into Closed Session at 8:27PM.

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 – Covid Stipend

B. Attorney Client – Potential Litigation – Spring Valley 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: 8:27PM

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

Also Present: Attorney Michael Lavery and Township Clerk Judith Fisher

Time Out: 8:50PM

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. Lavery, Township Attorney noted that he met with the Committee and discussed two issues, Attorney Client – Potential Litigation Spring Valley Road and Personnel – Covid Stipend. 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.

Salary: Mr. Lovell made a motion to do a 2% salary/wage increase for all the Staff except for the new hire, David Quick and that there is a “NOT TO EXCEED” statement in the Ordinance. This motion was then second by Ms. Butler. A roll call vote followed:

Roll Call

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

Nays: None

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 8:53PM

Respectfully submitted,
Judith M. Fisher, RMC