

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

**November 3, 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 6:33PM 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.

**Roll Call:**

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

**Also present:** Township Attorney Michael Lavery, CPWM Thomas Campbell, CMFO Christine Rolof and Township Clerk Judith Fisher

**Absent: None**

**EXECUTIVE SESSION: RESOLUTION**

A motion was made by Mr. Duffy, seconded by Mr. Lovell, and carried to adopt the Resolution to go into Closed Session at 6:34PM.

**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. Potential Litigation – Paulinskill Road
  - B. Contractual – Internet
  - C. Personnel
  - D. Personnel - Contractual

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:** 6:34PM

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

Also Present: Attorney Michael Lavery and Township Clerk Judith Fisher

**Time Out:** 7:03PM

Motion was made by Ms. Butler, seconded by Mr. Lovell, 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 four issues, Potential Litigation - Paulinskill Road, Contractual – Internet, Personnel and Personnel - Contractual. 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.

The Committee took a moment of silence for the passing of our Township Engineer Ryan Brownell. His passing was sudden leaving a wife and 2 children.

**PAYMENT OF THE BILLS:**

A motion was made by Mr. Lovell, seconded by Ms. Butler to pay the October bills that totaled \$1,173,308.54. 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 State paving is done and Friday, Paulinskill Road will be finished. The Committee instructed Tom to call the State Police if there are any problems on Kill Road as the situation there has not been resolved yet. Tom suggested that for 2022 that the Township consider hiring Police for Traffic control for when they are paving.

**Mrs. Rolef, CFO:** Reviewed the bill list and reports with the Committee.

Mrs. Rolef also talked about FEMA and that they are requesting paperwork from the Storm Orlena. There is funding available from FEMA if the paperwork is submitted as requested from our OEM, Mr. Dunn. As for ARP, the January reporting is on tract.

**Mr. Lavery, Twp. Attorney:** No report at this time

**Mrs. Fisher, Twp. Clerk:** No report at this time

**Mr. Robert Wolff, Retired Fire Warden** was not present for tonight's meeting

**RESOLUTION:** None at this time

**ORDINANCE:**     **2nd Reading and Public Hearing**

**Motion** made by Ms. Butler, seconded by Mr. Lovell and carried to approve the following **Ordinance 2021-09** for second reading and public hearing. Motion carried and a voice vote was unanimous.

**2021-09** An Ordinance of the Township of Hardwick, County of Warren, State of New Jersey Amending and Supplementing Chapter 13, Sections 6 Entitled "Definitions" and 33.5 Entitled "Enlargement of Nonconforming Principal Structure" of the Code of the Township of Hardwick

**WHEREAS**, the Land Use Board of the Township of Hardwick believes that Sections 13-6 and 13-33.5 of the Township Code must be amended to clarify their purpose and meaning without effecting a change in the rules; and

**WHEREAS**, the Township Committee believes that such changes are in the Township's best interest;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey that the Township Code is hereby amended and supplemented as follows:

**Section 13-6: Definitions**

**ADDITION**

A structure added to an original structure at some time after the completion of the original. Additions generally will be either a fill-in type, an extension type, or a combination of both types. Fill-in additions typically will apply to "T", "L", or "U" shaped structures where additions are made which, when completed, leave the structure with an outline more rectangular in shape. When combination additions are made to structures that are non-conforming due to encroachments into setback regions, it may be necessary to distinguish between the fill-in part and the extension part when considering whether a variance is required. See Figure 1 below:

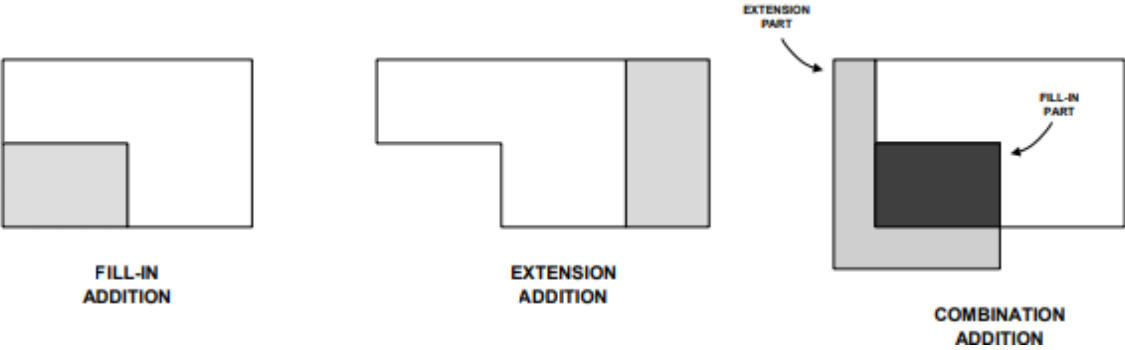


Figure 1

**SETBACK**

The distance between a lot line and the closest part of a building when measured perpendicularly to the lot line.

**MINIMUM SETBACK LINE**

A line entirely within a lot drawn parallel to a lot line at a distance from the lot line equal to the associated minimum required setback. At points where one setback line intersects with another, both lines end. In aggregate, and absent other constraints, the space within the minimum setback lines defines the building envelope.

**MINIMUM SETBACK REQUIREMENT**

The shortest setback distance permitted between a building, or other structures subject to setback requirements, and a lot line, such distances measured perpendicularly to lot lines. In general, minimum setback requirements are defined for the front line, the rear line, and side lines.

**YARD, FRONT**

A space extending the full width of the lot between the principal building and the front lot line and measured perpendicularly from the front lot line to the closest point to the front lot line. See Figure 7.

**YARD, MINIMUM**

The space between a lot line and its associated minimum setback line. The minimum yard shall be unoccupied by manmade structures subject to setback requirements except as may be specifically provided in the zoning ordinance or as a consequence of being pre-existing or approved by means of a variance. Note that minimum yards, as these serve to define setback areas, generally will not coincide with actual yards once a principal structure is in place. In aggregate, minimum yards for the front, rear, and sides taken together with the building envelope comprise the entire area of the lot.

**YARD, REAR**

A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicularly to the rear lot line to the closest point of the rear lot line. See Figures 1 and 7.

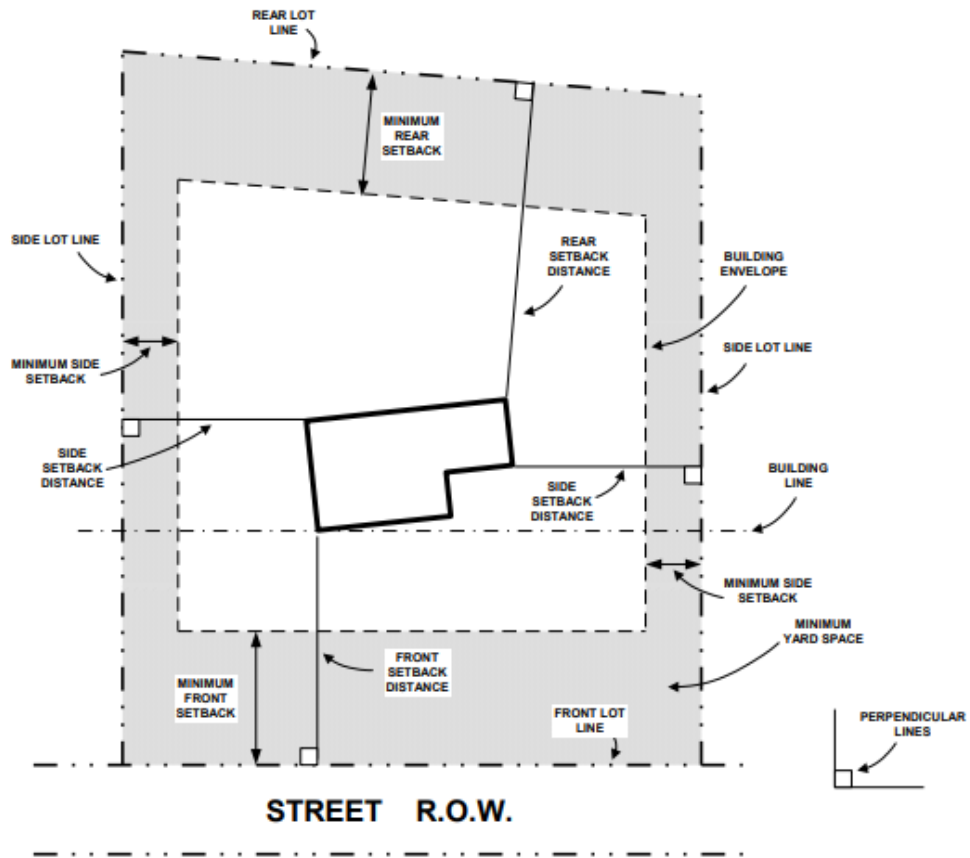


Figure 7

### **Section 13-33.5: Enlargement of Nonconforming Principal Structure.**

#### **Purpose & Intent**

For situations where it is unlikely that expansion of a principal structure made nonconforming by virtue of setback violations will meaningfully impact neighboring property owners, this section of Hardwick Township's Code is designed to relieve owners of the nonconforming properties from having to obtain variances. These situations will be predominately ones wherein a variance would be routinely granted. A small tolerance, as defined below, is allowed to address situations where there may be surveying or structure placement errors or when the principal structure is not parallel to a minimum setback line in a manner disadvantageous to the applicant. The tolerance allowance applies only for fill-in type additions or fill-in portions of combined additions and does not apply for extension type additions or extension portions of combined additions. In all other cases, except as permitted elsewhere in the Code, the normal variance process would be required.

For the purposes of this section, encroachment into a minimum yard means that the distance between a lot line and the closest point on the principal structure, when this distance is measured perpendicularly from the lot line under consideration, is less than the required minimum setback. By definition, this means that there is an encroachment into a minimum yard space.

Two key points shall be kept in mind when evaluating whether or not a variance is required when expansion of a principal structure nonconforming by virtue of setback violations is contemplated.

A further encroachment into a minimum yard space means shortening the distance from a relevant property line when an encroachment is preexisting.

As indicated below for reasons noted above, a tolerance allowance such that a further encroachment of five (5) feet or less is permitted in some situations, but only for fill-in type additions or for portions of additions which are fill-in type.

The three situations in which a variance is not required are as follows:

The existing principal structure and the proposed addition do not encroach more than 50% into any minimum yard space; AND, the proposed addition does not further encroach into the minimum yard space, i.e., shorten the distance to a relevant property line, OR, if it does, the further encroachment is within the permitted tolerance if applicable.

The existing principal structure is partially within the outer 50% of a minimum yard space, i.e., the space between a property line and a parallel line drawn at 50% of required setback distance; AND, the proposed addition is entirely outside of the outer 50% of the minimum yard space; AND, the proposed addition does not further encroach into the minimum yard space, i.e., shorten the distance to a relevant property line, OR, if it does, the further encroachment is within the permitted tolerance if applicable.

The existing principal structure is entirely within the outer 50% of a minimum front yard space, i.e., between the front lot line and a parallel line drawn at 50% of the required setback distance; AND, the proposed addition is entirely to the rear of the principal structure, i.e., in a direction most directly away from the front lot line

### **Severability**

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

### **Repealer**

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 section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective

### **Effective Date**

This ordinance shall take effect after final passage and publication as provided 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 October 6, 2021, and will be considered for a second reading and final passage at a regular meeting of the Township Committee to be held on November 3, 2021 at 7:00 p.m., at the Municipal Building, located at 40 Spring Valley Road, Hardwick, NJ, 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

A motion was made by Ms. Butler, seconded by Mr. Lovell and carried to open this portion of the meeting to the public for any comment of **Ordinance 2021-09**.

Seeing there was no comment from the public, this portion of the meeting was then closed on a motion made by Ms. Butler, seconded by Mr. Lovell and carried.

Ms. Butler motioned to adopt **Ordinance 2021-09**, seconded by Mr. Lovell. Motion carried.

### **Roll Call**

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

**Nays:** None      **Absent:** None

### **ORDINANCE Proposed 1<sup>st</sup> Reading**

**2021-10** An Ordinance of the Township of Hardwick, County of Warren, State of New Jersey Amending and Supplementing Chapter 2-13 Entitled "Road Department" of the Code of the Township of Hardwick

Mrs. Fisher asked for a motion to introduced Ordinance 2021-10 for first reading. Seeing that there was no motion from the Committee, Ordinance 2021-10 died for a lack on this motion.

**2021-11** An Ordinance of the Township of Hardwick, County of Warren, State of New Jersey Amending and Supplementing Chapter 13-109 Entitled "Zoning Officer" of the Code of the Township of Hardwick

Mrs. Fisher asked for a motion to introduced Ordinance 2021-11 for first reading. Seeing that there was no motion from the Committee, Ordinance 2021-11 died for a lack on this motion.

The Committee suggested that they will revisit these two ordinances again in 2022.

### **OLD BUSINESS:**

#### **Altice/Optimum:**

**Planet Networks:** After received information about Planet networks from our IT Consultant Mr. Reece, the Committee agrees that they are more expensive and that they would not work with us or our IT person.

Mr. Lovell moved that the Township rescind our contract with Planet Network that was awarded to them at the October 6 meeting and that we moved forward with Altice/Optimum, seconded by Ms. Butler.

#### **Roll Call**

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

**Nays:** None

#### **Web Site:** Update

The Committee is moving forward on the new draft. Our next work meeting will be November 17 at 4:00PM on the new website will be a zoom meeting hosted by Mr. Reece, IT Consultant

#### **New Web Site:** Update

MEL Cyber Risk: Requirements to bring Township into compliance (proposed cost)

#### **Township Server (Replacement):** Proposed requirement and cost

Proposal for a new Server was received from Mr. Reece. His proposal is a 3-year manufacturer's warranty for next business day hardware replacement, cost for Hardware Cost: \$6,590 plus Service Cost: \$4,500 for a total of \$11,090.

Motion was made by Ms. Butler, second by Mr. Lovell to authorize Mr. Reece to purchase the new Server for a total cost of \$11,090. Motion carried followed by a roll call vote.

#### **Roll Call**

**Ayes:** Mr. Lovell, Ms. Butler, Mr. Duffy      **Nays:** None

**Township Official Street and Road Map:** Proposed cost from Engineer Mr. Lovell is working on this with the Township Engineer.

**New Internet and new Phones:** Quote from IT Consultant JP Reece He suggested that we wait until we have the new internet installed.

#### **Land Use Board:**

At this time, the Committee will leave this opening seat until the Reorganization

#### **Municipal Building:** Security and Safety

Mr. Lovell is working on this and that there is presently no update.

### **NEW BUSINESS:**

#### **2021 Personnel Manual** – Draft for review and adoption

The Committee received a copy of the changes to meet the requirements from MEL.

A motion was made by Ms. Butler, seconded by Mr. Lovell to adopt the new 2021 Personnel Manual. Motion carried followed by a roll call vote:



## **DISCUSSION**

**Vass Farmstead Lease:** Lease agreement will be expiring soon. For now, the revisions have been made and all we are waiting for is the State to approve and sign off. The Township will still need to do a sub-agreement with the Hardwick Historical Society along with a 5-year agreement.

**Spring Valley Road:** Mr. Lovell contract the County Administrator about a project completion date. They are trying to avoid an environmental permit. The County is still working on the proposed project design.

**APPROVAL OF MINUTES:** September 21, 2021, Work Meeting  
October 5, 2021, Business Meeting & Executive Session

Motion was made by Mr. Lovell, second by Ms. Butler to approve the above minutes as corrected. Motion carried and a voice vote was unanimous.

## **PUBLIC COMMENTS:**

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

Mrs. Rossmell asked about the Spring Valley Bridge and her concerns.

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 contracts for the 2 Fire Companies will be expiring in 2022

**Mr. Lovell:** talked about the Warren County Traffic study and speed limits. He also congratulated Mr. Duffy and Mr. Jacksic for being elected to office for 2022.

Mr. Lovell motioned to have Mr. Jacksic assigned a township email address so that he can get online, second by Mr. Duffy. Motion carried

Next, he talked about the C-1 Waterway and the memo the Committee received from the Township Engineer that gives us a guideline. The Zoning Officer will be copied.

**Mr. Duffy:** Talked about a task force meeting that he attended. He reminded all about the Township Rabies Clinic for November 27, Saturday from 10A – 11A at the Township Garage. The Sussex Warren Energy CoOp will be ending December 31 and everyone that's in it will be going back to JCP&L. He also congratulated Chris Jacksic on his election win and that he looks forward to working with him on the Committee.

## **Adjournment:**

A motion was made by Mr. Lovell, seconded by Ms. Butler, and carried to adjourn tonight's meeting of the Hardwick Township Committee at 7:54PM

Respectfully submitted, Judith M. Fisher, RMC