

**TOWNSHIP OF HARDWICK
TOWNSHIP COMMITTEE MEETING MINUTES
WEDNESDAY, APRIL 5, 2023
7:00 P.M.**

OPENING ROLL CALL

The meeting was called to order by Mayor Jacksic at 5:00 pm those present were Committeeman Lovell, Deputy Mayor Meuse
Also present were DPW Supervisor Campbell, Chief Financial Officer Rolef, Township Auditor, Kucinski, Township Auditor Mooney and Municipal Clerk Shipps.

OPENING ROLL CALL

FLAG SALUTE

SUNSHINE STATEMENT

“Adequate notice of this meeting has been provided in accordance with the Open Public Meeting Act, P.L. 1975, Ch. 231 setting forth the time, date, place, and purpose of this Public Meeting through a legal notice published in New Jersey Herald and The Express times following the Township’s Annual Reorganization Meeting at which the 2023 meeting schedule was adopted.

PUBLIC COMMENT

None

DEPARTMENT REPORT

DPW Supervisor Campbell reported that clean up week will be May 8th – May 13th.
New flyer will be provided and posted.

MINUTES

January 18, 2023, Public Session Meeting Minutes

**Motion made by Lovell, second by Meuse and carried to approve the above minutes.
Mayor Jacksic abstained.**

ORDINANCE

Public Hearing/ Adoption

**2023-02 Ordinance of the Township of Hardwick, County of Warren, State of New Jersey
Creating Chapter 25 Entitled “Business Registry” Establishing a Registry for Business,
Rental-Unit and Multifamily Homeowners Insurance Certificates.**

WHEREAS, the State of New Jersey has enacted a new statute which requires business owners, rental unit owners, and owners of multifamily homes which is four or fewer units, one of which is owner-occupied, to maintain certain liability insurance policies and register certificates of insurance demonstrating compliance with such statute with the municipality; and

WHEREAS, said law provides that the municipality may, by ordinance, establish a reasonable administrative fee for the certificate of registration.

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

Wednesday April 5, 2023, Township Committee Meeting Minutes

SECTION I

Chapter 25 – Business Registry

§ 25-1. Liability Insurance Requirements.

Pursuant to S.B. 1368, codified under N.J.S.A. 40A:10A-1 and -2, the owner of a business or owner of a rental unit(s) shall maintain liability insurance for negligent acts and omissions in an amount of no less than five hundred thousand dollars (\$500,000.00) for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than three hundred thousand dollars (\$300,000.00) for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

§ 25-2. Registration Requirements.

All business owners, rental unit owners, and owners of multi-family homes of four or fewer units, one of which is owner occupied, shall register a certificate of insurance as required by the aforementioned statute in the office of the Township Clerk on an annual basis, which office shall maintain a registry of certificates of insurance filed with it, and each registration shall be accompanied by payment of \$500.00 as an administrative fee for such registration payable to the Township of Hardwick.

§ 25-3. Failure to Register.

The governing body is authorized to collect, through a summary proceeding pursuant to the “Penalty Enforcement Law of 1999,” P.L. 1999, C. 274 (C.2A:58-10 et seq.), a fine of not less than five hundred dollars (\$500.00) but no more than five thousand dollars (\$5,000.00) against an owner who failed to comply with the provisions of this Ordinance.

SECTION II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, inconsistent with the Code of the Township of Hardwick, or is held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Motion made by Lovell, second by Meuse and carried to open public comment.

No public comment

Motion made by Meuse, second y Lovell and carried to close public comment.

**Motion made by Lovell, second by Meuse and approved by roll call vote: Lovell—yes,
Meuse—yes,
Jacksic—yes, Adoption of Ordinance 2023-02**

Public Hearing/ Adoption

2023-03 An Ordinance of the Township of Hardwick, County of Warren, State of New Jersey, Deleting in its Entirety Chapter 15 Entitled “Residential Maintenance Code”, and replace Same to Be Consistent with P.L. 2021, C. 444.

WHEREAS, the Township of Hardwick is challenged to identify and locate responsible parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

WHEREAS, the Township of Hardwick finds that the presence of vacant and abandoned properties can lead to a decline in property value, create attractive nuisances, and lead to a general decrease in neighborhood and community aesthetic; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety, and welfare, and as may be necessary to carry out into effect the powers and duties conferred and imposed upon the Municipality by law; and

WHEREAS, pursuant to P.L. 2021, C. 444, the governing body of a municipality is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the municipality for which a summons and complaint in an action to foreclose on a mortgage has been filed; regulate the care, maintenance, security, and upkeep of such properties; and impose a registration fee on the mortgagee of such properties; and

WHEREAS, the Township has adopted Ordinance 2016-11 regulating the registration and maintenance of vacant and abandoned properties; and

WHEREAS, the Township has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interest of the health, safety, and welfare of its citizens and residents to impose registration and certification requirements on abandoned, vacant, and foreclosed properties located within the Township’s borders; and

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

Section 1:

The Hardwick Township Code, Chapter 15 entitled “Residential Maintenance Code” is deleted in its entirety and is replaced as follows:

§ 15. Vacant Property Maintenance.

§ 15-1. Definitions

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except when the context clearly indicates a different meaning.

VACANT AND ABANDONED REAL PROPERTY – As defined in accordance with N.J.S.A. 40:48-2.12s3(b)(8), shall mean property that is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence or finding of at least two of the following:

- (a) Overgrown or neglected vegetation;
- (b) The accumulation of newspapers, circulars, flyers, or mail on the property;
- (c) Disconnected gas, electric, or water utility services to the property;
- (d) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) The accumulation of junk, litter, trash, or debris on the property;
- (f) The absence of window treatments such as blinds, curtains, or shutters;
- (g) The absence of furnishings and personal items;
- (h) Statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- (i) Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- (j) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) A risk to the health and safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (o) Any other reasonable indicia of abandonment.

APPLICABLE CODES – means to include, but not be limited to, the Hardwick Township Code of Ordinances (Township Municipal Code), and the New Jersey Building Code.

CREDITOR – As defined in accordance with N.J.S.A. 40:48-2.12s2(d), means state-chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending Act,” sections 1 through 39 of P.L. 2009, C. 53 (N.J.S.A. 17:11C-51 through 17:11C-89), and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers. For purposes of this section, a “creditor” shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer.

ENFORCEMENT OFFICER – means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Township of Hardwick to enforce the applicable code(s).

FORECLOSURE – means the legal process by which a mortgagee terminates a mortgagor’s interest in real property either to obtain legal and equitable title to the real property pledged as security for a debt or to force a sale of said property to satisfy a debt. For purposes of this

article, this process begins upon the service of a summons and a complaint on the mortgagor on any interested party. For purposes of this article, the process is not concluded until the property is sold to a bona fide purchaser not related to the mortgagee in an arm's length transaction, whether by Sheriff's sale, private sale following a Sheriff's sale, or private sale following the vesting of title in the mortgagee pursuant to a judgment.

MORTGAGEE – means the creditor, including but not limited to, lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee to the creditor's rights, interests, or obligations under the mortgage agreement, excluding governmental entities as assignee or owner.

PROPERTY MANAGEMENT COMPANY – means a local property manager, property Maintenance Company or similar entity responsible for the maintenance of abandoned property.

VACANT – means any building or structure that is not legally occupied.

§ 15-2. Applicability.

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Township of Hardwick above and beyond any other state, county, or local provisions for same.

§ 15-3. Establishment of Registry.

Pursuant to the provisions of § 15-4, the Township of Hardwick or its designee shall establish a vacant and abandoned property registry containing the information required by this Article.

§ 15-4. Registration of Property.

- a) Any creditor who holds a mortgage or equity lien on real property located within the Township shall perform an inspection of the property to determine vacancy or occupancy, upon the commencement of foreclosure as evidenced by a foreclosure filing. The creditor shall, within ten (10) day of the inspection, register the property with the Township Code Enforcement Official, or its designee, on forms or website access provided by the Township, and indicate whether the Property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- b) If the property is occupied but remains in foreclosure, it shall be inspected by the creditor or his designee monthly until (1) the mortgagor or other party remedies the foreclosure, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Township.
- c) Registration pursuant to this Section shall contain the name of the creditor and the servicing entity, if any, the direct mailing address of the mortgagee and the servicing entity, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- d) A non-refundable annual registration fee in the amount of five-hundred dollars (\$500.00) per property shall accompany the registration form or website registration. On each anniversary date of the initial registration, the creditor shall submit a renewal registration fee as follows: 1) five hundred dollars (\$500.00) per property annually for any property that is required to be registered because a summons and a complaint in an action to foreclose was filed by the creditor; and 2) an additional two thousand dollars (\$2,000.00)

per property annually if the property is vacant and abandoned pursuant to the definition in the ordinance when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure.

- e) If the property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the annual registration fee shall be charged for every thirty-day period (30), or portion thereof, that the property is not registered and shall be due and payable with the registration.
- f) All registration fees must be paid directly from the creditor, Mortgagee, Servicer, or Trustee. Third Party Registration fees are not allowed without the consent of the Township and/or its authorized designee.
- g) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- h) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security, and maintenance standards of this section as long as they remain in foreclosure.
- i) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- j) Failure of the creditor to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Chapter is a violation of the Chapter and shall be subject to enforcement.
- k) Pursuant to any administrative or judicial finding and determination that any property is in violation of this Chapter, the Township may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.
- l) Registration of foreclosure property does not alleviate the creditor from obtaining all required licenses, permits, and inspections required by applicable codes or applicable State Statutes.
- m) If the mortgage and/or servicing on a property is sold or transferred, the new creditor is subject to all terms of this Chapter. Within ten (10) days of the transfer, the new creditor shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during the creditor's involvement with the Registrable Property.
- n) If the creditor sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the update registration. The previous creditor

will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that creditor's involvement with the Registrable Property.

§ 15-5. Maintenance Requirements.

- a) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- b) Properties subject to this Article shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with all applicable code(s) at the time registration was required.
- d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt, or similar material.
- e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable Code(s) and issuance of a citation or Notice of Violation in accordance with this Chapter, Chapter 3-3 (Removal of Brush and Weeds), and Chapter 17 ("Health") of the Township Code. Pursuant to a finding and determination by the Township Code Enforcement Officer or a Court of competent jurisdiction, the Township may take the necessary action to ensure compliance with this Section.
- h) In addition to the above, the property is required to be maintained in accordance with the applicable Code(s).

§ 15-6. Security Requirements.

- a) Properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.
- c) If a mortgage on a property is in default, and the property has become vacant and abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable law(s).

§ 15-7. Public Nuisance.

All vacant and abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Township.

§ 15-8. Violations and Penalties.

Any person who shall violate the provisions of this Chapter shall be cited and fined by one or more of the following: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not less than five hundred dollars (\$500.00) or exceeding one thousand two hundred and fifty dollars (\$1,250.00); or by a period of community service not exceeding ninety (90) days. Any person who is convicted of violating this Chapter within one year of the date of a previous violation of the same Section, and who was fined for the previous violation, shall be sentenced by a Court to an additional fine as a repeat offender. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the violation of this Chapter.

§ 15-9. Inspections for Violations.

Adherence to this Chapter does not relieve any person, legal entity, or agent from any other obligations set forth in any applicable Code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable Code(s).

§ 15-10. Additional Authority.

- a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before a Court of competent jurisdiction as soon as possible to address the conditions of the property.
- b) The Code Enforcement Officer shall have the authority to require the mortgagee and/or owner of record of any property affected by this Section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Code Enforcement Officer may direct the Municipality to abate the violations and charge the mortgagee with the cost of abatement.
- d) If the mortgagee does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the code enforcement board of special magistrate, within thirty (30) days of the Township sending the mortgagee the invoice, then the Township may lien the property with such cost, along with an administrative fee of five hundred dollars (\$500.00) to recover the administrative personnel services.
- e) No less than twenty percent (20%) of the money collected pursuant to this Ordinance shall be utilized by the Township for municipal code enforcement purposes.

§ 15-11. Opposing, Obstructing Enforcement Officer; Penalty.

Whoever opposes, obstructs, or resists any enforcement officer or any person authorized by the Code Enforcement Office in the discharge of duties as provided in this Chapter shall be punishable as provided in the applicable Code(s) or a Court of competent jurisdiction.

§ 15-12. Immunity of Enforcement Officer.

Any enforcement officer or any person authorized by the Township to enforce the Sections contained herein shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this Chapter.

Section 2. Repealer.

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.

Section 3. Severability.

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

Section 4. Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

Motion made by Lovell, second by Meuse and carried to open public comment.

No public comment

Motion made by Meuse, second y Lovell and carried to close public comment.

**Motion made by Lovell, second by Meuse and approved by roll call vote: Lovell—yes,
Meuse—yes,**

Jacksic—yes, Adoption of Ordinance 2023-03

Public Hearing/ Adoption

2023-04 An Ordinance of the Township of Hardwick, County of Warren, State of New Jersey creating article XV of Chapter 13 – Land Development - entitled “steep slopes” and to Regulate the Intensity of use in Areas of Steeply Sloping Terrain in Order to Limit Soil Loss, Erosion, Excessive Stormwater Runoff, the Degradation of Surface Water and to Maintain the Natural Topography and Drainage Patterns of Land.

Tabled

Introduction:

2023-06 Calendar Year 2023 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Hardwick Township in the County of Warren finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 2.5% increase in the budget for said year, amounting to \$22,191.46 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Hardwick Township, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Hardwick Township shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$31,068.07 and that the CY 2023 municipal budget for the Hardwick Township be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion made by Meuse, second by Lovell and carried to introduce 2023-06.

Introduction:

2023-07 An Ordinance of the Township of Hardwick, County of Warren, State of New Jersey Authorizing the Lease and Management of Cellular Tower Site in the Township of Hardwick.

WHEREAS, the Township of Hardwick is the owner of Lot 1, Block 1103.01 (street address: One Riverview Drive, Hardwick, New Jersey) in the Township of Hardwick, County of Warren; and

WHEREAS, the Township does not presently need all of Lot 1, Block 1103.01 and wishes to lease a portion thereof for the siting of a wireless telecommunications tower (hereinafter referred to as "Tower Site") to the highest bidder for public use; and

WHEREAS, the Township wants to lease the Tower Site to the highest bidder, by submission of sealed bids, in accordance with N.J.S.A. 40A:12-14 and N.J.S.A. 40A:12-24; and

WHEREAS, the Township is interested in minimizing the number of cellular tower sites within its borders and believes that the best cellular tower site in the Township is the Tower Site in question.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey, that the lease of a portion of Lot 1, Block 1103.01 for use as a Tower Site, as well as equipment, buildings and other appurtenances to be located thereon shall be publicly bid upon the following terms and conditions listed below:

1. The term of the lease shall be for a period of twenty (20) years.
2. The minimum annual rental amount shall be thirty-six thousand dollars (\$36,000.00) per year. The annual rental amount shall increase at a rate of three percent (3%) per year. In addition to the minimum annual rental, there shall be paid a percentage (%), set at fifty percent (50%), per year of the gross revenue from other users of the Tower Site who sublease and/or co-locate from the successful bidder. The successful bidder shall negotiate and manage new and renewal rentals with sublessors and/or co-locators with copies of all such contracts provided to the Township within seven (7) calendar days of execution of such contract(s).
3. The successful bidder shall meet all requirements, obligations, and mandates of the Notice to Bidders, Information to Bidders, Proposal Sheets and Proposed Lease, among other documents, which will be available once this Ordinance is adopted and published in accordance with law.
4. The successful bidder shall be required to obtain all applicable permits, approvals, and licenses at its own expense.
5. The successful bidder shall, at its own expense, plan, develop, construct, and maintain the communication tower, antennae, equipment buildings and appurtenances on the Tower Site. The Tower shall be large enough to serve antennae, but not higher than that prescribed by the Township Ordinance.
6. The Township reserves the right to reject any and/or all bids.
7. The bid shall be awarded to the highest bidder based upon the annual base rental payment only (or all bids shall be rejected) at a Township Committee meeting subsequent to the adoption of said Ordinance, pursuant to the bid documents. The Township shall award the contract for the lease of a Cellular Tower Site within sixty (60) days after the opening of the bid documents received by the Township.
8. The lease bid shall be advertised by the Township Clerk in accordance with State law.
9. Copies of Lease/Management Bid Document, which shall, in large part, consist of the proposed Form of Lease, Information to Bidders and Notice to Bidders will be available on Thursdays, between the hours of 10:00 AM and 2:00 PM, at the office of the Township Clerk, located at 40 Spring Valley Road, Hardwick, New Jersey 07825, after final passage of this Ordinance.

Motion made by Lovell, second by Meuse and carried to introduce 2023-07

Introduction:

2023-08 An Ordinance of the Township of Hardwick, count of Warren, State of New Jersey

Wednesday April 5, 2023, Township Committee Meeting Minutes

Authorizing the Acquisition of a Portion of Real Property by Negotiation, purchase,
Condemnation

or Eminent Domain, for a Portion of the Property Known as Block 1103, Lot 9, the Address of which is 48 Paulinskill Road, Hardwick, New Jersey.

WHEREAS, the Mayor and the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey (hereinafter referred to as the “Township”) have concluded that it is necessary, desirable and appropriate for the Township to undertake acquisition of a portion of property known and designated as Block 1103, Lot 9, commonly known as 48 Paulinskill Road, Township of Hardwick, County of Warren, New Jersey; and

WHEREAS, subject portion of the property, which the Township believes it must acquire, is currently in private ownership; and

WHEREAS, by adoption of this Ordinance the Township authorizes the taking of a fee acquisition of a portion of the property, which is currently privately owned, by condemnation/eminent domain so that the Township and other entities or agents acting on behalf of the Township shall have access onto, over and through said privately owned real property; and

WHEREAS, the Township further finds that public use and purpose would be served for the benefit of the Township and surrounding communities by acquiring the aforesaid portion of the property, including, but not limited to, the promotion, protection, and preservation of the public health, safety and welfare of the Township and its inhabitants by the acquisition of certain interests in said real property for additional safety and protection; and

WHEREAS, the Township is authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1, et seq., and/or any other provision of applicable law to proceed with acquiring certain property interests by condemnation/eminent domain, as long as just compensation is paid for the same.

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

SECTION I.

Recitals Incorporated: The above recitals are incorporated into this Section of the Ordinance as if specifically set forth at length herein.

SECTION II.

Specific Findings: The Mayor and Township Committee find that the acquisition will promote and protect the health, safety, and welfare of residents of the Township, and further find that any purchase or taking by eminent domain of any and all property interests necessary for the same are all in the furtherance of a public use and purpose.

SECTION III.

Authorize Condemnation: The Mayor and the Township Committee specially authorize any and all necessary and appropriate actions by Township officials including the Mayor, Township Clerk, Township Attorney, and/or any qualified designee, for the taking and obtaining of certain portion of the property interests in the property as set forth herein through negotiation, purchase, or condemnation/eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the Township to the property owner(s) in the full amount of the appraised value of the property interest that the Township seeks to acquire in said property, and to negotiate in good faith with the record owner(s) of the property for its voluntary acquisition in accordance with N.J.S.A. 20:3-6, and in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a Lis Pendens, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.

SECTION IV.

Identification of Property: The portion of the property for which a taking of property interests is authorized by negotiation, purchase, or condemnation/eminent domain pursuant to this Ordinance is located in the Municipality and listed on the Municipal tax map, the legal description of which is attached as Exhibit A to this Ordinance and specifically incorporated into this Ordinance by reference. The property interests to be acquired are irrevocable, perpetual, permanent easements and acquisition of certain parcels in fee, in the properties identified herein.

SECTION V.

Officials Authorized: All appropriate officials of the Municipality, including, but not limited, to the Mayor, Municipal Clerk, Municipal Attorney, and any qualified designee, and any and all experts or others acting on behalf of the Municipality are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.

SECTION VI.

Purchase of Property: If a determination is made by a majority vote of the Township Committee that the purchase of the portion of the property is more appropriate than the obtaining said property interest through condemnation/eminent domain, then all appropriate officials of the Township, including, but not limited to, the Mayor, Municipal Clerk, Municipal Attorney, and any qualified designee are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Township.

SECTION VII.

Repealer: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION VIII.

Severability: If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION IX.

Effective Date: This Ordinance shall take effect immediately upon final adoption and publication, as required by law.

Motion made by Lovell, second by Meuse and carried to introduce 2023-08

Introduction of the 2023 Budget

Chief Financial Officer explained that the 2023 budget is a 3-cent tax increase from 2022 which is approximately \$74 on the average home. Increase is for one additional employee, road improvements and the capital improvement fund will be increased which will be used for 5% down payments or a fully funded capital improvement. Funds will start to be put in a trust for accumulated absences for retiree employees. Senior budget has been increased to \$5,000.

Motion made by Lovell, second Meuse and approved by roll call vote: Lovell—yes, Meuse—yes, Jacksic—yes, the Introduction of the 2023 Budget.

PROCLAMATION

Older American Month May 2023

Mayor Jacksic read the proclamation.

CONSENT AGENDA

1. 2023-28 Appointing Deputy Emergency Management Coordinator
2. BE IT RESOLVED that Paul Horsey is appointed as the Deputy Emergency Management Coordinator for the Township of Hardwick, County of Warren, State of New Jersey.
- 3.
4. BE IT FURTHER RESOLVED that the Mayor and Hardwick Township Committee endorses this appointment for 1 year.
5. 2023-29 Various Appointments- Non- Compensated

WHEREAS it is necessary to appoint various persons to fill various positions on various boards, committees and commissions of the Township of Hardwick, as required by the various ordinances adopted in connection therewith:

NOW, THEREFORE, BE IT RESOLVED by the Mayor of the Township of Hardwick that the following person be appointed to the Hardwick Open Space Committee.

John Crisman
John Decker
Robert Wolff

6. 2023-30 Approving Payment of Vouchers.
7. **WHEREAS** all claims as reviewed and listed on the attached bill list are approved as reasonable and proper claims against the Township of Hardwick to be paid from its current fund; and
- 8.
9. **WHEREAS**, the CFO has certified that funds are available to pay such claims.
- 10.
11. **NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey that the bills on the attached bill listed are authorized to be paid

Motion made by Meuse, second by Lovell and approved by roll call vote: Lovell—yes, Meuse—yes, Jacksic—yes.

UNFINISHED BUSINESS

Spring Valley Rd.

Mayor Jacksic received information from the Warren County Commissioners that NJDEP is giving push back on the plans for the bridge. NJDEP is requesting a tunnel for bobcats and snakes. The County Commissioners will be appealing the decision.

Town Newsletter

Newsletters have been sent out.

NEW BUSINESS

Dates were set for the upcoming events:

- Hardwick Clean-up Week-May 8th- May 13th 2023
- Hardwick Day at Vass Farmstead- October 8, 2023
- Rabies Clinic-December 2, 2023
- Holiday Party-December 12, 2023

Christmas Tree at Townhall

Committeeman Lovell will take lead on getting a Christmas Tree this year for the Municipal Building.

Moonlight Paddle tentative Dates

June, August & October whatever night of the full moon. Mayor Jacksic will arrange state police presences.

Warren County History Tour November 5-6, 2023.

Spring Valley Cemetery and Vass Farm are on the list for the tour.

Vass Farmstead Christmas Gathering- December 10, 2023.

First Day Hike at White Lake 2024.

Committeeman Lovell stated that this event was a big success in 2023 for the county and would like to see the same success in 2024.

Sample Ordinance required by New Jersey Department of Environmental Protection.

Sample Ordinance were provided to the committee and will be adopted at a later time.

Riverview Cell Tower Specs. -discussed during introduction of ordinance 2023-07.

May Meeting.

May Meeting will be held on Tuesday May 2, 2023.

TOWNSHIP ATTORNEY

Attorney Bykov stated that he met with Committeeman Lovell, DPW Supervisor Campbell and Clerk Shipps to go over the personnel manual. Once revisions are made the final product will be sent to the clerk to distribute.

Bid specifications and the Lease for the Riverview cell tower are being finalized.

TOWNSHIP CLERK

Hardwick Shredding Event will be held on May 13th from 1pm – 4 pm at the municipal building.

TOWNSHIP COMMITTEE REPORTS

Committeeman Lovell attend his first senior meeting which was delightful. The meetings are for some seniors a way to connect with others.

Deputy Mayor Meuse read the call outs for the police calls and Ems call outs.

Mayor Jacksic, Deputy Mayor Meuse and Hope Township met with the New Jersey State Police and presented 27 trauma kits. Atlantic Mobile Health helped with the donations.

Mayor Jacksic attended the Blirstown Hose Company against Blirstown Police which was a huge success.

PUBLIC COMMENT

Frederick White of 66 Sand Pond explained that Ridge and Valley installed a walking path directly on his property line and when being used is a huge disturbance. Mr. White is asking for assistance on this matter since the trail is not the proper distance from the property line. Mr. White's email and phone number was taken by the clerk and the committee will look into the matter.

Executive Session

Motion made by Lovell, second by Meuse and carried to go into Executive Session at 8:02 pm
2023-31 Resolution Authorizing Executive Session for the purpose of:

1. Attorney Advice

Motion made by Jacksic, seconded by Lovell and carried to closed Executive session at 8:31 pm.

Attorney Bykov stated that the committee met in Executive session to discuss possible attorney advice, contract negotiation and personnel no official action will be taken at this time.

ADJOURNMENT

Motion made by Jacksic and second by Lovell and carried to adjourn the meeting at 8:32 pm

Respectfully submitted by:

Kristin Shipps