

**TOWNSHIP OF HARDWICK  
TOWNSHIP COMMITTEE MEETING MINUTES  
WEDNESDAY JULY 19, 2023**

**OPENING ROLL CALL**

The meeting was called to order by Mayor Jacksic at 7:00 pm. Those present were Mayor Jacksic, Committeeman Lovell, and Deputy Mayor Meuse. Also present were DPW Supervisor Campbell, Chief Financial Officer Rolef, Township Attorney Igor Bykov, and Municipal Clerk Shipps.

**SUNSHINE STATEMENT**

“Adequate notice of this meeting has been provided in accordance with the Open Public Meetings 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**

**DEPARTMENT REPORT**

DPW Supervisor Tom Campbell stated that he will be attending a pre-construction meeting for the

Primrose project on July 20, 2023, at Blairstown Manipal Building. An overlay project for old Orchard and East Crisman is scheduled. Oil and Stone will start at the end of August for Maines

Lane and Jones Lane. 25 trees in total were taking down from Kill Rd and Shannon Road.

CFO Rolef - Tax Bills went out and there will be an extension for the 3<sup>rd</sup> quarter August payment to August 15, 2023.

Bob Wolf- Fire Tower- reported there have not been any updated fires since the rain started.

**MINUTES**

May 2, 2023, Executive Session Meeting Minutes

May 2, 2023, Public Session Meeting Minutes.

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

**ORDINANCES**

Public Hearing/ Adoption.

2023-09- BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF PRIMROSE ROAD (SECTION 2) IN, BY AND FOR THE TOWNSHIP OF HARDWICK, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$210,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, 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.

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

Section 1. The Township of Hardwick, in the County of Warren, State of New Jersey (the "Township"), is hereby authorized to resurface Primrose Road (Section 2) in, by and for the Township. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor. It is hereby determined and stated that said road being improved is 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").

Section 2. The sum of \$210,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the State grant appropriated by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of the Township, and (2) it is necessary to finance said purpose by the issuance of obligations of the Township pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$210,000, and (4) \$128,500 of said sum is to be provided by the State grant hereinafter appropriated, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$81,500, and (6) the cost of such purpose, as hereinbefore stated, includes the

aggregate amount of \$30,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the sum of \$128,500 received or to be received as a grant from the State of New Jersey Department of Transportation is hereby appropriated to the payment of the cost of such purpose.

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$81,500 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$81,500 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$81,500 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Warren, the State of New Jersey or any of their agencies or any funds received from the United States of America or

any of its agencies in aid of such purpose (other than the State grant hereinbefore appropriated which shall be applied to the cost of such purpose, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 12. The Township intends to issue bonds or notes to finance the cost of the improvement described in Section 1 of this ordinance. If the Township incurs such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this ordinance.

Section 13. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Motion made by Meuse, second by Lovell and carried to open public hearing.  
No public comment.

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

**Motion made by Meuse, second by Lovell and approved by roll call vote: Lovell—yes, Meuse—yes. Jacksic—yes to adopt Ordinance 2023-09.**

Public Hearing/ Adoption.

**2023-10- AN ORDINANCE TO PROVIDE FOR THE IMPROVEMENT TO VARIOUS ROADS WITHIN THE TOWNSHIP OF HARDWICK AND TO PROVIDE FOR THE FUNDING THEREOF.**

BE IT ORDAINED the Township Committee of the Township of Hardwick, County of Warren and State of New Jersey, that the following be properly authorized:

Improvements to Various Roads -	\$150,000.00
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BE IT FURTHER ORDAINED that the financing for the above is as follows:

Capital Improvement Fund	\$150,000.00
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BE IT FURTHER ORDAINED that the period of usefulness of the improvements is in excess of the five (5) year statutory requirement, and that no debt shall be incurred by the Township for this improvement authorization.

The capital budget conforms with the provisions of this ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full details of the Capital Budget and Capital Program as approved by the Director, Division of Local Government Services as on file with the Municipal Clerk is available for public inspection.

This ordinance shall take effect immediately upon passage and publication in accordance with the law.

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

No public comment.

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

**Motion made by Meuse, second by Lovell and approved by roll call vote: Lovell—yes, Meuse—yes. Jacksic—yes to adopt Ordinance 2023-10.**

Public Hearing/ Adoption.

**2023-11 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 sitting 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 set 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. In addition to the payments mentioned above, the successful bidder shall also be subject to an annual five thousand (\$5,000.00) personal property tax payment. Such tax payment shall be due and owing simultaneously with all other financial obligations pronounced herein. Furthermore, the aforementioned five thousand dollar (\$5,000.00) personal property tax payment shall also be subject to the three percent (3%) annual increase.

4. 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.

5. The successful bidder shall be required to obtain all applicable permits, approvals, and licenses at its own expense.

6. 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.

7. The Township reserves the right to reject any and/or all bids.

8. 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.

9. The lease bid shall be advertised by the Township Clerk in accordance with State law.

10. 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 Meuse, second by Lovell and carried to open public hearing.

No public comment.

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

**Motion made by Meuse, second by Jacksic and approved by roll call vote: Lovell—yes, Meuse—yes. Jacksic—yes to adopt Ordinance 2023-11.**

### **CONSENT AGENDA**

1. 2023-44 Award Contract-Overlay of the Butler Road Cul-de-sac.



**WHEREAS**, the Township of Hardwick has the need to contract Road Resurfacing work for the Overlay of the Butler Road Cul-de-sac; and

**WHEREAS** the Township does not wish to utilize Contract #6 from the Morris County Cooperative Pricing Council due to re-assignment of the vendor and availability concerns;

**WHEREAS**, K& A Paving Contractors LLC, Belvidere New Jersey and Warren Asphalt, Stewartsville, N.J. has agreed to meet the Morris County Cooperative Pricing Council's price;

**WHEREAS**, the Chief Financial Officer has certified that funds are available through Ordinance 2022-07 Improvements to Roads.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Hardwick, County of Warren, and State of New Jersey approve award of Contract to K& A Paving Contractors LLC 453 Delaware Avenue, Belvidere New Jersey 07823 and to Warren Asphalt 703 Route 57 Stewartsville, New Jersey 08886 in the amounts not to exceed \$7,500.00 and \$12,000.00 respectively.

2. 2023-45 Approving Payment of Vouchers.

**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

**WHEREAS**, the CFO has certified that funds are available to pay such claims.

**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 Lovell, second by Meuse and approved by roll call vote: Lovell—yes, Meuse—yes. Jacksic—yes to approve July 19, 2023, Consent Agenda.**

**UNFINISHED BUSINESS**

**Spring Valley Rd.**

Permits have been issued and it is moving forward.

**Sample Ordinance required by New Jersey Department of Environmental Protection.**

Introduction will start at the next meeting.

**Personnel Manual.**

Attorney Bykov is waiting for approval from Attorney Wenner from the law firm and will forward it to the committee once approved for final review. Changes to the ordinance should be introduced at the August meeting.

**Municipal Building Flooring.**

DPW Campbell received an updated quote for flooring and is waiting for one more quote.

**Voiceover.**

Deputy Mayor Meuse to get an update quote from one company and a decision should be made at the August meeting.

**Website Proposal – tabled to a later meeting.**

**RAVE.**

Committee agreed to move forward with the RAVE program even though there is no text message. The program is free, and residents will receive all-call messages if they are registered.

## **NEW BUSINESS**

### **Tree Ordinance**

Committeeman Lovell presented a sample ordinance to the committee regarding the responsibility of dead trees. Discussion took place regarding whether you would be at fault if the tree was in the township right away. Attorney Bykov will do additional research to see who is liable.

### **No Engine Braking on Spring Valley**

Deputy Mayor Meuse received complaints regarding engine braking on Spring Valley Rd and provided the sample ordinance that Hope Township passed for no engine braking. It was discussed that engine braking is used as a safety feature. Committee agreed not to proceed.

### **Summer Newsletter**

Newsletters will be sent out in the fall.

### **Stillwater Fire Department discussion/meeting with Sussex/Warren dispatching centers**

The committee agreed that Deputy Mayor Meuse arrange a meeting between Sussex and Warren dispatching centers. There is a delay in Stillwater Fire department being called out on calls.

### **2023 Employee Salary**

Discussion took place in executive session.

### **Remainder of 2023 Meetings**

Meetings for the rest of the year will be August 16, September 20<sup>th</sup>, October 18, November 1st, and December 6.

## **TOWNSHIP ATTORNEY**

Township Attorney Bykov reported that he will be working with Clerk Shipps to get the bid packets out for the cell tower. Attorney Bykov will also be working with Committeeman Lovell regarding the Vass Farmstead sublease.

## **TOWNSHIP CLERK**

No report

## **TOWNSHIP COMMITTEE REPORTS**

Committeeman Lovell asked why the delay on the tax bills. CFO Rolef explained the delay was on Warren County end.

Deputy Mayor Meuse read the call outs for the Blairstown & Stillwater Hose Company and the Animal Control Officer.

Deputy Mayor Meuse will be attending a mandatory OEM class on August 8<sup>th</sup>.

Mayor Jacksic is working with Congressman Kean team on obtaining reimbursement from the National Park for the services that Hardwick provides to the park.

Mayor Jacksic and Deputy Mayor attended the Stillwater Fire Company comedy show fundraiser which was nice.

**PUBLIC COMMENT**

No public comment.

**EXECUTIVE SESSION**

Motion made by Meuse, second by Lovell and carried to go into Executive Session at 8:21 pm. 2023-46 Authorizing Executive Session for the purpose of

**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
  - B. Potential Litigation

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.

**Motion made by Meuse, second by Jacksic and carried to close Executive Session at 8:45 pm.**

Attorney Bykov stated that personnel and potential litigation was discussed during the Executive Session and no action would be taken at this time.

**ADJOURNMENT**

Motion made by Lovell, second by Jacksic and carried to adjourn the meeting at 8:46 pm.

Respectfully submitted by:

Kristin Shipps