

**TOWNSHIP OF HARDWICK
TOWNSHIP COMMITTEE MEETING MINUTES
WEDNESDAY JUNE 21, 2023**

OPENING ROLL CALL

The meeting was called to order by Mayor Jacksic at 6:00 pm those present were Committeeman Lovell, and Deputy Mayor Meuse. Also, present Municipal Clerk Shippis, DPW Supervisor Campbell, CFO Rolef and Township Attorney Bykov.

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.

Executive Session

Motion made by Meuse, second by Lovell and carried to go into Executive Session at 6:10 pm. 2023-38 Resolution 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. Contract Negotiation

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 Lovell, second by Meuse and carried to closed Executive Session at 7:00 pm

Mayor Jacksic stated that during executive session personnel, contract negotiations and attorney advice were discussed and no action will be taken.

PUBLIC COMMENT

John Hauck from the Blairstown Rotary looking for support from the township for the July 3rd fireworks.

Motion made by Jacksic, second by Lovell and approved by roll call vote: Lovell—yes, Meuse—yes, Jacksic—yes to donate up to \$1,000 toward the July 3rd fireworks.

DEPARTMENT REPORT

DPW Supervisor Campbell stated that the trail has been done on Riverview Rd. Boulders were placed on the top and bottom to deter motorcyclists from going on the trail. Trail was built at Slabtown Creek park and stumps have been removed.

CFO Rolef stated that on the agenda there is a resolution to cancel the PILT fund and move it to the fund balance which was discussed at the budget meeting. In July or August there will be a resolution for the American Rescue Plan funds for COAH.

MINUTES

March 15, 2023 Budget Meeting Minutes

April 5, 2023, Executive Session Meeting Minutes

April 5, 2023, Public Meeting Minutes

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

ORDINANCE

Introduction

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 Lovell, second by Meuse and carried to introduce Ordinance 2023-09.

Introduction

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 Lovell, second by Meuse and carried to introduce Ordinance 2023-10

Introduction

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 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 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 introduce Ordinance 2023-11.

CONSENT AGENDA

1. 2023-39 Resolution Approving the Corrective Action Plan for the Fiscal Year Ending December 31, 2022.
WHEREAS, N.J.S.A. 40-A:5-4 requires the governing body of every local unit to cause an annual audit of its books, accounts and financial transactions to be made and completed within six months after the close of its fiscal year; and
WHEREAS, the audit for fiscal year ending December 31, 2022 was present to the governing body on June 21, 2023; and
WHEREAS, the Corrective Actions Plan shall cover all findings and recommendations, including state, federal, and general or financial statement findings in the audit report; and
WHEREAS, the Chief Financial Officer shall prepare said Corrective Action Plan with the assistance from other officials affected by the audit recommendations; and
WHEREAS, the Corrective Actions plan must be approved by the governing body of the local unit and is to be submitted to the Division of Local Government Services no later than sixty days from the receipt of the audit report; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Hardwick, County of Warren, and State of New Jersey that the Corrective Action Plan for fiscal year ended December 31, 2022 is hereby approved

2. 2023-40 Resolution to Cancel PILT Reserve to Fund Balance

WHEREAS, the Township has Reserve for PILT Monies as a Current Fund Trial Balance Account; and

WHEREAS, it has been determined that it is no longer necessary to maintain a separate reserve for said monies,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Hardwick, County of Warren, and State of New Jersey that the balance in the Reserve for PILT Monies Account \$36,491 be transferred to the Current Fund – Fund Balance.

BE IT FURTHER RESOLVED, that any future PILT Monies Received by Hardwick Township be recorded as a Miscellaneous Revenue Not Anticipated

3. 2023-41 Resolution to Move 2022 Appropriations to Reserve for Storm Recovery Trust Fund

WHEREAS, the Township has deemed that a portion of the 2022 Appropriation Balance in Streets and Roads – Other Expenses were no longer necessary; and

WHEREAS, the Township wishes to move said monies to a Dedicated Trust account – Reserve for Storm Recovery,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Hardwick, County of Warren, and State of New Jersey that ten thousand dollars (\$10,000) be moved from the 2022 Appropriation Balance in Streets and Roads – Other Expenses for future Storm Recovery expenses.

4. 2023-42- Governing Body Certification of the Annual Audit

WHEREAS N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Township Committee* of the *Township of Hardwick*, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON June 21, 2023

5. 2023-43 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, the June 21, 2023 consent agenda.

UNFINISHED BUSINESS

Spring Valley Rd.

Plans that were submitted to NJDEP are in the municipal office and is moving forward.

Sample Ordinance required by New Jersey Department of Environmental Protection.

Introduction will be started at a later meeting.

Personnel Manual

Committee Lovell forwarded the PAIC requirements which are being placed in the personnel manual. The introduction for the personnel manual additions will be at a later meeting.

Voiceover

The quotes needed to be provided to not include the DPW building. Clerk Shipp will get those quotes for the next meeting.

NEW BUSINESS

Website Proposal

Deputy Mayor Meuse provided the committee with a proposal for a new website. The proposal is cheaper than the current website proposal. The committee would like to see a 36-month proposal which Deputy Mayor Meuse will take care of.

Hardwick Township Logo

The committee agreed to an official logo. Mayor Jacksic will have a digital copy made to start using on business cards and letterhead.

OEM Meeting

Deputy Mayor Meuse attended the Warren County Office of Emergency Management meeting where a program name RAVE was discussed. Deputy Mayor Meuse provided information to the committee regarding this program which is a all call for residents who signed up to receive a call if there is an emergency. The RAVE program will be no additional cost to the township. Committee agreed to proceed with RAVE program.

TOWNSHIP ATTORNEY

Attorney Bykov thanked everyone involved for the cell tower lease and the personnel manual. Attorney Bykov also commented that he has a meeting set up with Andrea Wentzel from the New Jersey Department of Environmental Protection regarding the lease for the Voss Farmstead.

TOWNSHIP CLERK

No report

TOWNSHIP COMMITTEE REPORTS

Committeeman Lovell went to Mr. White property who was present at two prior meetings regarding a trail that Ridge and Valley built near his house. Committeeman Lovell does not feel the township should be involved however is willing to help mediate the situation.

Deputy Mayor Meuse received an email from Tara Mezzanotte regarding I-80 retaining wall and Warren County coming out with a statement and requesting a letter of support. The committee

agreed to have Deputy Mayor Meuse write the letter of support after the statement is read and agrees with the statement.

Mayor Jacksic performed a wedding at the Vass Farmstead which was very nice. Mayor Jacksic went to the Senior picnic and provided information to seniors on things that are going on in township.

Mayor Jacksic & Deputy Mayor Meuse attended an event at the Alina Lodge which was very well attended.

Mayor Jacksic stated that he signed up with other Mayors in the state to get back the states energy tax receipts and will keep the committee posted on any updates.

Executive Session

Motion made by Meuse, second by Jacksic and carried to go into Executive Session at 8:10 pm. 2023-44 Resolution Authorizing Executive Session for the purpose of:

1. Personnel
2. Contract Negotiations
3. Attorney Advise

Motion made by Meuse second by Jacksic and carried to closed Executive Session at 8:30 pm

Attorney Bykov stated that the committee came out Executive Session at 8:30 where two matter Were discussed once concerning personal and one concerning ongoing litigation no official action has been taken.

ADJOURNMENT

Motion made by Lovell second by Meuse and carried to adjourn the meeting at 8:31 pm

Respectfully submitted by:

Kristin Shipps