

**TOWNSHIP OF HARDWICK
TOWNSHIP COMMITTEE MEETING MINUTES
WEDNESDAY AUGUST 16, 2023**

OPENING ROLL CALL

The meeting was called to order by Mayor Jacksic at 7:00 pm those present were 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 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

No public Comment.

DEPARTMENT REPORT

Bob Wolf from the Fire Tower and Stillwater Hose Company, provided the call outs for the month of July.

DPW Supervisor Tom Campbell reported that the fuel shed passed inspection. Stone projects have been completed for the year. Cul-de-sac at the end of Butler Rd. has been paved.

CFO Rolef had no report.

MINUTES

June 5, 2023, Public Session Meeting Minutes.

June 21, 2023, Executive Session Meeting Minutes.

June 21, 2023, Public Session Meeting Minutes/

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

ORDINANCE

Introduction:

2023- 12 An Ordinance “Fixing the Salaries and Wages Range of the Officials, Appointees and Employees of Hardwick Township in the County of Warren and State of New Jersey.”

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

SECTION 1: That the Salary Range of the elected officials, appointees and employees of the Hardwick Township, in the County of Warren and State of New Jersey, shall be as follows:

ADMINISTRATION	AMOUNT	PER	PAYABLE
Township Committee Members	3,300.00-5,000.00	Year	Quarterly
Township Clerk/Registrar	45,000.00-60,000.00	Interlocal Agreement	

Office Assistant (P/T)	13.00-22.00	Hour	Bi-Weekly
Recreation	1,000-4,000.00	Year	End of Year
Grants Coordinator	750.00-2,500.00	Year	Monthly

FINANCE

Chief Financial Officer	17,000.00-28,000.00	Year	Monthly
Tax Assessor	20,000.00-28,000.00	Interlocal Agreement	
Tax Collector	14,000.00-23,000.00	Interlocal Agreement	
Qualified Purchasing Agent	2,500.00	Year	Monthly

LAND USE

Board Secretary	10,000.00-20,000.00	Year	Quarterly
Extra Meeting Above 12	85.00-125.00	Year	Quarterly
Code Enforcement Official	13,000.00-23,000.00	Year	Monthly

DEPARTMENT OF PUBLIC WORKS

Director of Public Works	85,000.00-105,000.00	Year	Bi-Weekly
Equipment Operator/Laborer	20.00-35.00	Hour	Bi-Weekly
Emergency Truck Driver	21.00-30.00	Hour	Bi-Weekly
Summer Help	15.50-25.00	Hour	Bi-Weekly

CLEAN COMMUNITIES

Recycling Coordinator	250.00-500.00	Year	Quarterly
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ANIMAL CONTROL

Animal Control Officer (\$15.00 per hour for court)	7,500.00-13,000.00	Year	Quarterly
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EMERGENCY MANAGEMENT

Coordinator	2,500.00-5,000.00	Year	Quarterly
911 Coordinator	\$1,000-\$3,500.00	Year	Quarterly

SECTION II: Other employees’ benefits and compensation are set forth in a Personnel Policy as amended and said guidelines are further amended consistent with this ordinance.

Motion made by Lovell, second by Meuse and carried to introduce 2023-12.

Introduction:

2023-13 Ordinance of the Township of Hardwick, County of Warren, State of New Jersey
Creating

Chapter 30 Entitled “Pet Waste” As Required by the New Jersey Department of Environmental Protection.

WHEREAS, the New Jersey Department of Environmental Protection is requiring all New Jersey municipalities to adopt certain ordinances in order to comply with the Tier A Stormwater Requirements; and

WHEREAS, certain model ordinances were provided to the Township by the Department for introduction and subsequent adoption; and

WHEREAS, the Township Committee of the Township of Hardwick believes the adoption of these ordinances is in the best interest of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey, that Chapter 30 entitled “Pet Waste” be created as follows:

SECTION I.

§ 30-1. Purpose.

An Ordinance to establish requirements for the proper disposal of pet waste in the Township of Hardwick, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 30-2. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement
- f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

§ 30-3. Requirement for Disposal.

All pet owners and keepers are required to immediately and properly dispose of their pet’s solid waste deposited on any property, public or private, not owned or possessed by that person.

§ 30-4. Exemptions.

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this Chapter while such animal is being used for that purpose.

§ 30-5. Enforcement.

The provisions of this Chapter shall be enforced by Warren County Health Department.

§ 30-6. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed two thousand dollars (\$2,000.00).

SECTION II. 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 III. 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 IV. Effective Date.

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

Motion made by Meuse, second by Lovell and carried to introduce 2023-13.

Introduction:

2023-14 Ordinance of the Township of Hardwick, County of Warren, State of New Jersey Creating Chapter 31 Entitled “Wildlife Feeding” as required by the New Jersey Department of Environmental Protection.

WHEREAS, the New Jersey Department of Environmental Protection is requiring all New Jersey municipalities to adopt certain ordinances in order to comply with the Tier A Stormwater Requirements; and

WHEREAS, certain model ordinances were provided to the Township by the Department for introduction and subsequent adoption; and

WHEREAS, the Township Committee of the Township of Hardwick believes the adoption of these ordinances is in the best interest of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey, that Chapter 31 entitled “Wildlife Feeding” be created as follows:

SECTION I.

§ 31-1. Purpose.

An Ordinance to prohibit the feeding of unconfined wildlife in any public park on any other property owned or operated by the Township of Hardwick, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 31-2. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife – all animals that are neither human nor domesticated.

§ 31-3. Prohibited Conduct.

No person shall feed, in any public park or on any other property owned or operated by the Township of Hardwick, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

§ 31-4. Enforcement.

- a. This Ordinance shall be enforced by the New Jersey State Police, the New Jersey Park Police, as well as the Hardwick Township Animal Control Officer.
- b. Any person found to be in violation of this Ordinance shall be ordered to cease the feeding immediately.

§ 31-5. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed two thousand dollars (\$2,000.00).

SECTION II. 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 III. 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 IV. Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law. Motion made by Meuse, second by Lovell and carried to introduce 2023-14.

Introduction:

2023-15 Ordinance of the Township of Hardwick County of Warren, State of New Jersey reating Chapter 32 Entitled “Litter Control” as required by the New Jersey Department of Environmental Protection.

WHEREAS, the New Jersey Department of Environmental Protection is requiring all New Jersey municipalities to adopt certain ordinances in order to comply with the Tier A Stormwater Requirements; and

WHEREAS, certain model ordinances were provided to the Township by the Department for introduction and subsequent adoption; and

WHEREAS, the Township Committee of the Township of Hardwick believes the adoption of these ordinances is in the best interest of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey, that Chapter 32 entitled “Litter Control” be created as follows:

SECTION I.

§ 32-1. Purpose.

An Ordinance to establish requirements to control littering in the Township of Hardwick so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 32-2. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Litter - any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.
- b. Litter Receptacle – a container suitable for the depositing of litter.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

§ 32-3. Prohibited Acts and Regulated Activities.

1. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
2. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

§ 32-4. Enforcement.

This Ordinance shall be enforced by the New Jersey State Police, Warren County Health Department, and the Hardwick Township Zoning Officer.

§ 32-5. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed two thousand dollars (\$2,000.00).

SECTION II. 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 III. 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.

Motion made by Meuse, second by Lovell and carried to introduce 2023-15/

CONSENT AGENDA

- 1. 2023-47 – Fixing the Salaries and Wages of Officials, Appointees and Employees of the Township of Hardwick in the County of Warren, State of New Jersey for 2023.
- 2. **2023-48 Award Contract for Primrose.**

WHEREAS, the Township of Hardwick is a member of the Morris County Cooperative Pricing System and wishes to utilize the contract for Road Overlay for Primrose Road, Section 2, and

WHEREAS, Tilcon NY, Inc., Parsippany, NJ has been awarded Contract #6 for Road Resurfacing through the Morris County Cooperative Pricing Council of which the Township of Hardwick is an active participant, and

WHEREAS, the Chief Financial Officer has certified that funds are available.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Hope, County of Warren and State of New Jersey that the Road Resurfacing Services for Primrose Road, Section 2, contract not to exceed \$169,805.62 be awarded to Tilcon NY, Inc., Parsippany, NJ.

- 3. **2023-49 Refund of 2023 Tax Overpayment (Block 401 Lot 5.01).**

WHEREAS, the Tax Assessor granted tax exemption for 2023.

WHEREAS, a payment was made for the 1st quarter 2023 creating an overpayment on the tax account.

	2023 Taxes Due	Total Paid
Block 401 Lot 5.01	\$0.00	\$1,388.96
32 Birch Ridge Road		
YMCA Camp Ralph S Mason Inc.		

NOW, THEREFORE BE IT RESOLVED by the Mayor and Committee of Hardwick Township that the Municipal Finance Officer is hereby authorized to issue a refund check to:

Block 401 Lot 5.01
Name YMCA Camp Ralph S Mason Inc
Address 23 Birch Ridge Road
Address Hardwick, NJ 07825
Amount \$1,388.96

- 4. 2023-50 Cancellation and Refund of Taxes Due to Totally Disabled Veteran Status.
WHEREAS, the Department of Veterans Affairs has determined Chester Lakomy, owner of property at Block 1003, Lot 27.03, 34-B Spring Valley Road, is totally disabled, and the Tax Assessor granted this exemption effective March 1, 2023, and that Mr. Lakomy is to be exempt from that day forward in accordance with N.J.S.A. 54:4-30:30 et seq.

2023 tax on this property	\$13,831.61
309 days = taxes to be cancelled	-\$11,595.82

Taxes Paid	<u>-\$3,482.07</u>
Refund	\$1,246.28

NOW, THEREFORE BE IT RESOLVED by the Mayor and Committee of Hardwick Township that the Tax Collector is hereby authorized to cancel property taxes in the amount of \$11,595.82.

BE IT FURTHER RESOLVED by the Mayor and Committee of Hardwick Township that the Municipal Financial Officer is hereby authorized to a refund in the amount of \$1,246.28 for taxes previously paid in the 1st quarter of 2023 to:

Lakomy, Chester & Linda
34-B Spring Valley Road
Hardwick, NJ 07825
Amount: \$1,246.28

5. 2023-51 Resolution Providing Draft TP FY 2024-2027 Comment for the \$178.6M NJDOT Delaware Water Gap Projects: \$52.4M I80 WB Rockfall Mitigation Project DBN# 09545 and \$92.2M I80 EB Retaining Wall Replacement Project DBN# 22360.

WHEREAS NJDOT Rockfall Mitigation Projects in Knowlton and Hardwick Townships along the Lower and Middle Delaware National Wild and Scenic River, have been fraught with controversy since 2012 largely due to the following issues:

- well-documented environmental, traffic safety, visual, economic and lifestyle impact concerns,
- questionable existence of studies conducted prior to preliminary engineering that would support a change in scope, purpose and need, justification, original estimates, feasibility, and constructability,
- NJDOTs inability or lack of willingness to consistently provide stakeholders with notice of projects, changes to projects, updates, reasonable records requested or other timely and accurate information, and

WHEREAS draft TIP 2024-2027 includes upgrading the temporary no-bid, time and materials emergency erosion hole/retaining wall project #22360, which has been ongoing since March 2020, to a new \$92.2M I80 EB Full Retaining Wall Replacement Project #22360, which already has major concerning patterns similar to the Rockfall Mitigation Project issues such as:

- Pattern of apparent decisions to do work without studies to support the need: During the May 2023 Local Officials Briefing, NJDOT stated that July 2022 engineering studies determine the need for retaining wall replacement, yet records show the decision to replace the entire wall was made prior to signing the [Route 80 EB Retaining Wall Replacement Contract](#). Contract [scope details and estimates for full inspection were submitted June 22, 2023](#) and state in Task #4:“...and roadway condition to develop a conceptual monitoring program to observe the existing conditions until the replacement of the retaining wall”.

This follows the same pattern as the Rockfall Mitigation Project, whereby the scope was Wednesday August 16, 2023, Township Committee Meeting Minutes

changed after the completion of the 2011 Concept Development Phase, with no new supporting studies and before the 2013 Preliminary Engineering Contract, which shows it was arbitrarily changed from a \$4.5M 9-month project to a \$37-\$200M 4+ year project. These records show project needs and solutions are committed to with NO studies to justify them.

- Pattern of apparent expensive incorrect assumptions and avoidance of environmental standards: Two years of Emergency Erosion Hole Repair, as described in the post de facto July 2022 NJDEP Flood Hazard Permit Application and [September 2022 NPS comment to NJDEP](#), was constructed without required permits or consultation with the National Park Service, materials used were inconsistent with standards for National Wild and Scenic Rivers, and the embankment was built up which impedes the river's natural flow. This follows the same pattern as NJDOT choosing to advance the Rockfall Project as a NEPA Categorical Exclusion (CATEX) [despite multiple CatEX disqualifying criteria](#) and only switching to the more appropriate Environmental Assessment once NPS, NJDEP and New Jersey State Historic Preservation Office required them to do so.
- Pattern of neglecting to follow Public Involvement Policy guidelines and standards: On May 22, 2023 NJDOT hosted a Virtual I80 Retaining Wall Replacement Project Local Officials Briefing (LOB) for only Warren County and Knowlton Township, whereby they admittedly "forgot" to include Hardwick Township, have yet to provide a copy of the presentation and meeting notes to Knowlton Township and Warren County and have yet to provide Hardwick Township with the meeting notes, presentation PDF, and LOB as promised. This is similar to NJDOT arbitrarily changing the I80 Rockfall Mitigation Concept Development recommended [Public Involvement Plan by removing Knowlton Township as reflected in the 2013 Preliminary Engineering contract details, and arbitrarily attempting to advance the project with a new scope without stakeholder input on it or on the development of new alternatives](#) and

WHEREAS the above issue pattern was brought to NJTPAs attention during the development of multiple TIPs beginning in 2012, as detailed in multiple letters and comments during the development of the 2020-2023, and 2022-2025 TIPs, whereby NJTPA was asked multiple times by Knowlton and Hardwick Townships and others to help facilitate the requested Public Hearing or Public Meeting, and to help obtain documents NJDOT has yet to provide, and

WHEREAS related to the above listed issues the following are examples of letters and resolutions expressing concerns and attempting to find solutions:

- Knowlton 2013 [Resolution 13-32](#) A resolution concerning the construction of a steel wire ring fence along Route 46 by the NJDOT
- Knowlton November 9, [2015 Resolution 15-95](#) A resolution opposing construction by the NJDOT of a fence designed to hold back rocks along Route 80 without public hearings and consultation with, and approval from, Knowlton and Hardwick Townships and the National Park Service.

- Knowlton July 10 2017 [Resolution 2017-84](#) Response to the draft Visual Impact Assessment and Public Information Center (I80 Rockfall Mitigation)
- Hardwick October 3, [2018 Resolution 2018-42](#) Request to NJDOT for Public Hearing and presentation on the proposed Rockwall through the Delaware Water Gap
- Hardwick: June 5, 2019 [Resolution 2019-28](#) & Knowlton: May 13, 2019 :[Resolution 2019-71](#) Resolution concerning traffic impacts to the NJDOT’s Route 80 westbound Rockwall Mitigation Project
- Hardwick February 17, 2020 Letter to [NJDOT Route 80 Rockfall Mitigation Project](#) Request for “stakeholder-based charette”
- Knowlton March 9, 2020 [Resolution 2020-48](#) Resolution Requesting an Environmental Impact Statement (EIS) for the Route 80 Rockfall Mitigation Project in Knowlton and Hardwick Townships
- Knowlton June 12, 2021 [Resolution 2021-58](#) Resolution requesting oversight of \$59 Million Rockfall Mitigation Project

WHEREAS related to the above issues and NJDOT’s lack of response, the following Warren County Board of Commissioners resolutions were unanimously approved and sent to NJDOT, NJTPA, and the Federal Highway Administration –NJ seeking remedies and solutions for which no formal response has been provided:

1. March 25, 2020 [Resolution 154-20](#) which along with several NJ and PA legislators and organizations, called for an I80 Rockfall Mitigation Project Environmental Impact Statement, noting known retaining wall issues, issues with no suitable detour route, the likelihood that 611 could be closed for an extended period of time due to common rockfall and tree fall occurrences, and structural issues and other safety and traffic impact issues of top concern
2. March 10, 2021 [Resolution 130-21](#) which along with Sussex and Hunterdon Counties called for the I80 WB Rockfall Mitigation Project to return to the original 2011 Concept Development Recommended Plan alternative as estimated in the 2012 TIP at \$6M
3. September 22, [2021 Resolution 420-21](#) which, along with several NJ and PA counties and municipalities called upon NJDOT to initiate a Problem Statement to study safety, mobility and congestion issues between I80 Exit 4 and the Delaware Water Gap Bridge, and

WHEREAS during the development of draft TIP 2022-2025, on [May 9, 2021, resident group I80 DWG Coalition](#), presented evidence to NJTPA Board Members and Executive Staff showing NJDOT may not have been providing accurate and timely information during the development of the TIPs since 2012 related to multiple Rockfall Mitigation Projects in Warren and Hunterdon Counties, thus funding and project advancement decisions may have been made on incomplete or inaccurate data, asking the projects be paused pending review, and NJTPA help facilitate a meeting to resolve the conflict, for which NJTPA did not provide a formal response nor did they provide any such remedy, and

WHEREAS partially because NJTPA was unable or unwilling to pause funding for the Rockfall Mitigation projects pending a review as requested, [the I80 DWG Coalition submitted a complain to the NJDOT Office of Inspector General](#) in September 2021 which the I80 DWG Coalition reports was reviewed, and did open an investigation which is still ongoing, and

WHEREAS resident group [I80 DWG Coalition detailed the history of issues and lack of remedy, and Warren County explained such in their December 2022 NJTPA Federal Review Comments which reads in part:](#)

Local efforts to hold a meeting with the NJDOT have been futile. In fact, when a meeting was requested by Warren County, the NJDOT would meet only with the County's professional staff with no elected officials present. This raises the question why were local elected officials excluded?

Per federal requirements, the NJTPA promotes a robust public engagement process and coordination with all stakeholders. Being that federal monies are being used to fund the I-80 Rockfall Project, it would seem that public and stakeholder cooperation in a "continuing, cooperative, and comprehensive (3C)" process" would be paramount. It seems that "cooperative" is missing in the process and that, in fact, local elected officials do not have a stronger role in guiding federal transportation investments and are instead excluded and ignored.

It would be helpful if the NJTPA would step forward and facilitate a constructive discussion with the local elected officials, particularly in the Rockfall case where legitimate and serious concerns are being raised, and

WHEREAS statutes related to MPO programs development state: (bold and underlined added):

FAST Act Section 134: (j)(3)(B) Implementation of Public Comment Requirements:

The metropolitan planning organization shall demonstrate that the comments received on the transportation plan and transportation improvement program were considered in the development of such plan and program.

23 CFR 450.316 -- Interested parties, participation, and consultation. (a) The MPO shall develop and use a documented participation plan that defines a process for providing individuals, affected public agencies, representatives of public ...other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process. (1) The MPO shall develop the participation plan in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for: (ii) **Providing timely notice and reasonable access to information about transportation issues and processes;** (vi) **Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;**

NOW, THEREFORE BE IT RESOLVED that the Township of Hardwick continues to support all necessary emergency repairs to the I80 EB Retaining Wall, and

BE IT FURTHER RESOLVED that the Township of Hardwick's supports the \$82.4M I80 WB Rockfall Mitigation Project DBN# 09545 and the \$92.2M I80 EB Retaining Wall Replacement Project DBN#22360 provided the NJTPA exercises its fiduciary responsibility to honor the following requests:

1. NJTPA establishes a committee, study group or facilitates the creation of any forum necessary, that includes Warren County Commissioners, Warren County Planning Department and Knowlton and Hardwick Township representatives, to assist with conflict resolution for the above issues, and
2. NJTPA encourages a full independent Environmental Impact Statement (EIS) that considers impacts of the I80 WB Rockfall Mitigation Project and the I80 EB Retaining Wall Project as a two-phase single project, the EIS includes full Cumulative and Socioeconomic Impact Assessments and evaluates all reasonable alternatives which would include the original 2011 \$4.5M FHWA, Knowlton and Hardwick Township's approved Rockfall Mitigation Recommended Preferred Alternative, and
3. NJTPA assists NJDOT to initiate a Transportation Problem Statement to study all the safety, mobility and congestion issues I80 Exit 4 to the Delaware Water Gap Bridge, and

BE IT FURTHER RESOLVED this resolution is to serve as the Township of Hardwick's draft TIP 2024-207 comment for DBN# 09545 and DBN#22360, for which it is expected NJTPA and board member NJDOT acknowledges each of the issues brought forth showing they were considered, and a response to each request is provided, and

BE IT FURTHER RESOLVED this resolution will be provided via email to, FHWA-NJ, NJTPA, NJDOT, Warren County Board of Commissioners, and all NJ and PA state and federal elected officials who have, are, or in 2024 will be representing the 30 municipalities who have gone on record over the years expressing concerns and seeking solutions to these projects and from who we request any and all support for the above-mentioned requests, and

BE IT FURTHER RESOLVED a copy of [Warren County and I80 DWG Coalition December 2022 NJTPA Federal Review Comments shall be attached to this resolution.](#)

6. 2023-52 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

7. 2023-53 Resolution Authorizing the Mayor and Clerk to Execute the Agreement between the Land Conservancy of New Jersey and Hardwick Township.

WHEREAS the Land Conservancy of New Jersey will be providing services to Hardwick Township as the Township's Open Space Consultant.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Hardwick, County of Warren, State of New Jersey, do hereby authorize the Mayor and Municipal Clerk to execute the agreement between the Land Conservancy of New Jersey and Hardwick Township.

BE IT FURTHER RESOLVED that they are authorized to sign and attest on behalf of the township.

8. 2023-55 Resolution Authorizing the Mayor and The Clerk to Execute the RAVE Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Hardwick, County of Warren, State of New Jersey, do hereby authorize the Mayor and Municipal Clerk to execute the Rave Memorandum of Understanding.

BE IT FURTHER RESOLVED that they are authorized to sign and attest on behalf of the township.

Motion made by Meuse, second by Lovell and approved by roll call vote: Lovell—yes, Meuse—yes, Jacksic—yes to approve the August 16, 2023, Consent Agenda.

Consent Agenda item #1 was tabled to the next meeting.

UNFINISHED BUSINESS

Spring Valley Rd.

Mayor Jacksic provided an update.

Personnel Manual

Clerk Shippo will set up a workshop meeting with the committee to go over the manual.

Municipal Building Flooring

Motion made by Lovell, second by Meuse and approved by roll call vote: Lovell—yes, Meuse—yes, Jacksic—yes to go with Kim's HS Carpet for flooring in the municipal building.

Voiceover

Motion made by Lovell, second by Meuse and approved by roll call vote: Lovell—yes, Meuse—yes, Jacksic—yes to go with Nextiva for a new phone system.

Website Proposal

Motion made by Lovell, second by Meuse and approved by roll call vote: Lovell—yes, Meuse—yes, Jacksic—yes to go with Web partner Groups for the website.

Tree Ordinance

Township Attorney Bykov will prepare a memo in the next few days for the Committee's review.

Newsletter

The newsletter will be finalized within the next month.

NEW BUSINESS

Sussex-Warren Area Energy Cooperative Round 3 Comment Letter

A letter was provided to the committee for review.

Everest- Cell Tower Offer

Everest offered a lump sum of money to purchase both cell towers. The committee agreed to deny the offer from Everest for the purchase of the cell towers. The township would need to go out to bid to sell the towers. Attorney Bykov will prepare a letter to send to Everest denying this offer.

CORRESPONDENCE

July 27, 2023, Letter from NJDOT Regarding I-80 Retaining Wall

Tara Mezzanotte provided a summary of this letter to the committee.

TOWNSHIP ATTORNEY

Attorney Bykov discussed a concern that Committeeman Lovell brought up regarding the failure of taxes being collected on the cell tower properties. Attorney Bykov recommended to reach out to Tax Assessor Rich Motyka to see the amount of taxes that have not been paid and when the last time the taxes were collected.

TOWNSHIP CLERK

A Shredding Event will be held on October 21, 2023, at the Municipal Building from 1 pm – 4 pm.

TOWNSHIP COMMITTEE REPORTS

Deputy Mayor Meuse spoke to the committee about obtaining a handheld radio for emergencies, which the township does not have. Deputy Mayor Meuse will be in contact with the county to see which handheld radio will be the most cost effective.

Committeeman Lovell discussed COAH credits and suggested reaching out to the county to increase the amount that is offered to residents which is currently \$10,000. The committeeman stated that some of that cost goes towards administration fees. The assigned ARPA funds would increase grants by \$10,000 per property. Committee agreed.

Mayor Jacksic reported that Hardwick Day is all set for October 8, 2023.

Mayor Jacksic reported that he spoke with the CEO of Planet Network, and they are waiting on a Department of Consumer Affairs grant. Once it is received, they will start running fiber optic in Hardwick Township.

PUBLIC COMMENT

No Public Comment

EXECUTIVE SESSION

Motion made by Meuse, second by Lovell and carried to go into Executive Session at 8:18 pm.

1. 2023-54 Resolution Authoring Executive Session for the purpose of Personnel

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

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 Jacksic, second by Lovell and carried to close executive session at 8:29 pm.

ADJOURNMENT

Motion made by Lovell, second by Meuse and carried to adjourn the meeting at 8:30 pm.

Respectfully submitted by:

Kristin Shipps