

**TOWNSHIP OF HARDWICK
COMMITTEE MEETING MINUTES
WEDNESDAY AUGUST 21, 2024**

OPENING ROLL CALL:

The meeting was called to order by Mayor Jacksic at 7:00 pm. Present were Deputy Mayor Meuse, and Committeeman Lovell (via phone conference). Also present were DPW Supervisor Campbell, Township Attorney Igor Bykov, and Municipal Clerk Shipps.

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 time the 2024 meeting schedule was adopted.”.

PUBLIC COMMENT:

Tara Mezzanotte provided the committee with an update on the 611 and Route 80 projects and stated that there were many supportive resolutions from surrounding areas. A meeting hosted by Federal Highway of Pennsylvania on behalf of the Federal Highway of New Jersey and Federal Highway Headquarters in Washington D.C. will be announced, and the committee will have the opportunity to attend this meeting to express their concerns on behalf of the local community. Mrs. Mezzanotte will provide the date and time of the meeting and one or more of the committee members will attend.

DEPARTMENT REPORT:

DPW Supervisor Campbell stated that the department has been busy with tree clean up. DPW Supervisor Campbell explained to the committee that the end of Ward Rd has been closed due to the Paulina Dam demolition. Everyone has respected the road closure with the exception of some employees of Alina Lodge. Deputy Mayor Meuse will reach out to the director of Alina Lodge to address this issue.

Bob Wolf -Fire Tower/ Stillwater Fire Department.

Trail work will start on the Sunfish Fire Road within the next week.

Stillwater Fire attended the Mt. Lakes 75th Anniversary.

MINUTES:

June 12, 2024, Executive Session Meeting Minutes

June 12, 2024, Public Session Meeting Minutes

July 17, 2024, Executive Session Meeting Minutes

July 17, 2024, Public Session Meeting Minutes

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

ORDINANCE:
Public Hearing/ Adoption

2024-05 Ordinance of the Township of Hardwick, County of Warren, State of New Jersey, Creating Chapter 40 Entitled “Tree Removal and Replacement” Establishing Certain Rules and Regulations Related to the Removal and Replacement of Certain Qualifying Trees, and Required by the New Jersey Department of Environmental Protection.

WHEREAS, the Township of Hardwick is required by the State of New Jersey Department of Environmental Protection (NJDEP) to administer certain stormwater pollution prevention requirements within the Township, and

WHEREAS, the State of New Jersey pursuant to N.J.A.C. 7:14A. on December 22, 2022 issued a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit to the Township of Hardwick as an operator of a Municipal Separate Storm Sewer System (MS4) within the State, and

WHEREAS, said NJPDES Permit is a renewal of the Township’s previous NJPDES permit with said new permit having an effective date of January 1, 2023; and

WHEREAS, the Township of Hardwick under said new permit is required to adopt certain ordinances to protect water resources within the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hardwick, County of Warren, State of New Jersey that Chapter 40, entitled “Tree Removal and Replacement” establishing certain rules and regulations related to the removal and replacement of certain qualifying trees, as required by the New Jersey Department of Environmental Protection, be created as follows:

SECTION I:

Chapter 40. Tree Removal-Replacement Ordinance

§ 40-1. Purpose:

An ordinance to establish requirements for tree removal and replacement in Township of Hardwick to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

§ 40-2. 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 ordinance clearly demonstrates a different meaning. When consistent 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 use of the word "shall" means the requirement is always mandatory and not merely directory.

- A. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. "Critical Root Radius (CRR)" – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.
- C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 1/2 foot height, the DBH shall be measured at the highest point before any division.
- D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.
 - 1. Has an infectious disease or insect infestation;
 - 2. Is dead or dying; senescence
 - 3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
 - 4. May cause damage to structures (such as building foundations, sidewalks, utilities etc.);
 - 5. Any trees whose angle or growth makes them a hazard to structure or human life, or
 - 6. Is determined to be a threat to public health, safety, and/or welfare.
- E. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.
- G. "Resident" means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.
- I. "Tree" means a woody plant having one erect perennial stem (trunk), that can support itself, at least three (3) inches in diameter at a point 4-1/2 feet above the ground, a definitely formed crown of foliage and a mature height of at least 13 feet. If the tree is removed, the tree is measured by the remaining stump. If the diameter of the stump

is greater than twelve inches (12"), such tree is subject to the provisions of this Ordinance.

J. "Tree Caliper" means the diameter of the trunk of a tree, measured 4-½ feet above the ground.

K. "Tree removal" means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species. Removal of trees that cause an obstruction to the line of sight on public or private right of way(s) shall also be exempt from this Chapter.

§ 40-3. Regulated Activities:

A. Tree Replacement Requirements

1. Any person who removes four (4) or more trees, as defined by Tree removal, with a DBH of 6" or more, unless exempt under Section 40-4, and as part of a Land Use Board application, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person, who removes one (1) or more tree(s), as defined as Tree removal, within 300 feet of a designated C-1 stream, and/or within 300 feet of a wetlands classified as "high value" by NJDEP, shall be subject to the requirements of the Tree Replacement Requirements Table below.
3. Any residential use lots, clearing an acre or more of land, unless exempt by Section 40-4. Clearing area shall not include buildings, accessory structures, driveways, stormwater facilities, septic system and other ancillary structures.

The species type and diversity of replacement trees shall be in accordance with Appendix A.

Replacement tree(s) shall:

1. Be replaced in kind with a tree that has an equal or greater DBH than the tree removed or meet the Tree Replacement Criteria in the table below;
2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within a twelve-month (12) period; and

4. Any nonresidential uses or major site plan application shall post a performance bond, the amount of which shall be calculated by the following formula:

(number of trees to be replaced multiplied by 1.5) * \$100.00

Such performance bond shall be posted for a minimum of two (2) years for any tree planted to ensure their survival and shall be replaced as needed within (12) month.

5. Shall be planted in the ground. Pots and container trees will not be considered replacements.

Tree Replacement Requirements Table:

<u>Category</u>	<u>Tree Removed (DBH)</u>	<u>Tree Replacement Criteria (See Appendix A)</u>	<u>Application Fee</u>
<u>1</u>	<u>DBH of 6" to 13.99"</u>	<u>Replant 1 tree with a minimum tree caliper of 2.5"</u>	
<u>2</u>	<u>DBH of 14" to 22.99"</u>	<u>Replant 2 trees with minimum tree calipers of 2.5"</u>	
<u>3</u>	<u>DBH of 23" to 47.99"</u>	<u>Replant 3 trees with minimum tree calipers of 2.5"</u>	
<u>4</u>	<u>DBH of 48" or greater</u>	<u>Replant 4 trees with minimum tree calipers of 2.5"</u>	

B. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. Pay a fee of three hundred and fifty dollars (\$350.00) per non-exempt tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

§ 40-4. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification, as outlined below, shall be provided, in writing, preferably with supporting photos, to the by all persons claiming an exemption.

- A. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- B. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan, approved by the State of New Jersey Department of Environmental Protection, the New Jersey Forest Service, that is active and on file with the municipality;
- C. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- D. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- E. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- F. Hazard trees, as identified by the New Jersey Department of Environmental Protection, may be removed with no fee or replacement requirement.
- G. Removal of invasive trees.
- H. Any tree which is part of a cemetery.
- I. Tree directed to be removed by municipal, County, State or Federal authority pursuant to law.
- J. Pruning or removal of trees within the right-of-way by utility companies for the maintenance of utility wires or pipelines
- K. Trees removed in conjunction with farmland greater than five (5) acres in size, that will be actively devoted primarily to agricultural uses, where the owner desires to remove any trees for the purpose of expanding the farmland(s), the owner is required to submit a tree-removal plan to the Township Committee and receive such approval before commencing any such removal.
- L. Fallen Trees due to exceptionally high winds, a snowstorm, a hurricane, or any other kind of natural disaster.
- M. Tree planted in a decorative planter.

§ 40-5. Enforcement:

This ordinance shall be enforced by the Zoning Officer and Township Engineer during the course of ordinary enforcement duties.

§ 40-6. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be required to replace the removed tree(s), as well as be subject to a fine not exceeding two thousand dollars (\$2,000.00), imprisonment in the county jail for a term not exceeding ninety (90) days, or for a period of community service not exceeding ninety (90) days.

SECTION II: Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION III: Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

SECTION IV: Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Motion made by Meuse, Second by Jacksic and carried to open public hearing.

Resident Mike Fee had many concerns regarding this ordinance, especially in his forestry profession.

Motion made by Meuse, second by Jacksic 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, for the adoption of Ordinance 2024-05.

CONSENT AGENDA:

1. 2024-59 – 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.

2. 2024-60 Resolution Approving the Corrective Action plan for the Fiscal Year Ending December 31, 2023.

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, 2023 was present to the governing body on August 21, 2024; 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, 2023 is hereby approved

3. 2024-61 Refund of 2024 Tax Overpayment.

WHEREAS, the assessment of the following property was reduced in 2024 thereby creating an overpayment of taxes paid for 2024,

	2024 Taxes Due	Total Paid
Block 1003 Lot 18 Stillwater Road Keimel, William / Dana, Mary	\$0.00	\$443.63

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	1003 Lot 18
Name	Keimel Jr., William / Dana, Mary C/O Mary Dana
Address	83 Stillwater Road
Address	Hardwick, NJ 07825
Amount	\$443.63

4. 2024-62 Risk Management Consultant.

WHEREAS, Township of Hardwick has joined the Public Alliance Insurance Coverage Fund (“PAIC”) following a detained analysis; and

WHEREAS the Bylaws of PAIC require Hardwick Township to designate a Risk Management Consultant to perform various professional serviced as detailed in the Bylaws and Risk Management; and

WHEREAS the Bylaws indicate that PAIC shall pay each Risk Management Consultant a fee to be establish annually by the Executive Committee; and

NOW, THEREFORE, BE IT RESOLVED that township committee of Hardwick Township does hereby appoint Craig Connor of Provident as its Risk Management Consultant in accordance with the Fund’s Bylaws.

5. 2024-63 Resolution Urging to Support Online Legal Notices.

WHEREAS, a resolution urging state leaders to pass legislation that will authorize counties, municipalities, school districts, and all local governments to electronically publish legal notices in a newspaper’s website or digital publication.

WHEREAS, current law requires purchasing officials, clerks of the boards, planning departments, improvement authorities, sheriffs, and other local government professionals to publish printed legal notices in local newspaper publications; and

WHEREAS, such legal notices typically include contract awards, contract addendums, public meeting notices, RFP and RFQ advertisements, election announcements, sheriff sales, and much more; and

WHEREAS, local government officials have long decried that publishing these voluminous documents in print media is costly, time consuming, and outdated; and

WHEREAS, local government officials have found it increasingly difficult to comply with the notice requirements under current law as the newspaper industry has evolved into an online platform and struggled to retain staff, resources, and publications; and

WHEREAS, legislation to authorize the online publishing of legal notices will streamline the antiquated process and save valuable time, resources, and property taxpayer dollars; and

NOW, THEREFORE, BE IT RESOLVED that the New Jersey Association of Counties does in fact, hereby urge state leaders to pass legislation that will authorize counties, municipalities, school districts, and all local governments to electronically publish legal notices in a newspaper’s website or digital publication.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be sent to Governor Phil Murphy, Senate President Nicholas Scutari, Speaker of the General Assembly Craig Coughlin, and the clerks of the boards of county commissioners in all twenty-one counties.

6. 2024-64 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 the August 21, 2024, Consent Agenda.

UNFINISHED BUSINESS:

Spring Valley Road update.

Bids are due on August 22, 2024, to Warren County. Once the bid is approved construction will begin and notification will be sent out to residents.

Website Update

Deputy Mayor Meuse stated that the new website is three quarters done.

Affordable Housing

Township Attorney Bykov stated that the township is on round 4 of the state obligation. The deadline is September 18th regarding residential funds for affordable housing which CFO Rolef has already provided.

NEW BUSINESS:

New Computer for Zoning Officer.

Clerk Shipps will obtain pricing for the zoning officer's new desktop computer.

2024-2026 SLF Population Reduction Treatment Program.

The committee is not interested in the grant program.

Shredding Event.

Clerk Shipps notified the committee that the shredding event will be held on Friday October 25 from 12 pm – 3 pm and will be added to the residence's post card.

Sample Ordinance for Storage Containers.

The committee was provided with a sample ordinance. The sample ordinance will also be forwarded to the zoning officer for his review.

Clean Community Day.

Clerk Shipps stated October 5, 2024, is scheduled clean community day. Clerk Shipps stated that there are many organizations that are interested.

CORRESPONDENCE:

August 3, 2024, Terrence Wall – Business Administrator Jackson Township.

New SHBP Rate Increase Strategies

August 14, 2024, Jim Burd- Former Mayor of Hopewell Township.

NJ Affordable Housing.

TOWNSHIP ATTORNEY:

Attorney Bykov said that the cell tower lease is ready for signature. The Vass House lease is progressing well.

Attorney Bykov stated that in the Anderson matter the defense council has been relieved of its duties. The court has determined that this matter is settled. Township Attorney Bykov will keep the committee updated if there are new developments.

TOWNSHIP CLERK:

Clerk Shipps stated the furniture has been delivered and once the DPW locates the furniture the office will be organized.

TOWNSHIP COMMITTEE REPORTS:

Committeeman Lovell said that a name plaque has been installed at the Spring Valley Christian Church.

Deputy Mayor Meuse read the call outs for the Animal Control Officer and Blairstown Ambulance Corp.

Mayor Jacksic confirmed vendors for Hardwick Day with the committee.

PUBLIC COMMENT:

No public comment.

EXECUTIVE SESSION:

Motion made by Lovell, second by Jacksic and carried to go into Executive Session at 8.15 pm.

2024-65 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. Contract Negotiations

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 8:38 pm.

Township Attorney Bykov stated that Hardwick Township Committee emerged from their Executive Session at 8:38 pm where a contractual matter was discussed. The Township committee will entertain a motion to withdraw the contract awarded to Alte Roofing for the performance of the roof installation project and to award the contract to Bergen Exterior, Bergen Roofing and Siding, contingent on Alte Roofing returning the deposited funds and that the new contractor provide the necessary certification and warranty for the installation of a roof and shingles.

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

ADJOURNMENT:

Motion made by Meuse, second by Jacksic and carried to adjourn the meeting at 8:40 pm.

Respectfully submitted by:

Kristin Shipps, RMC