

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 15, 2001.

The meeting was called to order by Mayor Lasinski at 7:00 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Councilman Kievit, Councilman Ross, Councilman Armstrong, Councilwoman Hamilton, Manager John Eskilson and Clerk Louanne Cular.

SALUTE THE FLAG:

PRESENTATION - SENIOR CITIZEN OF THE YEAR - The Township Council awarded the Senior Citizen of the Year to Fred Alfano.

CONSENT AGENDA: ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

Monthly Reports:

1. Statewide Insurance Minutes - 3/15/01
2. Municipal Clerk - March & April 2001
3. Zoning Officer - January 2001
4. Zoning Officer - February 2001
5. Zoning Officer - March 2001
6. Zoning Officer - April 2001
7. HTMUA Minutes - 3/14/01
8. Board of Health Minutes - 3/8/01

Minutes:

1. Regular Meeting Minutes of 4/17/01
2. Workshop Meeting Minutes of 4/24/01
3. Executive Session Minutes of 4/24/01
4. Special Meeting Minutes of 4/24/01
5. Executive Session Minutes of 4/24/01

Licenses:

1. Special Permit - ABC - Hardyston Fire Department

A motion was made by Kievit to approve the consent agenda, seconded by Ross. All in favor. Motion carried.

ORDINANCES:

1st READING: ORDINANCE 2001-07

AN ORDINANCE ESTABLISHING RULES AND REGULATION FOR PUBLIC PARKS AND RECREATION AREAS IN THE TOWNSHIP OF HARDYSTON

BE IT ORDAINED by the Township Council of the Township of Hardyston as follows:

Section One. Purpose

The purpose of this chapter shall be to provide standards and regulations for the use of parks and recreation areas within the Township of Hardyston

Section Two. Definitions

For the purpose of this Ordinance the following words shall be used as herein defined:

- A. PARK/RECREATION AREA. Any property owned or leased by the Township of Hardyston which is used for recreation purposes and which is open to the public either without charge or on a fee basis. The

term includes, but is not limited to playgrounds, parks, ballfields, community centers, paths, roadways, sidewalks and parking areas therein or adjacent thereto.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 15, 2001.

- B. TOWNSHIP. The Township of Hardyston, Sussex County, New Jersey.
- C. RECREATION DEPARTMENT. Duly appointed personnel of the Township including the Recreation Director and his/her designated staff members.
- D. MOTOR VEHICLE. All on-road and off-road vehicles including, but not limited to cars, trucks, vans, motorcycles, mini-bikes, mopeds, go-carts, all terrain vehicles and dirt bikes, snowmobiles and any other similar motorized vehicles of the type normally used on land for recreation, entertainment, or pleasure.

Section Three. Jurisdiction

The rules and regulations promulgated herein shall apply to parks and recreation areas and buildings owned or leased by the Township.

Section Four. Regulations

The Recreation Department, in consultation with the Township Manager, shall have the power to promulgate and publish rules and regulations, consistent with the provisions of this Ordinance, governing activities and programs sponsored by the Township and for the safety and well being of the general public.

4.1 Hours of Operation.

All parks and recreation areas, with the exception of the Littell Community Center, shall close one-half hour after sunset, unless otherwise posted or designated by a permit issued by the Recreation Department. Parks and recreation areas, with the exception of the Littell Community Center, shall open at sunrise.

4.2 Park Closure

- A. Any section or part of any park or recreation area may be declared closed by the Recreation Department, Chief of Police or designee or the Township Manager or designee at any time and for any interval of time, either temporarily or at regular and stated intervals and entirely or merely to certain uses or when same is filled to capacity or when it is in the public interest to do so.
- B. No person shall enter upon or use any park or recreation area which is closed to the public, unless so authorized to do so by one of the aforementioned departments and/or individuals.
- C. Permits will become void for the remainder of the season upon failure to comply with an authorized closure.

4.3 Fees

All parks and recreation areas shall be open to the general public unless specifically restricted by the action of the Township Council upon recommendation of the Recreation Director in consultation with the Township Manager. The Township Council shall upon recommendation of the Recreation Director have the power to establish fees for the use of all facilities. The Township reserves the right to establish higher fees for non-residents than for residents.

4.4 Availability

Use of athletic fields shall be by permit according to procedures developed by the Township Recreation Director and Township Manager

4.5 Occupancy Limit

All persons shall abide by posted occupancy limits or permits with occupancy limits set forth for the event.

4.6 Use of Parks and Recreation Areas by Organized Groups

- A. Parks and recreation areas may not be used by organized groups without a permit from the Recreation Department.
- B. Permits for the reserved use of facilities shall be issued by the Recreation Department at the Littell Community Center or other designated locations.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 15, 2001.

- C. Applications for permits must be obtained, completed and returned to the Recreation Department by no later than two (2) months prior to the event or field request time. The Recreation Director shall have the discretion to accept late applications subject to field availability.
- D. Activity for which permit is sought shall not unreasonably interfere with or detract for the general public enjoyment of the park; unreasonably interfere with or detract from the promotion of public, health, welfare and safety; include violence, crime or disorderly conduct; entail extraordinary or burdensome expense or police operation by the Township
- E. Organizations may be required to pay fees for the use of the Township parks or recreation areas as established by the Recreation Department with the consent of the Township Council
- F. At the joint discretion of the Recreation Department and the Chief of Police, an organization may be required to hire police, fire, ambulance or other service during an event as per a fee schedule set by the Recreation Department or safety service required, and to be paid by the organization
- G. At the discretion of the Recreation Department, insurance certificates naming the Township as an “additional insured” may be required depending upon the intended use and group size.
- H. No improvements, maintenance, or structural changes shall be made to any parks and/or recreation areas by an organization/person(s) at any time without prior written approval by the Recreation Department or Township Manager (excluding pre-game set-ups and lining of fields).
- I. All requests for improvements, maintenance or structural changes must be made in writing and submitted to the Recreation Department no later than one (1) month before they are to be performed. Depending upon the extent of the work requested, such requests shall also be subject to the approval of the Township Manager, Township Planning Board and/or Township Council
- J. The Township may invalidate and rescind permits if field repairs or adjustments are attempted without prior written or verbal consent of the Recreation Department
- K. No person may disturb or interfere unreasonably with any person occupying any area or participating in any activity under the authority of a permit.
- L. The Recreation Department shall maintain a master schedule for the reserved use of all recreational areas.
- M. Flea markets shall not be permitted.

4.7 Peace and Quiet

Persons in park or recreation areas shall adhere to noise levels reasonable to all persons in attendance, the determination of which shall be at the discretion of the Recreation Department or any law enforcement officer of the Township of Hardyston.

4.8 Abandonment or Unattended Property

The Township is empowered to remove any article or property found in a park or recreation area after posted hours at the owner's expense.

4.9 Domestic Animals, Wildlife and Plant Life

- A. No animals shall be permitted in the park at any time except that dogs used as guides for blind persons and commonly known as “Seeing Eye” dogs shall be permitted when actively working as Seeing Eye dogs during their presence in the park or if they are in training with proper identification or except for special events by permit of the Recreation Department.
- B. No person shall kill, injure or disturb any animal or bird or have in their possession the young of any wild animal of the eggs or the viable nest or young of any reptile or bird, or damage any grass, trees, flowers shrubs, plants, soil, rocks, sand, building, sign, structure, or equipment upon any premises under the jurisdiction of the Township.
- C. No person shall track, hunt, trap or otherwise engage in the capture of any animal, bird, reptile or other creature in any park or recreation area under the jurisdiction of the Township

4.10 Weapons, Firearms and Fireworks

- A. No person shall carry or use firearms or explosives, air rifles, slingshots or any weapon in any park or recreation area.

No person shall have in their possession or set or otherwise cause to explode or discharge or burn any firecrackers, torpedo rockets or other fireworks or explosive of inflammable material or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 15, 2001.

includes any substance, compound, mixture or article that, in conjunction with any other substance or compound, would be dangerous from any of the foregoing standpoints. Public fireworks displays may be permitted under supervision as directed and required by the Recreation Department.

4.11 Fires and Smoking

- A. No person shall build or attempt to build a fire except in designated areas or by permit.
- B. Smoking shall not be permitted within any park or recreation area.

4.12 Picnic Area

- A. No person or group shall picnic in any park or recreation area except in those areas designated for that purpose.
- B. No person or group shall use any portion of the picnic area therein for the purpose of holding picnics to the exclusion of others, except with a permit from the Recreation Department.
- C. No person or group shall build or attempt to build a fire except in designated areas or by permit.
- D. No person or group shall leave a picnic area before any fire utilized is completely extinguished and before all trash is placed in the receptacles provided. If no such receptacles are available, then trash shall be carried out of the park

4.13 Signs

No person or organization shall post by any means or erect or cause to be erected, any permanent sign, placard, advertisement, or inscription whatever, in any park or recreation area or highway or road adjacent thereto, without approval of the Township Council.

4.14 Solicitation

- A. No person or organization shall solicit alms or contributions for any purpose, or engage in the business of soliciting, distributing, selling, or peddling any liquids, edibles, goods, wares, merchandise, services or circulars in any park or recreation area unless authorized by the Recreation Department or the Township Council.
- B. No person shall gamble or participate or abet any game of chance unless in such areas and under such regulations as may be designated by the Recreation Department.

4.15 Motor Vehicles and Parking

- A. Motor vehicles are restricted to paved roadways, unless other permission is granted by the Recreation Department.
- B. Vehicles must adhere to posted speed limits
- C. Parking is restricted to designated areas
- D. No vehicles standing or parked after closure or before park opening in designated parking areas, or elsewhere in the park, is permitted and any vehicle so parked may be towed at the owner's expense.

4.16 Walking/Jogging Path Use

Path is intended for pedestrian use only. No motor vehicles or bicycles shall be permitted along the path.

4.17 Alcohol

- A. No person shall have alcoholic beverages in their possession at any time within any area covered by this Ordinance.
- B. No person shall be under the influence of intoxicating beverages or other substances on any area covered by this Ordinance at any time. Intoxication shall be defined under the laws of the State of New Jersey for the purposes of operating a motor vehicle.

4.18 Glass Containers and Garbage

- A. No person shall deposit any garbage or refuse in any park or recreation area.
- B. No person shall bring, carry or transport any domestic, commercial or industrial waste, refuse or garbage into any park.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 15, 2001.

- C. No person shall scatter litter or any form of waste material, or break, or throw, or place any glass on turf, walks, roads, benches, tables, wooded or other areas on any park property.
- D. No person shall throw, discharge, or otherwise place or cause to be placed in the water of any pond, lake, stream or body of water in, or adjacent to, any park or tributary stream, storm drain, or drain flowing into such water, any substance, matter, or thing, liquid or solid, which will, or may, result in the pollution of such waters.

4.19 Disruptive Behavior

- A. No person shall foul or pollute any fountain or water area within the park.
- B. No person in any park or recreation area shall engage in boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to cause a breach of the public peace.
- C. No person shall dress or undress in any vehicle, toilet or any other area within a park or recreation area.

Section Five. Enforcement

- A. The Recreation Director and/or his/her designee or any police officer shall have the authority to eject from any recreation area, any person acting in violation of this Ordinance.
- B. The Recreation Director and/or his/her designee and any police officer shall have the authority to seize and confiscate any property, thing, or device in a park or recreation area, if the possession of such property, thing, or device is prohibited
- C. The Recreation Director and the Chief of Police and their respective staffs shall have the authority to enforce this Ordinance
- D. Any person who violates any provision of this Ordinance shall be subject to the penalties set forth in the Code of the Township of Hardyston. The Municipal Court shall have the authority to ban a violator from entering upon or using the parks or recreation areas with the Township until further order of the Court, upon petition, and for good cause shown.

Section Six. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of the Ordinance are repealed to the extent of such inconsistency.

Section Seven. All Ordinances or parts of Ordinances or Resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section Eight. The Township Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board as required by N.J.S.A. 40:55D-15.

Section Nine. This Ordinance shall take effect after publication and passage according to law.

A motion was made by Kievit to approve ordinance 2001-07 on first reading, seconded by Armstrong. All in favor with Ross abstaining. Motion carried.

ORDINANCE - 2001-08

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO THE CRYSTAL SPRINGS AND

REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS, AND PARKING LOTS BY MOTOR VEHICLES.

Now therefore be it ordained that Louanne Cular, Municipal Clerk has filed a written consent with the Township of Hardyston that the provisions of Subtitle One of Title 39 of the revised statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking lots at The Crystal Springs located in the Township of Hardyston, County of Sussex and the following regulations shall be enforceable:

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 15, 2001.

REGULATIONS:

1. General Parking:

A. All vehicles must park in designated areas and between the lines provided.

B. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below, except other parking Regulations as provided therein.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
1. Crystal Springs Boulevard	Both	All	Entire Length
2. Clubhouse Road	Both	All	Entire Length

2. Through Streets:

Through Streets:

The following streets or parts of streets are hereby designated as Through Streets. Stop signs shall be installed on the near right side of each street intersecting the Through street except where Yield signs are provided for in the designation.

<u>Name of Street</u>	<u>Limits</u>
1. Crystal Springs Boulevard	Entire Length
2. Clubhouse Road	Entire Length

3. Speed Limits:

A. The speed limit for both direction of travel on the following roadways are:

<u>Name of Roadway</u>	<u>M.P.H.</u>	<u>Limits</u>
1. Crystal Springs Boulevard	25	Entire Length
2. Clubhouse Road	20	Entire Length

B. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation.

4. Tow-Away Zones:

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area, pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owners or operators expense.

That all signs, posts, or other necessary materials be installed and paid for by the applicant. All signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

Unless another penalty is expressly provided for by New Jersey Statute, every person convicted of a violation of this ordinance or any supplement thereto shall be liable to a penalty of not more than (\$) dollars or imprisonment for a term not exceeding fifteen (15) days or both.

Effect of Ordinance:

If any part of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the Ordinance.

A motion was made by Hamilton to approve ordinance 2001-08 on first reading, seconded by Kievit. All in favor with Lasinski abstaining. Motion carried.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 15, 2001.

ORDINANCES:

2ND READING: ORDINANCE 2001-05

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON AMENDING THE CODE OF THE TOWNSHIP ENTITLED "ZONING" TO CORRECT A PROVISION REGARDING "RESORT ORIENTED HOUSING" IN SECTION 185-58S ENTITLED "RESORT ORIENTED HOUSING IN CONNECTION WITH A GOLF COURSE."

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public participation. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Kievit to approve Ordinance 2001-05 on second reading, seconded by Hamilton. All in favor. Motion carried.

NEW BUSINESS:

A. Resolution approving Change Orders 1 & 2 for the Wheatsworth Road Park Improvements Parking Lots & Nature/Walking Path: A motion was made by Kievit to approve the resolution as presented, seconded by Armstrong. All in favor with Ross abstaining. Motion carried.

B. Resolution authorizing the Township Manager to Purchase Materials through the Sussex County Pricing Council:

WHEREAS, the New Jersey Local Public Contracts Law (N.J.S.A.40A:11-10) enables two or more of governing bodies, by agreement, to jointly purchase materials and services; and

WHEREAS, on June 15, 1999 the Hardyston Township Council renewed its membership in the Sussex County Cooperative Pricing Council, a cooperative effort of local Sussex County governments established under the provisions of N.J.S.A. 40A:11-10, for a period of five years; and

WHEREAS, the County of Sussex, as lead agency for the Sussex County Cooperative Pricing Council has advertised for asphalt, stone and HDPE Pipe and;

WHEREAS, as a result of those bids, the attached bid awards were made by the County of Sussex on behalf of the Sussex County Cooperative Pricing Council.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that the Township Manager is hereby authorized to purchase materials from the attached list awarded by the County of Sussex on behalf of the Sussex County Cooperative Pricing Council.

A motion was made by Kievit to approve the resolution as presented, seconded by Armstrong. All in favor. Motion carried.

C. Correspondence List :

1. NJ State League of Municipalities

2. Szaferman, Lakind, Attorneys At Law
3. NJ State League of Municipalities
4. NJ State League of Municipalities
5. NJ State League of Municipalities
6. State of NJ - Dept. of Corrections
7. NJ General Assembly
8. NJ General Assembly
9. Stillwater Township
10. Sandyston Township
11. Jefferson Township
12. County of Sussex
13. County of Sussex
14. Brownfields Quarterly
15. Dig Safely
16. Hardyston School
17. COAH
18. Battleship Bulletin

A motion was made by Kievit to approve the correspondence list as presented, seconded by Ross. All in favor. Motion carried.

MANAGERS REPORT: Manager John Eskilson gave a verbal and written report on the following items:

USGA Golf Grant
Wheatsworth Road Park
Bid Openings for Doe Run Emergency Access and Wheatsworth Road Recreation Facility turf Maintenance

BILLS TO BE PAID: A motion was made by Kievit to pay the bills as presented, seconded by Ross. All in favor. Motion carried. The bill list may be found at the end of these minutes.

PUBLIC PARTICIPATION: A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. The public commented on an Official Name for the Park, Wheatsworth Road resurfacing and Route 23.

A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

ADJOURN: A motion was made by Ross to adjourn, seconded by Kievit. All in favor. Motion carried.

ATTEST _____
Louanne Cular RMC/CMC
Municipal Clerk