

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
MAY 21, 2002.

The meeting was called to order by Mayor Kievit 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: Deputy Mayor Hamilton, Councilman Armstrong, Councilman Ross, Manager John Eskilson and Clerk Jane Bakalarczyk with Councilman Lasinski arriving at 7:15 P.M.

SALUTE THE FLAG:

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. Municipal Court Report – April 2002
2. Municipal Clerk Report – April 2002
3. Construction Official Report – April 2002
4. Tax Collector Report – April 2002
5. Police Department Report – April 2002
6. HTMUA Minutes – March 13, 2002
7. Sparta Health Department Report – March 2002
8. SC Public Safety/Public Health Communications Working Group – Minutes of 3/20/02
9. Wallkill River Watershed PAC Meeting – Draft Minutes of 2/21/02
10. Wallkill River Watershed PAC Meeting – Draft Minutes of 4/4/8/02
11. Statewide Insurance Fund – Executive Committee Meeting Minutes 3/14/02
12. Statewide Insurance Fund – Executive Committee Meeting Minutes 4/18/02
13. New Jersey State Planning Commission – Minutes 3/20/02
14. New Jersey State Planning Commission – Minutes 4/17/02
15. Zoning Official Report – April 2002

Minutes:

1. Regular Minutes of 4/16/02
2. Workshop Minutes of 4/23/02
3. Executive Session Minutes of 4/23/02
4. Workshop Minutes of 5/14/02

Licenses:

1. Birth Haven, Inc. – Off-Premise 50/50 Raffle

A motion was made by Hamilton to approve the consent agenda as presented, seconded by Armstrong. All in favor. Motion carried.

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ORDINANCES:

1st READING: 2002-08

AMENDMENT TO ORDINANCE 2002-04

ORDINANCE FOR SALE OF MUNICIPAL LAND NOT
NEEDED FOR PUBLIC USE BY PUBLIC AUCTION
(TAX BLOCK 75, LOT 57) TO ANN L. CARANGELO

WHEREAS, on March 19, 2002, the governing body of Hardyston Township adopted Ordinance No. 2002-04 confirming acceptance of the highest bid made at public sale of Township owned land, commonly known as Tax Block 75, Lot 57. A true copy of said Ordinance is attached hereto and incorporated by reference.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Hardyston as follows:

1. This Ordinance 2002-04 is hereby amended only to state that **ANN L. CARANGELO** [9 Beech Court, Stockholm, NJ 07460] shall be the purchaser of the property.
2. All other provisions of this Ordinance 2002-04 remain in full force and effect.

This Amendment to Ordinance No. 2002-04 shall take effect in the time and manner prescribed by law.

2002-04

ORDINANCE ACCEPTING BID FOR SALE OF MUNICIPAL LAND NOT NEEDED
FOR PUBLIC USE (TAX BLOCK 75, LOT 57)

WHEREAS, on December 4, 2001 the governing body of Hardyston Township adopted a Resolution authorizing the sale of Township owned land, commonly known as Tax Block 75, Lot 57, at public auction pursuant to N.J.S.A. 40a:12-13(a). A true copy of said Resolution is attached hereto and incorporated by reference; and

WHEREAS, notice of public sale was duly published as required by the statute and Resolution and the public auction took place on January 29, 2002.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Hardyston as follows:

1. The bid in the amount of Fifty-Four Thousand Dollars (\$54,000.00) received from Neil Carangelo (9 Beech Court, Stockholm, NJ 07460) was the highest bid made at public sale and is hereby accepted.
2. The Township Attorney is hereby authorized and directed to prepare the Deed and Affidavit of Title regarding said property.
3. The Township Attorney, Manager and/or Clerk are hereby authorized to take any other action necessary for the purpose of completing the transfer of title and ownership of said property to Neil Carangelo, and the purchaser shall pay the associated costs (including title search and recording fees).

This Ordinance shall take effect in the time and manner prescribed by law.

A motion was made by Ross to approve Ordinance 2002-08 on first reading, seconded by Hamilton. All in favor. Motion carried.

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ORDINANCES:
2ND READING:

2002-07

AN ORDINANCE AUTHORIZING AN EMERGENCY
APPROPRIATION N.J.S.A. 40A:4-53

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 Hamilton to
approve Ordinance 2002-07 on second reading, seconded by Armstrong. All in favor.
Motion carried.

2002-05

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF HARDYSTON APPROVING AN AMENDMENT TO THE
CONDITIONAL USES OF THE COMMERCIAL RECREATION AND
INDUSTRIAL ZONE AND THE CHAPTER 185 ENTITLED
“ZONING” THE CODE OF THE TOWNSHIP OF HARDYSTON,
SECTION ONE

Councilman Lasinski now present. A public hearing was previously held for Ordinance
2002-05 on April 16, 2002. A motion was made by Ross to approve Ordinance 2002-05
on second reading, seconded by Hamilton. All in favor with Lasinski abstaining. Motion
carried.

NEW BUSINESS:

A. Tax Collector Resolution

RESOLUTION # 18-02

WHEREAS, Chase Manhattan Mortgage Corporation for Richard Barbini of
Block 67.11 Lot 8 also known as 6 Cotton Court in Hardyston Township have paid the
quarterly taxes, and

WHEREAS, on February 4, 2002 Chase Manhattan made a large payment thus
creating an overpayment on this property in the amount of \$ 620.63,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Town Council of Hardyston
Township that the Tax Collector be authorized to issue a refund to Chase Manhattan
Mortgage Corporation for an overpayment of \$ 620.63.

RESOLUTION # 19-02

WHEREAS, Manibhai Patel redeemed Tax Sale Certificate #01-31 on Bock 75 Lot 2
QFARM on April 30th, 2002, and

WHEREAS, Linda Sanders has complied with the provisions of N.J.S.A. 54-5-60 et seq;
and

WHEREAS, the amount to be reimbursed to the lien purchaser is \$ 1,239.29,

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NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that Linda Sanders of 203 Stephens Road, West Milford, New Jersey 07480 be reimbursed in the amount of \$ 1,239.29 for redemption of Tax Sale Certificate #01-31.

RESOLUTION # 20-02

WHEREAS, Mark Murphy of Murphy & Father, Inc. redeemed Tax Sale Certificate #90-51 on Block 17, Lot 12.08 on May 1st 2002, and

WHEREAS, Helen Swingle has complied with the provisions of N.J.S.A. 54-5-60 et seq: and

WHEREAS, the amount to be reimbursed to the lien purchases is \$ 1,823.16,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that Helen Swingle of PO Box 41, Hamburg, New Jersey 07419 be reimbursed in the amount of \$ 1,823.16 for redemption of Tax Sale Certificate # 90-51.

RESOLUTION # 21-02

WHEREAS, Maniben M Patel redeemed Tax Sale Certificate #98-35 on Block 75 Lot 17.05 on April 30th 2002, and

WHEREAS, NJD Management Corp % Eugene DeNagel has complied with the provisions of N.J.S.A. 54-5-60 et seq: and

WHEREAS, the amount to be reimbursed to the lien purchaser is \$ 1,828.14,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that NJD Management Corp % Eugene DeNagel of 71 Catskill Court Belle Mead, New Jersey 08502 be reimbursed in the amount of \$ 1,828.14 for redemption of Tax Sale Certificate # 98-35.

RESOLUTION # 22-02

WHEREAS, Maniben M Patel redeemed Tax Sale Certificate #990019 on Block 75 Lot 17.05 on April 30th 2002, and

WHEREAS, NJD Management Corp % Eugene DeNagel has complied with the provisions of N.J.S.A. 54-5-60 et seq: and

WHEREAS, the amount to be reimbursed to the lien purchaser is \$ 1,491.39,

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NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that NJD Management Corp % Eugene DeNagel of 71 Catskill Court Belle Mead, New Jersey 08502 be reimbursed in the amount of \$ 1,491.39 for redemption of Tax Sale Certificate # 990019.

RESOLUTION # 23-02

WHEREAS, Maniben M Patel redeemed Tax Sale Certificate #00-17 on Block 75 Lot 17.05 on April 30th 2002, and

WHEREAS, NJD Management Corp % Eugene DeNagel has complied with the provisions of N.J.S.A. 54-5-60 et seq: and

WHEREAS, the amount to be reimbursed to the lien purchaser is \$ 2,371.87,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that NJD Management Corp % Eugene DeNagel of 71 Catskill Court Belle Mead, New Jersey 08502 be reimbursed in the amount of \$ 2,371.87 for redemption of Tax Sale Certificate # 00-17.

RESOLUTION # 24-02

WHEREAS, Maniben M Patel redeemed Tax Sale Certificate #01-30 on Block 75 Lot 17.05 on April 30th 2002, and

WHEREAS, Hardyston Township has complied with the provisions of N.J.S.A. 54-5-60 et seq: and

WHEREAS, the amount to be reimbursed to the lien purchaser is \$ 2,071.47,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that Hardyston Township of PO Box 397 46 Main Street, Franklin New Jersey 07416 be reimbursed in the amount of \$ 2,071.47 for redemption of Tax Sale Certificate # 01-30.

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

B. FORM OF SPECIAL EMERGENCY RESOLUTION N.J.S.A. 40A:4-53

WHEREAS, an ordinance has been adopted creating a special emergency appropriation of \$60,000 for preparation of a Master Plan and no adequate provision was made in the 2002 budget for the aforesaid purpose, and N.J.S.A. 40A:4-53 provides for the creation of a special emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of Emergency Appropriations created including the appropriation to be created by this resolution is \$60,000

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NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 and 40A:4-53:

1. A special emergency appropriation be and the same is hereby made for Preparation of a Master Plan.....\$60,000
2. Total amount per ordinance is for \$60,000 and the Township Council hereby requests that an exclusion from the 5% "Cap" be granted by the Director of the Division of Local Government Services in accordance with P.L. 1981 Chapter 56 in the amount of \$12,000 per year in the budgets of the next five succeeding years commencing with the budget of 2003 in accordance with 40A:4-55 (C).
3. That an emergency note or notes be authorized not in excess of \$60,000, the amount appropriated by ordinance as stated above.
4. That said note or notes shall be dated May 21, 2002, may be renewed from time to time and at least 1/5th of all such notes and renewals thereof shall mature and be paid in each fiscal year thereafter until all are paid.
5. That three certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

C. RESOLUTION AUTHORIZING THE RECYCLING COORDINATOR
TO FILE THE 2001 RECYCLING TONNAGE GRANT APPLICATION
FOR THE TOWNSHIP OF HARDYSTON

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made available to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a Resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Mayor and council of the Township of Hardyston to the efforts undertaken by the municipality and requirements contained in the Recycling Act and Recycling Regulations; and

WHEREAS, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that Hardyston Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Arden Svedman, Recycling Coordinator for the Township of Hardyston, 260 Rudetown Rd., Hamburg, NJ 07419 to assure that the said Application is properly filed.

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

D. 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 Hamilton to approve the resolution as presented, seconded by Armstrong. All in favor. Motion carried.

E. Resolution authorizing the Township Manager and Chief of Police to
execute the following contracts/ leases/ interlocal agreements/agreements:

BE IT RESOLVED by the Township Council of the Township of Hardyston that the Township Manager and the Chief of Police are hereby authorized to execute the following contracts, leases and or agreements:

1. Police Seat Belt Enforcement Grant

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

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F. RESOLUTION CONFIRMING MATCHING FUNDS FOR SAFE
SCHOOLS & COMMUNITIES GRANT PROGRAM

WHEREAS, the Township of Hardyston has received a Safe Schools & Communities grant from the NJ Department of Law & Public Safety in the amount of \$3,565; and

WHEREAS, grant funds will be utilized by the Hardyston Township Police Department for educating students, teachers and parents about the increase in use of heroin and club drugs; and

WHEREAS, a local match from the Township of Hardyston is required as follows:

Salaries	\$660.00
Sussex County Coalition of Health & Safe Families Lecture Fees	\$125.00
Letter printing/other consumables	\$ 50.00
Purchase of Laptop Computer	\$350.00
<u>TOTAL</u>	<u>\$1,185.00</u>

WHEREAS, adequate funds have been appropriated in the 2002 Municipal Budget, introduced on April 2, 2002 and awaiting final adoption, Police Miscellaneous Other Expenses account to fulfill the grant match requirement.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it confirms adequate funds within the 2002 Municipal Budget to meet the local match requirements of the Safe Schools & Communities Grant program.

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

G. RESOLUTION ENFORCING THE REGULATION OF TRAFFIC IN
THE TOWNSHIP OF HARDYSTON COUNTY OF SUSSEX.

WHEREAS, the Walden Village II Town Home Community Home Owners Association has filed a written request with the Township that Subtitle 1 of Title 39 of the Revised Statutes of New Jersey be applicable to the following internal streets,

Beechmont Terrace	Magnolia Lane	Woodmere Court
Cotton Court	Spruce Run	Fox Chase Lane
Meadow Lane	East Meadow Lane	Druid Lane
Moss Court	Rolling Brook Way	

WHEREAS, the Council of the Township of Hardyston deems that enforcement of traffic regulations on the aforesaid streets will benefit the citizens of Walden Village II and the citizens of Hardyston Township.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of Hardyston, County of Sussex, State of New Jersey, that the Township Manager is hereby authorized to forward said request for Title 39 enforcement authority to the New Jersey Department of Transportation, Division of Traffic Engineering for review and approval to proceed with ordinance establishing Title 39 enforcement authority.

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

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H. RESOLUTION APPOINTING THE TOWNSHIP MANAGER AND
CHIEF OF POLICE AS THE DEPUTY CUSTODIAN OF PUBLIC
RECORDS

WHEREAS, P.L. 2001, Chapter 404 establishes certain procedures regarding the
accessibility of public records; and

WHEREAS, P.L. 2001, Chapter 404 designates the Municipal Clerk as the
“Custodian of a Public Record” for municipalities; and

WHEREAS, P.L. 2001 requires the “Custodian of a Public Record” to respond to
a request for information within seven (7) days; and

WHEREAS, the Municipal Clerk is entitled to certain vacation time, sick time
and personal time off under the Hardyston Township Personnel Policies and Procedures
Manual; and

WHEREAS, the Municipal Clerk’s absence due to vacation time, sick time,
personal time or other unforeseen circumstances might hinder the Township’s ability to
comply with P.L. 2001, Chapter 404; and

WHEREAS, the Sussex County Prosecutor, in correspondence to Hardyston
Mayor Kenneth Kievit dated May 10, 2002, has recommended that municipalities appoint
a “Deputy Custodian of a Public Record.”

NOW THEREFORE BE IT RESOLVED by the Township Council of the
Township of Hardyston that

1. The Township Manager is hereby appointed the “Custodian of a Public
Record” for Township non-police records; and
2. The Township Chief of Police is hereby appointed the “Custodian of a
Public Record” for police records.

Councilman Ross suggested considering the appointment of an alternate for the Police
Department. A motion was made by Ross to approve the resolution as presented,
seconded by Lasinski. All in favor. Motion carried.

- I. Resolution authorizing the Township Manager to execute the following
contracts/leases/interlocal agreements/agreements:

1. USGA Golf Grant

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

- J. Correspondence

1. Borough of Franklin
2. Borough of Franklin
3. Borough of Franklin
4. Borough of Franklin
5. Township of Frankford
6. Township of Frankford
7. Township of Fredon
8. Township of Hampton
9. Borough of Hopatcong

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10. Township of Jefferson
11. Sandyston Township
12. Vernon Township
13. Vernon Township
14. Township of Wantage
15. Township of Wantage
16. Township of Wayne
17. Stan Kula
18. Wallkill Valley Regional High School
19. Joseph F. Barbieri & Assoc., Inc.
20. County of Sussex
21. County of Sussex
22. County of Sussex
23. County of Sussex
24. County of Sussex
25. County of Sussex
26. County of Sussex
27. Sheriff's Office of Sussex County
28. NJ State League of Municipalities
29. NJ State League of Municipalities
30. NJ State League of Municipalities
31. NJ State League of Municipalities
32. NJ State League of Municipalities
33. NJ State League of Municipalities
34. NJ State League of Municipalities
35. NJ State League of Municipalities
36. NJ State League of Municipalities
37. New Jersey Future
38. New Jersey Legislature
39. State of NJ
40. State of NJ
41. State of NJ
42. State of NJ
43. State of NJ
44. State of NJ
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56. State of NJ
57. State of NJ
58. New Jersey Assembly
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66. State of NJ

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67. State of NJ
68. State of NJ
69. State of NJ
70. State of NJ
71. State of NJ
72. Federal Communications Commission
73. NJ Transit
74. Upper Delaware Watershed Management Project
75. Watershed News – March 2002 – Volume 2, Number 1
76. Watershed News – March 2002 – Volume 3, Number 1
77. Pequannock River Coalition
78. Passaic River Coalition
79. Jersey Professional Management
80. COAH
81. NJN Newslines
82. NJN Newslines
83. The Republican Pro-Choice Coalition
84. NJ Business & Industry Association
85. New Jersey Conference of Mayors
86. North Jersey Transportation Planning Authority, Inc.
87. Spectrum
88. Chilton Memorial Hospital Foundation
89. Chilton Memorial Hospital Foundation
90. IDI Magic Technologies Corp.
91. Sprint
92. Center for Disease Control
93. Martin Bontempo, Inc.
94. Community Development Institute
95. United Taxpayers of NJ
96. Archer & Greiner, Esqs.
97. Home Front
98. United States Postal Service
99. Written In Stone
100. Lift Up New Jersey with Prayer
101. County of Sussex
102. Borough of Hamburg
103. United States Department of the Interior
104. NJ State League of Municipalities
105. Nina P. Hemphill
106. State of NJ
107. NJ State League of Municipalities

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

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

2002 Municipal Budget/Watershed Moratorium Offset Aid
Municipal Building Study Request for Proposals
Bulky Waste Collection Program
2002 Spring Newsletter
Update on Summit Lake

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BILLS TO BE PAID: A motion was made by Lasinski to approve the bill list as presented, seconded by Ross. All in favor. Motion carried.

PUBLIC PORTION: A motion was made and seconded to open the meeting to the public. An inquiry was made as to whether there will be any further improvements to Big Spring Road. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

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

Jane Bakalarczyk, RMC
Municipal Clerk

(All items discussed above may be heard in full on the tapes of the meeting on file in the Clerk's Office)