

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON JUNE 19, 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: PROCLAMATION DESTINATION IMAGINATION**

**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. Police Department - April 2001
- 2. Tax Collector - April 2001
- 3. Statewide Insurance fund Minutes - 4/19/01
- 4. Construction Department - April 2001
- 5. Board of Health Minutes - 4/12/01
- 6. Police Department - May 2001

**Minutes:**

- 1. Regular Minutes of 5/1/01
- 2. Regular Minutes of 5/15/01
- 3. Regular Minutes of 6/5/01
- 4. Executive Minutes of 5/1/01
- 5. Executive Minutes of 5/8/01
- 6. Workshop Minutes of 5/8/01
- 7. Workshop Minutes of 5/22/01

**Licenses:** None

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

**ORDINANCES** None.

**1<sup>st</sup> READING:**

**ORDINANCES:**

**2<sup>ND</sup> READING:** ORDINANCE 2001-06

AN ORDINANCE AMENDING CHAPTER 62, BUILDING CONSTRUCTION, SECTION 62-3, COSTS AND FEES, AND CHAPTER 88, FEES, SECTION 88-3, LAND USE FEES, SUBSECTION K, WAIVER OF FEES OF THE CODE OF THE TOWNSHIP OF HARDYSTON

A motion was made by Kievit to open the meeting for a public hearing, seconded by Ross. All in favor. Motion carried. The public questioned the procedure of 2/3 of the vote. A motion was made by Kievit to close the meeting to the public, seconded by Ross. All in favor. Motion carried. A motion was made by Kievit to approve Ordinance 2001-06 on second reading, seconded by Hamilton. All in favor. Motion carried.

ORDINANCE 2001-07

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

A motion was made by Ross to open the meeting for a public hearing, seconded by Hamilton. All in favor. Motion carried. No public comment. A motion was made by Lasinski to close the meeting to the public,

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seconded by Hamilton. All in favor. Motion carried. A motion was made by Kievit to approve Ordinance 2001-07 on second reading, seconded by Hamilton. All in favor. 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.

A motion was made by Ross to open the meeting for a public hearing, seconded by Hamilton. All in favor. Motion carried. No public comment. A motion was made by Lasinski to close the meeting to the public, seconded by Hamilton. All in favor. Motion carried. A motion was made by Kievit to approve Ordinance 2001-08 on second reading, seconded by Hamilton. All in favor. Motion carried.

**NEW BUSINESS:**

**A. Tax Collectors Resolutions:**

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

**B. Resolution to increase the Municipal Clerks change fund from \$50 to \$100:** WHEREAS, the Municipal Clerk of Hardyston Township, Sussex County, has determined that a change fund in the amount of \$100.00 is needed for the clerks Office.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of Hardyston Township that a change fund in the amount of \$100.00 be set up for the Clerks Office.

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

**C. Resolution - Authorizing the Chief Financial Officer to cancel outstanding check balances:**

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

**D. Chapter 159 Resolution - United States Golf Association Foundation, Inc., Summer Golf Program:**

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

**E. Chapter 159 Resolution - State of New Jersey FY2001 Transportation Trust Fund discretionary Aid Program, Wheatsworth Road**

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

**F. Resolution authorizing the purchase of playground equipment through State Contract #85966:**

WHEREAS, the Township of Hardyston is constructing a community recreation facility on property owned by the Hardyston Township Board of Education on Wheatsworth Road in the Township of Hardyston; and

WHEREAS, it is the desire of the Hardyston Township Council to include a playground area within the community recreation facility; and

WHEREAS, Marturano Recreation Company Inc. of Bricktown, N.J. has been awarded State Contract #85966 for playground equipment; and

WHEREAS, New Jersey purchasing regulations allow municipalities to utilize State Contract vendors; and

WHEREAS, Marturano Recreation Company provided three playground options to the Township Council in a proposal dated June 1, 2001; and

WHEREAS, the Township Council forwarded the playground proposals to the Hardyston Elementary School for review by students in grades Kindergarten through 4; and

WHEREAS, on June 11, 2001 the students of grades Kindergarten through 4 conducted a poll to determine their recommendation to the Township Council; and

WHEREAS, the results of the poll were as follows

Playground Option #1: 139 votes

Playground Option #2: 78 votes

Playground Option #3: 171 votes

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that, in accordance with the recommendations of the students of grades Kindergarten through 4 at the Hardyston Elementary School, it does hereby authorize the use of State Contract #85966 for the purchase of playground equipment from Marturano Recreation Company in the amount of \$31,457 as specified in Playground Option #3 in the proposal dated June 1, 2001; and

BE IT FURTHER RESOLVED, that the Township Treasurer has certified the adequacy of funds for this purchase; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the students of grades Kindergarten through 4 at the Hardyston Township Elementary School.

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

**G. Resolution waiving Planning Board fees for the YMCA:**

WHEREAS, The YMCA are the owners of property located in the Township of Hardyston; and

WHEREAS, Section 19-1.3k of the Revised General Ordinances of the Township of Hardyston provides for the waiver of fees for various reasons.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that 50% of the Planning Board application fees for the YMCA be waived; and

BE IT FURTHER RESOLVED in accordance with Section 19-1.3k, no professional review, or escrow fees shall be waived; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Hardyston Township Planning Department.

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

**H. Resolution authorizing the Township Manager to purchase materials through the Sussex County Pricing Council:**

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

**I. Resolution authorizing the Township Manager and/or Chief of Police to execute a contract with Vernon Township and Hamburg Borough:**

Resolution authorizing the Township Manager and/or 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/or the Chief of Police is hereby authorized to execute the following contracts/leases/agreements:

1. Contract with Vernon Township and Hamburg Borough.

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

**Resolution authorizing the Township Manager to execute a contract with Telecost Auditing Services:**

Resolution authorizing the Township Manager 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 is hereby authorized to execute the following contracts/leases/agreements:

1. Telecost Auditing Services - to provide telecommunication auditing services.

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

**J. Resolution authorizing the release driveway bonds from the Building Department to Crystal Springs:**

WHEREAS, the Hardyston Township Council received escrow moneys for the following driveways:

21 Cypress Lane	
9 Post Oak court	
6 Cypress Lane	
8 Cypress Lane	
17 Cypress Lane	Total - \$10,000.00

WHEREAS, said balance is \$10,000 as of June 14, 2001 and certification from the Municipal Engineer has been received to release said escrows;

NOW THEREFORE BE IT RSOLVED by the Hardyston Township Council that Crystal Springs be refunded \$10,000 as the remaining balance in their driveway escrow account as of June 14, 2001.

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

**K. 2001/2002 Liquor License Renewals:** WHEREAS, the following Liquor License is to be renewed effective June 30, 2001, for a one year period; and

WHEREAS, all necessary fees and documentation have been properly filed with the Hardyston Township Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED that the Liquor License shall be renewed for a period of one year effective June 30, 2001 for the following license holders.

G & V Amoris Restaurant Corp. Inc. - t/a Victoria's Mountain Inn  
Saporito Corporation - t/a Tony's Pizza  
Swing Inn Inc. - t/a Swing In Deli  
Crystal Springs Beverage Corp. - t/a Cliff's Café  
HGF Inc. - t/a Owen's Pub

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

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

**M. Liquor License Transfer - Jimbo Inc. to NBSC:** WHEREAS, an application has been filed for a person to person, transfer of Plenary Retail Consumption License 1911-33-002-005, heretofore issued to Jimbo Inc. for premises located in the Township of Hardyston.

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Township of Hardyston does hereby approve, effective June 19, 2001 the transfer of the aforesaid Plenary Retail Consumption License to National Bank of Sussex County Holdings, Inc. and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: This license, subject to all its terms and conditions, is hereby transferred to National Bank of Sussex County Holdings, Inc. effective June 19, 2001".

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

**N. Resolution urging the State of New Jersey to acquire Tax Lots 26 and 27 in the Township of Hardyston:**

WHEREAS, tax lot 26 in block 63, located on Wheastsworth Road in the Township of Hardyston, is an industrial zoned lot of approximately 112 acres; and

WHEREAS, tax lot 27 in block 63, located on Wheastsworth Road in the Township of Hardyston, is an industrial zoned lot of approximately 84 acres; and

WHEREAS, tax lots 26 and 27 in block 63 are both currently offered for sale; and

WHEREAS, tax lots 26 and 27 in block 63 both drain into a branch of the Wallkill River in close proximity to the main branch of the Wallkill near the Hardyston/Hamburg municipal boundary; and

WHEREAS, the Ballyowen Golf Course, tax lot 24.01 in block 62 on Wheatsworth Road, is a regional golf facility consisting of approximately 208 acres; and

WHEREAS, the Township of Hardyston will, on September 15, 2001, open a community recreation facility consisting of various sports fields, a walking path and a concession stand/pavillion on a portion of tax lot 33.01 in block 62 on Wheatsworth Road which is owned by the Hardyston Township Board of Education; and

WHEREAS, the Hardyston Township Board of Education will be opening a new Middle School in September 2003 on a portion of tax lot 33.01 in block 62 located on Wheatsworth Road; and

WHEREAS, the Township of Hardyston is currently in the process of investigating the feasibility of constructing a new municipal building on tax lot 33.04 in block 62 located on Wheatsworth Road; and

WHEREAS, given the significant recreational and public facility uses planned for Wheatsworth Road, the Hardyston Township Council has asked the Hardyston Township Planning Board to review the industrial zoning along Wheatsworth Road; and

WHEREAS, permanent protection of these properties, through acquisition by the State of New Jersey would help to protect water quality in the Wallkill River while providing an appropriate passive use of properties along Wheatsworth Road; and

WHEREAS, funds are available from the Garden State Preservation Trust to acquire lands to preserve open space and protect watershed areas.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it urges the State of New Jersey to acquire tax lots 26 and 27 in block 63 located on Wheatsworth Road in the Township of Hardyston consisting of approximately 196 acres of land draining into a tributary of the Wallkill River by negotiating a fair purchase price with the respective property owners; and

BE IT FURTHER RESOLVED that the Council urges the Hardyston Board of Education, the Sussex County Board of Chosen Freeholders and the Sussex County Municipal Utilities Authority to adopt similar resolutions urging State acquisition of these lands; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Honorable Robert E. Littell, the Honorable E. Scott Garrett, the Honorable Guy Gregg and the New Jersey Department of Environmental Protection Green Acres Program.

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

#### **O. Correspondence List:**

1. NJ General Assembly
2. NJ State League of Municipalities
3. NJ State League of Municipalities
4. NJ State League of Municipalities
5. NJ State League of Municipalities
6. NJ State League of Municipalities
7. NJ State League of Municipalities
8. NJ State League of Municipalities
9. NJ State League of Municipalities
10. Resolution - Stillwater Township
11. Resolution - Stillwater Township
12. Resolution - Hampton Township

13. Resolution - Borough of Ogdensburg
14. Resolution - West Milford Township
15. Resolution - Vernon Township
16. Resolution - West Milford Township
17. Resolution - Borough of Hamburg
18. Resolution - Borough of Sussex
19. Resolution - Borough of Sussex
20. Resolution - Washington Township
21. Resolution - Borough of Franklin
22. Resolution - Borough of Stanhope
23. Resolution - Borough of Stanhope
24. Resolution - Borough of Stanhope
25. County of Sussex
26. Sussex County MUA
27. County of Sussex
28. State of NJ - DEP
29. State of NJ - DEP
30. State of NJ - DEP
31. Office of the Governor
32. State of NJ - COAH
33. Downtown NJ
34. Wallkill Valley High School
35. Water Supply Commission
36. NJ Future
37. Washington Wire
38. NJBIA
39. Rutgers
40. COAH
41. Newark Bronze Shields
42. Passaic River Coalition
43. Waterloo Village
44. NEDA
45. NJ Alliance for Action
46. Incentive Taxation
47. Chilton Hospital
48. US Dept. of Commerce
49. NJAA
50. The Council Connection
51. NJGOP
52. SBA, Inc.
53. Tandem Media
54. State of NJ - DCA
55. State of NJ - DEP
56. State of NJ - DEP
57. State of NJ - DCA
58. State of NJ - DEP
59. SC League of Municipalities
60. SC League of Municipalities
61. SC League of Municipalities
62. County of Sussex
63. County of Sussex
64. County of Sussex
65. Chilton Hospital
66. Watershed News
67. Legislative Update
68. Municipal Award Program
69. Resolution - Green Township
70. Notice - Vernon Township
71. Resolution - Hampton Township
72. Hampton Township

- 73. Township of West Milford
- 74. Harold Pellow & Assoc.

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:

- Police Department
- Bulky Waste Clean Up Program

**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. No public comment.

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