

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
AUGUST 20, 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 Lasinski, Councilman Ross, Deputy Manager Marianne Smith and Clerk Jane Bakalarczyk

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 – July 2002
2. Municipal Clerk Report – July 2002
3. Tax Collector Report – July 2002
4. Construction Official Report – July 2002
5. Police Department Report – July 2002
6. HTMUA - Meeting Minutes of May 8, 2002
7. HTMUA - Meeting Minutes of June 12, 2002
8. Sparta Health Department Report – June 2002
9. NJ State Planning Commission - Minutes of June 19, 2002
10. North Jersey Municipal Employee Benefits Fund - Minutes of May 24, 2002
11. Statewide Insurance Fund Executive Committee - Minutes of July 11, 2002
12. Wallkill River Watershed - Draft Minutes of July 8, 2002
13. New Jersey State League of Municipalities – Annual Audit Statement

Minutes:

1. Regular Minutes of 7/16/02
2. Special Meeting Minutes of 7/30/02
3. Workshop Minutes of 8/13/02

Licenses:

1. 50/50 Off-Premise – The Morris Museum
2. 50/50 On-Premise – The Charles Bierman Home for Aged People
3. Raffle – The Charles Bierman Home for Aged People
4. 50/50 On-Premise – Order of Eastern Star
5. Raffle – Order of Eastern Star
6. 50/50 On-Premise – Vernon Twp. H.S. & Community Association
7. Raffle – Vernon Twp. H.S. & Community Association
8. 50/50 On-premise – Immaculate Conception Church
9. Raffle – Immaculate Conception Church
10. Basket Bingo – Immaculate Conception Church
11. Amusement License – Beaver Hill Campground
12. Amusement License – Anthony Pignataro (Tony's Pizza)
13. Raffle – On-Premise – St. John Vianney RC Church
14. Raffle – Off-Premise – St. John Vianney RC Church

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

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ORDINANCES:

1st READING: **2002-11**

AN ORDINANCE TO AMEND CHAPTER 57, AMUSEMENT DEVICES, OF THE
CODE OF THE TOWNSHIP OF HARDYSTON

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

Chapter 57, Amusement Devices, of the Code of the Township of Hardyston shall be amended as follows:

1. Section 57-7, Rules and Regulations, Subsection (H) shall be amended to read:

No more than one automatic device shall licensed under this charter for each 200 square feet of floor area.

A motion was made by Lasinski to approve Ordinance 2002-11 on first reading, seconded by Ross.

<u>MOTION</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Ross	<u> x </u>	<u> </u>	<u> </u>
Kievit	<u> x </u>	<u> </u>	<u> </u>
Lasinski	<u> x </u>	<u> </u>	<u> </u>
Hamilton	<u> </u>	<u> x </u>	<u> </u>
Armstrong	<u> </u>	<u> </u>	<u> </u>

Motion carried.

ORDINANCES:

2ND READING: **2002-10**

AN ORDINANCE AMENDING CHAPTER 172, VEHICLES AND TRAFFIC,
ARTICLE III, TRAFFIC, SECTION 172-19, STOP INTERSECTIONS, OF THE CODE
OF THE TOWNSHIP OF HARDYSTON TO ESTABLISH A STOP INTERSECTION
AT THE INTERSECTION OF OXBOW LANE AND DEERFIELD DRIVE IN THE
TOWNSHIP OF HARDYSTON

WHEREAS, N.J.S.A. 39:4-8 provides that a municipality may stop instersections on self contained roadways under municipal jurisdiction; and

WHEREAS, the Hardyston Police Department Traffic Safety Officer has, in a report dated June 19, 2002, recommended the creation of a stop intersection be created at the intersection of Oxbow Lane and Deerfield Drive in the Township of Hardyston; and

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WHEREAS, in sealed correspondence dated June 27, 2002, the Township Engineer has certified the need for a stop intersection at the intersection of Oxbow Lane and Deerfield Drive in the Township of Hardyston.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Hardyston that Chapter 172-Vehicles and Traffic, Article III-Traffic, Section 172-19-Stop Intersection be amended to include the following:

<u>Intersection</u>	<u>Stop Sign On</u>
Deerfield Drive and Oxbow Lane	Oxbow Lane

A motion was made and seconded to open the meeting to the public. No public comment. A motion was made and seconded to close the meeting to the public. A motion was made by Ross to approve Ordinance 2002-10 on second reading, seconded by Lasinski. All in favor. Motion carried.

NEW BUSINESS:

A. Resolution for Preliminary Costs

WHEREAS, the Governing Body of the Township of Hardyston hereby acknowledges that preliminary costs can be charged to capital improvement fund and then be reimbursed back to the capital improvement upon adoption of a bond ordinance, and,

WHEREAS, the purpose of these preliminary costs are for the construction of a municipal building complex, and that the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A,

NOW, THEREFORE BE IT RESOLVED, that the amount appropriated for preliminary costs shall not exceed \$65,000 and the Chief Financial Officer is authorized to set up a reserve for preliminary expenses out of the capital improvements fund of the general capital fund.

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

B. Resolution authorizing the Township Manager to execute the following contracts/leases/interlocal 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 and or agreements:

USA Architects – Architectural Consultant

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

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- C. Resolution creating a Watershed Host Communities Coalition and authorizing participation by designated officials of the Township of Hardyston

WHEREAS, the Newark Watershed Conservation & Development Corporation is the owner of approximately 30,000 acres of land in the host municipalities of West Milford Township, Hardyston Township, Jefferson Township, Rockaway Township, Vernon Township, and the Borough of Kinnelon; and

WHEREAS, in 1988 the State of New Jersey imposed a moratorium on the conveyance of watershed properties; and

WHEREAS, as a result of said moratorium and related New Jersey Tax Court decisions, the Watershed hosts municipalities experienced a severe erosion in their municipal tax bases; and

WHEREAS, from 1997 through 2001 the State of New Jersey recognized the financial role of host municipalities in protecting watershed lands by providing Watershed Moratorium Offset Aid by formula to qualifying municipalities;

WHEREAS, the State of New Jersey's FY 2003 budget eliminated entirely the Watershed Moratorium Offset Aid program; and

WHEREAS, the State of New Jersey, continues to acquire watershed lands in fee simple and by conservation easements; and

WHEREAS, conservation easements reduce significantly the taxable value of watershed lands; and

WHEREAS as a result of moratorium based Tax Court decisions, and State acquisition of watershed lands in fee simple or by conservation easement, host municipalities have experienced, and will continue to experience, an erosion of their municipal tax bases; and

WHEREAS the declining taxable value of watershed lands resulting from State actions have forced property tax payers in host municipalities to subsidize the protection of drinking water for residents in others areas of the State; and

WHEREAS, in order to prevent the continued loss of property tax dollars resulting from State watershed actions, the host municipalities have recognized the need to adopt a uniform position with respect to the future status of watershed lands and to find a permanent source of revenue to replace the recently eliminated Watershed Moratorium Offset Aid program.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby establishes itself, in conjunction with its neighboring host watershed municipalities, as the Watershed Host Communities Coalition; and

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BE IT FURTHER RESOLVED that it shall be the goal of the Watershed Host Communities Coalition to work with the New Jersey State Legislature, the New Jersey Department of Environmental Protection, various environmental lobbying groups and watershed land owners in drafting legislation that establishes a mechanism to protect drinking water quality while providing for a permanent in-lieu-of tax system to offset property tax losses resulting from State acquisition of watershed lands or from losses resulting from the State imposed conveyance moratorium.

BE IT FURTHER RESOLVED that the Township Manager and Councilman William Lasinski shall serve as the Township's representatives to the Watershed Host Communities Coalition.

A motion was made by Ross, seconded by Hamilton, to approve the resolution as presented with Councilman William Lasinski serving as the Township's representative along with the Township Manager. All in favor. Motion carried.

D. Tax Collector Resolutions

RESOLUTION # 30-02

WHEREAS, Sally Kish redeemed Tax Sale Certificate #01-02 on Block 14 Lot 5 on July 26, 2002, and

WHEREAS, PHOENIX FUNDING, INC 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 \$10,302.89,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that PHOENIX FUNDING INC of 191 Glen Road, Mountainside, New Jersey 07092 be reimbursed in the amount of \$10,302.89 for redemption of Tax Sale Certificate #01-02.

RESOLUTION # 31-02

WHEREAS, the Sussex County Tax Board approved the 2002 Tax Rate on August 5, 2002 for Hardyston Township.

WHEREAS, the Tax Collector is unable to have the bills printed and mailed to the owners of record until August 12, 2002.

NOW, THEREFORE BE IT RESOLVED, that the Tax Collector recommends the interest be abated for the August 1, 2002 tax quarter until 25 days after the mailing of said bills with a September 6, 2002 due date.

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

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- E. A resolution approving participation with the State of New Jersey in the State and Local Law Enforcement Assistance Formula Grant Program administered by the Division of Criminal Justice, Department of Law and Public Safety

A motion was made by Hamilton to approve the resolution as presented, seconded by Lasinski. All in favor. Motion carried. Copy of above resolution on file in Clerk's Office.

- F. Resolution of the Township of Hardyston naming certain properties to participate in the Farmland Preservation Program

BE IT RESOLVED that the Mayor and Council of the Township of Hardyston, County of Sussex, State of New Jersey, supports the Farmland Preservation Program and gives preliminary approval of the following applications for the 2003 funding round of the State Agriculture Development Committee.

Carol Chiusano/Bruce Monell 55 acres gross +/-, 54 acres net
Block 74, Lots 7.05, 7.06, 7.07

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

- G. 2001 Municipal Audit Resolution

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

- H. Resolution Supporting Assembly Bill 2419

WHEREAS, in 1988 the State of New Jersey imposed a moratorium on the conveyance of watershed properties; and

WHEREAS, as a result of said moratorium and related New Jersey Tax Court decisions, Watershed hosts municipalities experienced a severe erosion in their municipal tax bases; and

WHEREAS, from 1997 through 2001 the State of New Jersey recognized the financial role of host municipalities in protecting watershed lands by providing Watershed Moratorium Offset Aid by formula to qualifying municipalities;

WHEREAS, the State of New Jersey's FY 2003 budget eliminated entirely the Watershed Moratorium Offset Aid program; and

WHEREAS, the State of New Jersey, continues to acquire watershed lands in fee simple and by conservation easements; and

WHEREAS, conservation easements reduce significantly the taxable value of watershed lands; and

WHEREAS as a result of moratorium based Tax Court decisions, and State acquisition of watershed lands in fee simple or by conservation easement, host municipalities have experienced, and will continue to experience, an erosion of their municipal tax bases; and

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WHEREAS the declining taxable value of watershed lands resulting from State actions have forced property tax payers in host municipalities to subsidize the protection of drinking water for residents in others areas of the State; and

WHEREAS, Assembly Bill 2419 would appropriate \$3.4 million to fully fund Watershed Moratorium Offset Aid thus restoring much needed aid to more than 50 municipalities throughout the State of New Jersey.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it urges the New Jersey Assembly to pass Assembly Bill 2419 restoring funding to the Watershed Moratorium Offset Aid Program; and

BE IT FURTHER RESOLVED that the Council urges the New Jersey Senate to introduce and adopt a companion bill to A2419; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Honorable James McGreevey – Governor of the State of New Jersey, the Honorable E. Scott Garrett, the Honorable Guy Gregg, the Honorable Robert E. Littell; the New Jersey League of Municipalities, the Sussex County Board of Chosen Freeholders and all municipalities previously receiving Watershed Moratorium Offset Aid.

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

- I. Resolution authorizing purchase of a single axle dump truck contingent upon contract to be awarded by Sussex County on August 28, 2002

WHEREAS, the New Jersey Local Public Contracts Law (N.J.S.A.40A:1112) enables units of local government to purchase without competitive bid, materials, supplies or equipment under any contract entered into on behalf of the county governments meeting certain conditions, and

WHEREAS, the County of Sussex anticipates awarding the bid in the amount of \$107,000.00 for the purchase of a single axle dump truck to Condit Truck Center, Newton, NJ, and

WHEREAS, Condit Truck Center as part of their bid submission has agreed to extend bid pricing to municipal governments, and

WHEREAS, the Hardyston Township Department of Public Works has reviewed said bid specs and has determined it to meet their needs, and

WHEREAS, the Township of Hardyston is in need of a single axle dump truck, and

WHEREAS, funds are available through the 2002 Municipal Capital Budget and;

NOW, THEREFORE BE IT RESOLVED that one (1) single axle dump truck may be purchased without competitive bid through Sussex County Contract contingent upon said award being made by the Sussex County Freeholders at their August 28, 2002 board meeting.

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

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- J. The New Jersey Department of Environmental Protection (NJDEP) –
Watershed Management Program (WM)
 - a. Resolution authorizing the Township Manager to submit an
application to the New Jersey Department of Environmental
Protection

BE IT RESOLVED by the Township Council of the Township of Hardyston that the
Township Manager is hereby authorized to apply for the following:

Watershed Management Program funding through Section 319(h) of the Clean
Water Act for FY2003

- b. Resolution of the Hardyston Township Council endorsing an
application to the NJ Department of Environmental Protection to
fund a proposed stormwater mapping analysis of the Lake
Stockholm area, dredging of stormwater sedimentation of Lake
Stockholm and development of a long-term plan to mitigate future
non-point pollution related to stormwater runoff

WHEREAS, the New Jersey Department of Environmental Protection utilizing
funds available under Section 319(h) of the Clean Water Act provides funding for
projects that 1) identify and address non-point source pollution in a defined project area;
and 2) implement measures to protect currently unimpaired waters that are threatened by
reasonably foreseeable degradation; and

WHEREAS, it is the intent of the Township of Hardyston to conduct a study
which will identify and map the sources of stormwater run-off, which may contribute to
the sedimentation of Lake Stockholm; and

WHEREAS, sedimentation build-up in Lake Stockholm has accumulated over the
years to the extent that the lake needs to be dredged to remove the build-up; and

WHEREAS, once the sources of non-point stormwater run-off pollution have
been identified, a strategic plan will need to be developed and implemented in order to
mitigate future adverse sedimentation effects on Lake Stockholm; and

WHEREAS, it is the intent of Hardyston Township to create a mitigation plan
which would be consistent with the NJDEP's efforts implemented through the Regional
Stormwater Management Initiative; and

WHEREAS, it is the further intent of Hardyston Township to develop a plan for
stormwater management in the Lake Stockholm area, which would be consistent with the
EPA Sustainable Water Quality Initiative; and

WHEREAS, results and developments of this study and implementation plan can
serve as a model for other areas within the Township and in other municipalities
identified as having demonstrated similar needs with respect to stormwater management;

NOW THEREFORE BE IT RESOLVED BY THE HARDYSTON TOWNSHIP
COUNCIL THAT they endorse the submission of an application to the NJ Department of
Environmental Projection for funding to accomplish 1) the development of a stormwater
mapping analysis of the Lake Stockholm area; 2) the dredging of the accumulated

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stormwater sedimentation of Lake Stockholm; and 3) the development of a long-term plan to mitigate future non-point pollution related to stormwater run-off with respect to Lake Stockholm.

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

K. Correspondence

1. Township of Vernon
2. Township of Hampton
3. Township of Hampton
4. Township of Hampton
5. Lafayette Township
6. Township of Sparta
7. Township of Sparta
8. Township of Green
9. Township of Andover
10. Township of Fredon
11. Borough of Stanhope
12. Borough of Hamburg
13. County of Sussex
14. County of Sussex
15. County of Sussex
16. County of Sussex
17. County of Sussex
18. Sussex County EDC
19. Upper Delaware Watershed Management Project
20. NJ State League of Municipalities
21. NJ State League of Municipalities
22. NJ State League of Municipalities
23. NJ State League of Municipalities
24. NJ State League of Municipalities
25. NJ State League of Municipalities
26. NJ State League of Municipalities
27. NJ State League of Municipalities
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 Conference of Mayors
34. NJ General Assembly
35. NJ General Assembly
36. Watershed Focus – DEP
37. NJ DEP
38. State of New Jersey
39. State of New Jersey
40. State of New Jersey
41. State of New Jersey
42. State of New Jersey
43. State of New Jersey
44. State of New Jersey
45. State of New Jersey
46. State of New Jersey
47. State of New Jersey

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48. State of New Jersey
49. State of New Jersey
50. NJ DEP
51. Rothfelder Stern, LLC
52. Dykstra Walker Design Group
53. Morris, Downing & Sherred
54. Wallkill Valley Regional High School
55. Lake Tamarack Association
56. Lake Stockholm Systems
57. North Jersey Municipal Employee Benefits Fund
58. North Jersey Transportation Planning Authority, Inc.
59. Center for Prevention & Counseling
60. U.S. Environmental Protection Agency
61. NJ Conservation Foundation
62. Passaic Valley Ground Water Protection Committee
63. Center for the Study of Economics
64. SCARC
65. NJN Public Television and Radio Network
66. NJ Public Interest Research Group
67. US Postal Service
68. U.S. Small Business Administration

A motion was made by Ross to approve the correspondence list as presented, with the exception of #52, #55, and #67, seconded by Lasinski. All in favor. Motion carried.

MANAGERS REPORT: Deputy Township Manager Marianne Smith reported that the road resurfacing program for 2002 has been completed. Bid specs for irrigation system is being prepared. Plans for the additional drainage and basketball court surveying have been completed. Road Department and Township Engineer will be proceeding with providing costs and completing work in the near future.

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

PUBLIC PORTION: A motion was made by Kievit to open the meeting to the public, seconded by Hamilton. Township resident William Wurst expressed some concerns over changes in the Department of Motor Vehicles. Council agreed to discuss at their next workshop meeting. A motion was made by Kievit to close the meeting to the public, seconded by Hamilton. All in favor. Motion carried.

EXECUTIVE SESSION: None.

ADJOURN: A motion was made by Ross to adjourn, seconded by Hamilton. 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)