

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
SEPTEMBER 17, 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, Councilman Armstrong, Manager John Eskilson 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. Police Department Report – August 2002 & July 2002
2. Finance Officer Report – July 2002
3. Municipal Clerk Report – August 2002
4. Tax Collector Report – August 2002
5. Construction Official Report – August 2002
6. HTMUA – Meeting Minutes of 7/10/02
7. Sparta Health Department Report – July 2002
8. Wallkill River Watershed – Draft Minutes of 8/12/02
9. Statewide Insurance Fund Executive Committee – Minutes of 8/8/02
10. North Jersey Municipal Employee Benefits Fund – Minutes of 7/26/02

Minutes:

1. Regular Minutes of 8/20/02
2. Workshop Minutes of 9/10/02
3. Executive Session Minutes of 9/10/02

A motion was made by Hamilton to approve the consent agenda as presented, seconded by Ross. All in favor with Armstrong abstaining on the minutes of 8/20/02. Motion carried.

ORDINANCES:

1st READING:

2002-12

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO WALDEN VILLAGE II AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

NOW, THEREFORE BE IT ORDAINED, that the Walden II Townhome Community Homeowner Association 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 to be made applicable to the semi-public roads, streets, driveways and parking lots at Walden

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Village II located in the Township of Hardyston, County of Sussex and the following regulations shall be enforceable:

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 in areas covered by other parking restrictions.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
All Roads	Both	All	Entire Length

C. Handicapped Parking

All stalls shall be 12 foot wide as shown on the attached site plan and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the designated parking areas for persons who have been issued the Handicapped Parking Permit by the Division of Motor Vehicles.

2. Through Streets, Stop Intersections:

- A. 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>
Rolling Brook Way	Entire Length

B. Stop Intersections:

The following described intersections are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein.

<u>Intersection</u>	<u>Stop Sign(s) on</u>
Moss Court and Fox Chase Lane	Moss Court
Magnolia Lane and Beechmont Terrace	Magnolia Lane
Cotton Court and Road "A"	Cotton Court

3. Speed Limits:

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

<u>Name of Roadway</u>	<u>M.P.H.</u>	<u>Limits</u>
Rolling Brook Way	30	Entire Length
Beechmont Terrace	25	Entire Length
Magnolia Lane	25	Entire Length
Druid Lane	25	Entire Length
Moss Court	25	Entire Length
Fox Chase Lane	25	Entire Length
Woodmere Court	25	Entire Length
Meadow Lane and Meadow Lane East	25	Entire Length

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Cotton Court	25	Entire Length
Spruce Run	25	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.

5. No Passing Zones:

The following described streets or part of streets shall be designated as No Passing Zones.

<u>Name of Street</u>	<u>Limits</u>
Rolling Brook Way	Entire Length

Recommendations:

Statutory Crosswalks shall be painted and delineated to MUTCD Standards at the following intersections:

Magnolia Lane and Rolling Brook Way, Crosswalk on Rolling Brook Way.
Druid Lane and Rolling Brook Way, Crosswalk on Rolling Brook Way. These two areas should also be signed "Caution Children at Play" due to the close proximity of the playgrounds to the roadway.

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 the 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 \$50.00 dollars or imprisonment for a term not exceeding (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 Lasinski to approve Ordinance 2002-12 on first reading, seconded by Hamilton. All in favor. Motion carried.

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2002-13

AN ORDINANCE AMENDING CHAPTER 88 - FEES, SECTION 88-4 – FEES
PAYABLE TO THE POLICE DEPARTMENT OF THE CODE OF THE TOWNSHIP
OF HARDYSTON

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

Chapter 88, Fees, Section 88-4 – Fees Payable to the Police Department shall be amended as follows:

1. Section 88-4 E – Charges for Police services shall be amended to read
 - (1) Township Police Officer or special officer to a quasi-public duty: overtime rate of the individual officer assigned to duty plus a 10% administrative fee
 - (2) Patrol Vehicle: \$50 per eight-hour shift or any part thereof.

A motion was made by Lasinski to approve Ordinance 2002-13 on first reading, seconded by Hamilton. All in favor. Motion carried.

ORDINANCES:
2ND 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 be licensed under this charter for each 200 square feet of floor area.

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

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<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> x </u>	<u> </u>	<u> </u>

Motion carried.

NEW BUSINESS:

- A. Resolution urging the implementation of the Wallkill Valley Heritage Management Plan

WHEREAS, The New Jersey Department of Environmental Protection has proposed the establishment of a Wallkill Valley Heritage Trail along 5.45 miles of the abandoned right-of-way of the Midland Railroad; and

WHEREAS, the establishment of a Wallkill Valley Heritage trail will provide area residents with recreation and education opportunities; and

WHEREAS, the establishment of a Wallkill Valley Heritage trail will benefit local business by helping to attract visitors to Sussex County.

NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that it supports the establishment of the Wallkill Valley Heritage Trail proposed in the draft Wallkill Valley Heritage Trail Management Plan dated May 2002; and

BE IT FURTHER RESOLVED that the Council urges the State of New Jersey to fund the preferred alternative providing inclusion and access to important heritage sites; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to New Jersey Department of Environmental Protection Commissioner Bradley Campbell, the Honorable Robert E. Littell, the Honorable E. Scott Garrett, the Honorable Guy Gregg, the Sussex County Board of Chosen Freeholders, the Sussex County Economic Development Partnership and all Sussex County Municipalities.

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

- B. Resolution urging the State of New Jersey to reimburse municipalities for costs associated with black bear population management and urging the New Jersey Department of Environmental Protection to take immediate measures to control the black bear population

WHEREAS, on September 6, 2002 New Jersey Department of Environmental (NJDEP) Protection Commissioner Bradley Campbell forwarded correspondence to New Jersey Mayors informing them that the NJDEP is limiting its on-site response to black bear calls to normal business hours defined as Monday through Friday 8:30 a.m. to 4:30 p.m.; and

WHEREAS, the black bear population in northwest New Jersey is estimated at 1,900; and

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WHEREAS, there have been increasing numbers of conflicts between the human population and the black bear population including car break-ins, home break-ins and attacks on pets; and

WHEREAS, Commissioner Campbell has called for a “cooperative effort” with municipal law enforcement agencies to control the State’s burgeoning black bear population; and

WHEREAS, the Township of Hardyston has, in the last two years, expended almost \$4,000 for the purchase of special bear management equipment and overtime costs to train police officers in black bear management; and

WHEREAS, from January 1, 2002 through the present date the Hardyston Township Police Department responded to more than 200 bear related calls for service; and

WHEREAS, response to bear related calls by local police officers results in the diversion of limited police resources from critical areas of law enforcement; and

WHEREAS, the effect of the State’s “cooperative effort” has been to shift the financial burden of the management of the State’s black bear population to municipal property tax payers; and

WHEREAS, the Commissioner’s September 6, 2002 letter is a further abdication of financial responsibility for black bear management by the State of New Jersey; and

WHEREAS, the State of New Jersey, despite evidence of overpopulation has refused to institute significant black bear population control measures; and

WHEREAS, the State of New Jersey, unlike municipalities in northwest New Jersey has access to Wildlife Management experts and scientific data so as to determine the most effective methods of black bear population control; and

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it urges NJDEP Commissioner Campbell to immediately

1. Determine the optimal black bear population for northwest New Jersey to minimize potential conflicts with the human population
2. Determine the most effective and expeditious means to bring the black bear population to its optimal level

and;

BE IT FURTHER RESOLVED that the Township Council urges the State of New Jersey to

1. Reimburse municipalities for all costs associated with management of the State’s black bear population.
2. Hold municipalities harmless from liability associated with the management of the State’s black bear population.

and;

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to New Jersey Department of Environmental Protection Commissioner Bradley Campbell, the Honorable Robert E. Littell, the Honorable E. Scott Garrett, the Honorable Guy Gregg, the Sussex County Board of Chosen Freeholders, the Warren County Board of Chosen Freeholders, the Hunterdon County Board of Chosen Freeholders, the Morris

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County Board of Chosen Freeholders, the Somerset County Board of Chosen Freeholders, the New Jersey League of Municipalities, all municipalities in Sussex, Warren, Hunterdon, Morris and Somerset Counties.

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

- C. Resolution correcting the appointments of various municipal officers within the Township of Hardyston

WHEREAS, New Jersey law provides for the three year appointment, by a municipal governing body, of the following municipal officers:

Municipal Engineer
Municipal Judge
Emergency Management Coordinator

and;

WHEREAS, the following municipal officers were appointed by the Hardyston Township Council to three year terms, in accordance with New Jersey law, on January 1, 1997:

Robert Guerin – Municipal Engineer
Richard Honig – Municipal Judge
Patrick Coleman – Emergency Management Coordinator

and;

WHEREAS, the following municipal officer officers were appointed by the Hardyston Township Council on January 1, 2000:

Robert Guerin – Municipal Engineer
Richard Honig – Municipal Judge
Patrick Coleman – Emergency Management Coordinator

and;

WHEREAS, it was the intent of the Hardyston Township Council, on January 1, 2000 to appoint the above referenced officials to three year terms in accordance with New Jersey law; and

WHEREAS, the official minutes of the Hardyston Township Council reorganization meeting of January 1, 2000 inadvertently omitted language specifying three year terms for the above referenced municipal officers.

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NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that it hereby corrects the official record of January 1, 2000 to reflect the intent of the Council to appoint the following municipal officer to three year terms in accordance with New Jersey law:

Robert Guerin – Municipal Engineer

Richard Honig – Municipal Judge

Patrick Coleman – Emergency Management Coordinator

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

- D. Resolution certifying to the Sussex County Board of Chosen Freeholders that the Township of Hardyston recognizes and approves the Hardyston First Aid Squad's efforts to seek financial assistance from the County of Sussex

WHEREAS, the County of Sussex has, for several years, provided financial assistance to Emergency Rescue and First Aid Squads serving the residents of the County; and

WHEREAS, on February 28, 2001 the Sussex County Board of Chosen Freeholders adopted a resolution requiring municipalities to certify that First Aid Squad's serving their community are approved to seek financial assistance from the County of Sussex; and

WHEREAS, the Sussex County Board of Chosen Freeholders has also required that municipalities supply the County of Sussex with documentation that members of the First Aid Squad serving their community have been certified pursuant to applicable New Jersey law; and

WHEREAS, the volunteers of the Hardyston Township First Aid Squad have for many years provided emergency medical and rescue services to Township residents, businesses and visitors.

NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that it hereby certifies its approval of the Hardyston Township First Aid Squad seeking financial assistance from the County of Sussex; and

BE IT FURTHER RESOLVED that the Township Manager is hereby authorized to collect the required certifications from the Hardyston Township First Aid Squad and forward them to the Sussex County Board of Chosen Freeholders.

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

- E. Resolution of the Hardyston Township Council endorsing a revision to the Hardyston Township Wastewater Management Plan and the Sussex County Water Quality Management Plan

WHEREAS, the Hardyston Township Council desires to provide for the orderly development of wastewater facilities within the municipality; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that the proposed wastewater treatment and conveyance facilities and wastewater treatment service areas and relate subjects be in conformance with the an approved Water Quality Management Plan; and

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WHEREAS, the Hardyston Township Wastewater Management Plan as amended in October 1988 and revised in December 1988 and February 2000 has been approved by the NJDEP; and

WHEREAS, on February 4, 2002 the Borough of Sussex, New Jersey offered for sale at public auction 25,000 gallons per day of sewer capacity currently allocated to the Borough of Sussex at the Sussex County Municipal Utilities Authority Upper Walkkill sewerage treatment facility; and

WHEREAS, on January 9, 2002 the Hardyston Township Municipal Utilities Authority entered into agreement with High Ridge Properties of New York, New York regarding the purchase of sewer capacity from the Borough of Sussex; and

WHEREAS, the Hardyston Township Municipal Utilities Authority and its representative by agreement, High Ridge Properties, were the sole bidders present at the February 4, 2002 public auction at the Borough of Sussex municipal building; and

WHEREAS, on April 15, 2002 the Sussex Borough Council adopted a resolution accepting the bid of the Hardyston Township Municipal Utilities Authority for 25, 000 gallons of sewer capacity currently allocated to the Borough of Sussex; and

WHEREAS, it is the intent of High Ridge Properties and the Hardyston Township Municipal Utilities Authority to utilize the sewer capacity within an approved sewer service within the Township of Hardyston; and

WHEREAS, the purchase of 25,000 gallons of sewer capacity by the Hardyston Township Municipal Utilities Authority require the modification of several charts and tables within the Hardyston Wastewater Management Plan and the Sussex County Water Quality Plan; and

WHEREAS, the Hardyston Township Municipal Utilities Authority has submitted application to the Sussex County 208 Policy Advisory Committee to revise various tables in the Hardyston Wastewater Management Plan and the Sussex County Water Quality Plan to reflect the transfer of 25,000 gallons of sewer capacity from the Borough of Sussex to the Hardyston Township Municipal Utilities Authority; and

WHEREAS, there is no change in the current sewer services boundaries in the Township of Hardyston proposed as part of the revisions required to transfer the Sussex Borough sewer capacity to the Hardyston Township Municipal Utilities Authority.

NOW THEREFORE BE IT RESOLVED as follows:

1. The Hardyston Township Council endorses the Hardyston Township Municipal Utilities Authority application to the Sussex County 208 Policy Advisory Committee for revisions to certain charts and tables in the Hardyston Wastewater Management Plan and the Sussex County Water Quality Plan to reflect the transfer of 25,000 gallons per day of sewer capacity currently allocated to the Borough of Sussex to the Hardyston Township Municipal Utilities Authority.
2. This endorsement shall be submitted to the Sussex County 208 Policy Advisory Committee, the Sussex County Board of Chosen Freeholders, the New Jersey Department of Environmental Protection, the Hardyston Township Municipal Utilities Authority and the Sussex Borough Council.

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

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F. Tax Collector Resolutions

1. Refund for Overpayment – Robert & Genevieve Rapp – Block 60,
Lot 22.DE

WHEREAS, Robert & Genevieve Rapp of 163 Bass Island in Hardyston had paid on April 30, 2002 their taxes for the May and August quarter taxes, and

WHEREAS, on July 16, 2002 they have sold this property and are due a refund for overpaying as the attorneys involved overlooked this item at the closing,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that Robert & Genevieve Rapp are entitled to a refund in the amount of \$307.06 representing overpayment of the August quarterly tax.

2. NJ Saver Rebate – M. Sanclementi – Block 67.11, Lot 17

WHEREAS, Michael Sanclementi of 13 Spruce Run, Hardyston has paid his 2002 Taxes current thru the August 1, 2002 tax quarter, and

WHEREAS, on September 9, 2002 the Tax Office has received his NJ Saver in the amount of \$ 517.71 and since his taxes are current the homeowner is requesting a refund,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that Michael Sanclementi of 13 Spruce Run, Hardyston be reimbursed \$517.71 for his NJ Saver Rebate.

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

G. Correspondence

1. Borough of Franklin
2. Township of Green
3. Frankford Township
4. Frankford Township
5. Borough of Hopatcong
6. Township of Hampton
7. Borough of Hamburg
8. Town of Newton
9. Sandyston Township
10. Sandyston Township
11. Sandyston Township
12. City of Camden
13. Township of South Brunswick
14. Sussex County Sheriff's Office
15. County of Sussex
16. County of Sussex
17. County of Sussex
18. NJ State League of Municipalities
19. NJ State League of Municipalities
20. NJ State League of Municipalities
21. NJ State League of Municipalities

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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. Rutgers - Center for Government Services
33. Rutgers – Center for Government Services
34. State of New Jersey
35. State of New Jersey
36. State of New Jersey
37. State of New Jersey
38. State of New Jersey
39. State of New Jersey
40. Superior Court of New Jersey
41. NJ Department of Labor
42. NJ Water Resources Research Institute
43. NJ Council On Affordable Housing (COAH)
44. Government Educators
45. North Jersey Resource Conservation
46. Jersey Professional Management
47. Ridge & Valley Conservancy, Inc.
48. NJ Public Television and Radio
49. American Recycling Technologies, Inc.
50. NUI Utilities, Inc. d/b/a Elizabethtown Gas Company
51. Hope House
52. Saint Clare's Foundation
53. RE/MAX Alliance Realty
54. Town of Newton
55. NJ Transit
56. Township of Green

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

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

- Route 23 Improvements
- Municipal Building Study
- Watershed Coalition
- Hardyston Sports & Recreation Complex
- Safe Schools Forum
- Various Projects:
 - Park Irrigation System
 - Park Basketball Court
 - Park Walking Path Re-Alignment
 - Ground Speed Controls Bid
 - Asphalt Paver Bid

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

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PUBLIC PORTION: A motion was made by Kievit to open the meeting to the public, seconded by Hamilton. No public participation. 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 Hamilton 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)