

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 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, 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 Clerk Report – September 2002
2. Police Department Report – August 2002
3. Finance Officer Report – August 2002
4. Tax Collector Report – September 2002
5. Construction Official Report – September 2002
6. Zoning Officer Report – As of 9/11/02
7. HTMUA – Minutes of 8/14/02
8. North Jersey Municipal Employee Benefits Fund – Minutes of 8/29/02
9. Sparta Health Department Report – August 2002
10. Municipal Court Report – August 2002
11. Municipal Court Report – September 2002
12. Statewide Insurance Fund – Minutes of 8/8/02

**Minutes:**

1. Regular Minutes of 9/17/02
2. Workshop Minutes of 9/24/02
3. Executive Session Minutes of 9/24/02
4. Workshop Minutes of 10/8/02
5. Executive Session Minutes of 10/8/02

**Licenses:**

1. On-premise 50/50 – Wallkill Valley Regional High School
2. Tricky Tray – Wallkill Valley Regional High School
3. On-premise 50/50 – Order of Eastern Star
4. Tricky Tray – Order of Eastern Star
5. On-premise 50/50 – Wallkill Valley Booster Club
6. Tricky Tray – Wallkill Valley Booster Club

A motion was made by Lasinski to approve the consent agenda as presented, seconded by Armstrong. All in favor with Ross abstaining on the licenses for Wallkill Valley Regional High School and Booster Club. Motion carried.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

**ORDINANCES:**

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

**2002-14**

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
HARDYSTON AMENDING VARIOUS SECTIONS OF SECTION 185 OF THE  
CODE OF THE TOWNSHIP OF HARDYSTON

WHEREAS, the Township of Hardyston approved an amendment to the Township ordinances modifying the various sections of Chapter 185 entitled “Garden apartments, attached single-family houses, zero-lot-line detached dwellings and multi-level housing units.”

SECTION 1. Section 185-52 entitled “Garden apartments, attached single-family houses, zero-lot-line detached dwellings and multi-level housing units” is hereby deleted in its entirety and replaced with the following:

*§ 185-52. Garden apartments, attached single-family houses, zero-lot-line detached dwellings and multi-level housing units. [Amended 10-5-1999 by Ord. No. 99-8]*

A. Development standards.

Development Standard	Apartment Buildings and Garden Apartments	Attached Single-Family	Multi-Level Housing	Zero-Lot-Line Detached
Minimum tract area	40 acres	15 acres	N/A	40 acres and minimum of 4,000 square feet per individual lot
Maximum overall tract density	4-1/2 units per acre	4-1/2 units per acre	2 units per acre	4-1/2 units per acre
Maximum number of units/ structures	12	8	16	N/A
Maximum length of structure	200 feet	200 feet	175 feet	N/A
Maximum building coverage	20%	20%	30%	30%
Maximum number of single units served by single common entrance	2	1	1	N/A

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

Development Standard	Apartment Buildings and Garden Apartments	Attached Single-Family	Multi-Level Housing	Zero-Lot-Line Detached
Minimum number of entrance/exits per unit	2	1	1	N/A
Maximum height <sup>40</sup>	5 stories or 50 feet for apartment buildings; 2 stories or 35 feet for garden apartment	2 stories or 35 feet.	2-1/2 stories or 35 feet.	2-1/2 stories or 35 feet, whichever is less.

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<sup>40</sup>Note: No cellar or basement shall be used for living space except that in attached-single family dwellings where the basement or more than ½ thereof is at or above ground level, it may be used for a recreation room or similar purpose, but the building shall not exceed the specified height.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

Development Standard	Apartment Buildings and Garden Apartments	Attached Single-Family	Multi-Level Housing	Zero-Lot-Line Detached
Minimum distance between groups of structures:				
End to end	35 feet	35 feet	35 feet	N/A
Rear to rear	60 feet	60 feet	60 feet	N/A
Front to back	75 feet	75 feet	75 feet	N/A
Front to front	75 feet	75 feet	75 feet	N/A
Front to side (except that buildings may join at corners)	50 feet	50 feet	50 feet	N/A
Minimum distance to public road	65 feet	50 feet	50 feet	50 feet
Minimum distance to private road	45 feet	25 feet	25 feet	25 feet
Minimum lot width at street	N/A	12 feet	N/A	40 feet
Minimum lot width at building front line.	N/A	18 feet	N/A	40 feet
Minimum lot depth	N/A	N/A	N/A	100 feet
Minimum distance to side property line	75 feet	25 feet	25 feet	12 feet, one side only. <sup>42</sup>
Minimum distance to rear property line	75 feet	25 feet	25 feet	25 feet

<sup>42</sup> Note: Residential structures may be placed on any two lots contiguous to the interior property line common to their ownership. No openings of any kind shall be permitted in the interior property line wall. Further, eaves, roof overhangs, gutters, rainwater leaders and other similar structural fixtures may project up to 18 inches into any adjoining parcel, provided that the same are in accordance with appropriate architectural design for the zero-lot-line detached dwelling.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

Development Standard	Apartment Buildings and Garden Apartments	Attached Single-Family	Multi-Level Housing	Zero-Lot-Line Detached
Minimum yard widths	N/A	N/A	N/A one side	12 feet, only
Minimum front yard	N/A	25 feet	N/A	25 feet
Minimum rear yard	N/A	25 feet	N/A	25 feet
Required off-set	Minimum of 4 feet every 50 feet	N/A	Minimum of 4 feet every 50 feet	N/A
Required off-parking spaces	2 per dwelling unit for first 100 units, thereafter 1/2 per unit	2 per dwelling unit	2.3 per dwelling unit	2 per street dwelling unit
Patios and decks	Not allowed outside the permitted building envelope.	Permitted in the rear yard if said yard abuts a golf course but not within 15 feet of the rear property line.	Not allowed outside the permitted building envelope.	permitted in the rear yard if said yard abuts a golf course but not within 15 feet of the rear property line.
Maintenance easements				Reciprocal easements shall be executed as to such units, for the benefit of each owner or eventual owner, for the purpose of maintenance of said unit which shall be at least 4 feet in width. Such easement shall be recorded in the public records. Preparation, execution and recording shall be the developer's responsibility and a condition of subdivision.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

Development Standard	Apartment Buildings and Garden Apartments	Attached Single- Family	Multi- Level Housing	Zero-Lot-Line Detached
Deed restrictions				Reciprocal deed restrictions running with the land shall be contained in each unit deed restricting the owner from altering the windowless common zero- lot-line wall by creating or permitting openings thereon, except for temporary repair or maintenance of such windowless wall.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

SECTION 2. Section 185-58.S(5) is hereby deleted in its entirety and replaced with the following:

**Section 185-58.S(5) shall be deleted in its entirety and replaced with the following:**

185-58.S(5) Single-family detached dwellings with zero-lot-line and single-family attached (duplex) dwellings with zero-lot-line shall meet the bulk requirements applicable to zero-lot-line detached dwellings in the R-4 Zone, except that the maximum tract density and minimum tract area specified for the R-4 Zone shall not apply and maximum building coverage shall be 40%. For single-family attached dwellings with zero-lot-line, the common wall and the lot line shall coincide and reciprocal easement shall be executed with respect to such dwelling units, for the benefit of each owner or eventual owner, for the purposes of maintenance of the attached structures.

SECTION 3. Severability.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 4. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect within twenty (20) days of the date of adoption hereof.

A motion was made by Hamilton to approve Ordinance 2002-14 on first reading, seconded by Lasinski. All in favor. Motion carried.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

**ORDINANCES:**

**2<sup>ND</sup> 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 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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

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
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.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

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 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 Lasinski to approve Ordinance 2002-12 on second reading, seconded by Hamilton. All in favor. Motion carried.

**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 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 Hamilton to approve Ordinance 2002-13 on second reading, seconded by Lasinski. All in favor. Motion carried.

**NEW BUSINESS:**

A. Tax Collector Resolutions

1. Overpayment – Douglas Emann

RESOLUTION #34-02

WHEREAS, Douglas Emann of 54 Glen Avenue, Stockholm has refinanced his mortgage on August 22, 2002, and

WHEREAS, his old mortgage company paid the August Quarter on August 22, 2002 and a payment from his closing was received on August 29, 2002 thus creating a credit for the August 2002 quarter,

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that Douglas Emann of 54 Glen Avenue, Stockholm be reimbursed \$971.87 for an overpayment on his August quarterly tax.

2. Overpayment – Sharon Monell

RESOLUTION #35-02

WHEREAS, the Hardyston Tax Assessor has subdivided Block 74 Lot 7.01 Farmland assessed from one parcel into 4 parcels due to the Monell family granting family members each a share of farmland, and

WHEREAS, John and Sharon Monell have paid the taxes on the total lot prior to being subdivided and now are entitled to a refund for overpayment,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that John and Sharon Monell of 3179 Route 94 Franklin, New Jersey 07416 be reimbursed \$277.37 for an overpayment on their 2002 taxes.

3. Overpayment – Richard & Kathleen Delgado

RESOLUTION #36-02

WHEREAS, the homeowner of Block 67.06 and Lot 1.38 of 2 Short Grass Place have refinanced their mortgage, and,

WHEREAS, the Title Company and Mortgage company have both paid the August 1, 2002 taxes,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that Richard T & Kathleen C Delgado of 2 Short Grass Place, Hamburg be reimbursed the overpayment of the August quarter in the amount of \$1,170.59.

4. Refund – Emanuel Varveris

RESOLUTION #37-02

WHEREAS, the homeowner of Block 13 and Lot 4 of 16 Greenhill Road, Hardyston and owned by Emanuel Varveris paid his February and May 2002 taxes in the amount of \$1,988.32, and

WHEREAS, Mr. Varveris had a house fire last year, and the Tax assessor has adjusted his assessment for the tax year of 2002 with being assessed for land only which his property taxes are \$1,081.08

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that Mr. Emanuel Varveris of PO Box 181 Plainview, New York 11803 be refunded the amount of \$907.24 due to his 2002 taxes being overpaid.

5. Redemption – Crusader Servicing Corp. – 37 Crystal Springs Rd.

RESOLUTION # 38-02

WHEREAS, FG Sonar Construction Co. Inc. has redeemed Tax Sale Certificate #01-06 on September 25, 2002, and

WHEREAS, Crusader Servicing Corporation has complied with the provisions of N.J.S.A. 54:5-60 et seq; and

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

WHEREAS, the amount to be reimbursed to the lien purchaser is \$2,329.60

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that Crusader Servicing Corporation of 179 Washington Lane Jenkintown, PA 19046 be reimbursed in the amount of \$2,329.60 for redemption of Tax Sale Certificate #01-06.

6. Redemption – Crusader Servicing Corp. – 37 Crystal Springs Rd.

RESOLUTION # 39-02

WHEREAS, FG Sonar Construction Co. Inc. has redeemed Tax Sale Certificate #00-04 on September 25, 2002, and

WHEREAS, Crusader Servicing Corporation 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 \$2,361.99,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that Crusader Servicing Corporation of 179 Washington Lane Jenkintown, PA 19046 be reimbursed in the amount of \$2,361.99 for redemption of Tax Sale Certificate #00-04.

7. Redemption – FUNB c/o MD SASS

RESOLUTION #40-02

WHEREAS, Herbert & June Allert have redeemed Tax Sale Certificates #01-08 and 99-06 October 1, 2002, and

WHEREAS, FUNB C/O MD SASS 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 \$16,712.99 plus \$1,000 for a premium,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that FUNB CT/MD SASS – II (2) of 123 South Broad Street PA 1328 Philadelphia, PA 19109 be reimbursed in the amount of \$16,712.99 and \$1,000 for a premium for redemption of Tax Sale Certificates #01-08 and 99-06.

8. Refund – NJ Saver Rebate – Julieann Leroux – 29 Aspen Court

RESOLUTION # 41-02

WHEREAS, Julieann Leroux of Block 17.02 Lot 15 also known as 29 Aspen Court, in Hardyston Township have sold this property and the taxes have been paid in full, and

WHEREAS, the Tax Office has received their 2002 NJ Saver Rebate in the amount of \$60.90 which was applied to Block 17.02 Lot 15 and needs to be refunded to Ms. Leroux,

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 Julieann Leroux for her 2002 NJ Saver Rebate in the amount of \$60.90.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

9. Overpayment – Margaret Silconas c/o M.A. Keller

RESOLUTION # 42-02

WHEREAS, Margaret Silconas C/O MA Keller of Block 16 Lot 1.01 also known as 4511 Rudetown Road, in Hardyston Township paid her 2/01/02 taxes in full, and

WHEREAS, the Tax Assessor has changed this parcel from regular to Farmland Assessment for the tax year 2002 and now is due a refund for overpayment of taxes,

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 Margaret Silconas C/O MA Keller of 265 Route 517 Hamburg, New Jersey 07419 the amount of \$475.36 due to overpayment of taxes.

A motion was made by Ross to approve the resolutions as presented, seconded by Hamilton. All in favor with Lasinski abstaining on #5 and #6. Motion carried.

B. Resolution awarding bid for Ground Speed Spreader Control System

WHEREAS, bids for the Ground Speed Spreader Control System were advertised according to law in the New Jersey Herald and the Star Ledger; and

WHEREAS, two sealed bids for said system were submitted to the Township and opened on October 1, 2002 at 11:00 a.m. at the Hardyston Township Municipal Building; and

WHEREAS, Seely Equipment & Supply Company of Farmingdale, New Jersey submitted a low bid as follows:

Total Bid Per Unit	\$ 7,960.00
Total Units Purchased – 7	\$55,720.00
Total Purchase Price	\$55,720.00

WHEREAS, bids have been reviewed by the Township Manager and Township Attorney; and

WHEREAS, the Township Attorney has determined Seely Equipment & Supply Company to be the lowest responsible bidder; and

WHEREAS, the Township Treasurer has certified that adequate funds exist for bid award.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby awards the bid for Ground Speed Spreader Control System to Seely Equipment & Supply Company of Farmingdale, New Jersey; and

BE IT FURTHER RESOLVED that the Township Manager is hereby authorized to execute required bid contract.

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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

C. Resolution awarding bid for One (1) 5.5 Ton Capacity Rubber Tire  
Mounted Asphalt Paver

WHEREAS, bids for one (1) 5.5 Ton Capacity Rubber Tire Mounted Asphalt Paver were advertised according to law in the New Jersey Herald and The Star Ledger; and

WHEREAS, bids for said paver were opened at the Hardyston Township Municipal Building at 11:00 a.m. on October 1, 2002; and

WHEREAS, Seely Equipment & Supply Company of Farmingdale, New Jersey submitted the sole bid in the amount of \$31,580.00; and

WHEREAS, bids have been reviewed by the Township Manager and the Township Attorney; and

WHEREAS, the Township Attorney has determined Seely Equipment & Supply Company to be the lowest responsible bidder; and

WHEREAS, the Township Treasurer has certified that adequate funds exist for bid award.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby awards the bid for one (1) 5.5 Ton Capacity Rubber Tire Mounted Asphalt Paver to Seely Equipment & Supply Company of Farmingdale, New Jersey; and

BE IT FURTHER RESOLVED that the Township Manager is hereby authorized to execute required bid contract.

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

D. Resolution establishing Change Fund for the Construction Office

WHEREAS, the Construction Official of Hardyston Township, Sussex County, has determined that a change fund in the amount of \$100.00 is needed for the Construction 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 established for the Construction Office.

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

E. Resolution canceling COPS More grant receivables

WHEREAS, there are receivables for U.S. Department of Justice – COPS More in the amount of \$2,540.00; and

WHEREAS, the funds will not be collected; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the U.S. Department of Justice – COPS More receivable in the amount of \$2,540.00, be cancelled.

A motion was made by Ross to approve the resolution canceling the COPS More grant receivables, seconded by Lasinski. All in favor. Motion carried.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

F. Resolution opposing Assembly Bill 554

WHEREAS, Assembly Bill 554 would allow a municipal employee to select any physician for the purposes of work related injuries; and

WHEREAS, the Township of Hardyston, as a member of the Statewide Insurance Fund, participates in a managed care system for workers compensation claims; and

WHEREAS, physicians and hospitals participating in the Statewide Insurance Fund managed care system provide discounted premiums thus reducing paid claims which, in turn, controls premium costs to the Township; and

WHEREAS, physicians participating in the Statewide Insurance Fund managed care system are monitored to insure earliest possible return to work date for municipal employees thus reducing total payments for lost wages, which, in turn, controls premiums to the Township; and

WHEREAS, Assembly Bill 554 would effectively eliminate the Statewide Insurance Funds managed care program by allowing injured employees to determine the selection of physicians for work related injuries; and

WHEREAS, the elimination of municipal workers compensation managed care programs will cause municipal workers compensation premiums to increase with the attendant increase in local municipal property taxes.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby opposes Assembly Bill 554 as an unnecessary burden on local property tax payers; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Assembly Labor Committee, the Honorable E. Scott Garrett, the Honorable Guy Gregg, the New Jersey League of Municipalities, the Statewide Insurance Fund Executive Committee and all Sussex County municipalities.

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

G. Resolution opposing Assembly Bill 1173

WHEREAS, Assembly Bill 1173 creates the presumption that an ailing firefighter contracted cancer due to exposure to on the job carcinogens and would apply even in extreme cases, such as when an individual who was a volunteer firefighter in his twenties suffers any form of cancer in his sixties, or later; and

WHEREAS, the benefit would be funded through workers' compensation, and it extends to volunteer firefighters, as well as professionals; and

WHEREAS, it has been estimated that this Bill will cost taxpayers approximately \$25 million, per year and these good intentions should be balanced with the public's ability to pay; and

WHEREAS, as public servants, the Township Council of the Township of Hardyston does all that they can do to contain and combat high property tax rates.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Hardyston to oppose Assembly Bill 1173 in its current form and urge our Assembly Representatives to carefully consider our objections to this expensive proposition.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to all Sussex County Municipalities, the Honorable Robert E. Littell, the Honorable Guy R. Gregg, the Honorable E. Scott Garrett, Governor James E. McGreevey, and the New Jersey State League of Municipalities.

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

- H. Resolution urging the New Jersey State Legislature to support Assembly Bill 594 and Senate Bill 556 to allow the assessment of impact fees

WHEREAS, new residential development can, and often does, force local officials to add or expand programs, to add or expand services, and to add or expand the infrastructure needed to support those programs and deliver those services; and

WHEREAS, the costs associated with these additions or expansions routinely exceed the tax revenues which those new developments produce; and

WHEREAS, studies of this phenomenon have demonstrated that for every \$1.00 collected in taxes, new residential development costs between \$1.04 and \$1.67 for basic life-sustaining and life-enhancing local services; and

WHEREAS, this results in tax rate increase, through which established residents subsidize the new development, while the developer takes from the community great financial benefits; and

WHEREAS, the Municipal Land Use Law has been interpreted by the Courts to prevent local governments from recouping from developers a more equitable share of the costs which the developers' activities occasion; and

WHEREAS, companion bills, A-594 and S-556 have been introduced by Assemblyman Gusciora and Senators Bagger and Lance and, to correct this unfairness and protect local taxpayers from being forced to subsidize developers' profits and are worthy of passage.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Governing Body of the Township of Hardyston do hereby urge the New Jersey State Senate and General Assembly to enact A-594 and S-556, to authorize municipalities to enact impact fees; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor James E. McGreevey, Senate President Codey, Senate President Bennet, Assembly Speaker Sires, the Assembly Housing and Local Government Committee, the Senate Community and Urban Affairs Committee, the Honorable Robert E. Littell, the Honorable E. Scott Garrett, the Honorable Guy Gregg, the New Jersey State League of Municipalities, and all Sussex County municipalities.

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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

- I. Resolution opposing State acquisition of Newark Watershed Lands until a permanent source of revenue is provided to host municipalities

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, municipalities in which significant amounts of watershed lands were located 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

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it opposes any further acquisition by the State of New Jersey of Newark Watershed lands, in fee simple or by conservation easement, until such time as host watershed municipalities are made whole with a permanent source of State funding to replace the loss of watershed moratorium based tax losses and the loss of Watershed Moratorium Offset Aid; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Honorable James McGreevey – Governor of the State of New Jersey, Bradley Campbell, Commissioner-NJ Department of Environmental Protection, 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.

- J. Letter of Resignation – John Eskilson, Township Manager

A motion was made by Ross to accept a letter of resignation effective December 8, 2002 from Township Manager John Eskilson, seconded by Armstrong. All in favor. Motion carried.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

- K. Resolution appointing Marianne Smith as Township Manager of the Township of Hardyston and setting forth the terms and conditions of employment

WHEREAS, John Eskilson has tendered his resignation from the position of Township Manager for the Township of Hardyston effective midnight December 7/8, 2002; and

WHEREAS, Marianne Smith has been employed by the Township of Hardyston in various capacities including Land Use Administrator and Joint Planning and Community Development Director for the Township of Hardyston and the Borough of Franklin since July 1, 1994; and

WHEREAS, Marianne Smith was appointed Deputy Township Manager of the Township of Hardyston on February 1, 2001; and

WHEREAS, Marianne Smith has, on numerous occasions, served as Acting Township Manager during the absence of the Township Manager; and

WHEREAS, Marianne Smith meets all of the criteria for the position of Township Manager set forth in Section 12 of the Charter of the Township of Hardyston and Section 3-12 of the Administrative Code of the Township of Hardyston.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby appoints Marianne Smith to the position of Township Manager of the Township of Hardyston effective December 8, 2002 with the following terms and conditions:

1. Starting salary shall be \$99,000 annually for 2002 pro-rated for the period December 8, 2002 through December 31, 2002.
2. Annual salary for 2003 shall be \$99,000. Future annual salary increases shall be provided commensurate with increases to other administrative employees.
3. Township agrees to provide use of a municipal vehicle on a 24 hour basis. Vehicle shall be insured and maintained at the Township's expense. Fuel for vehicle shall be provided by the Township at the Township's fuel facility located at the Department of Public Works.
4. Township agrees to budget and pay for annual dues for the International City/County Management Association, New Jersey Municipal Management Association and the Academy of Certified Public Managers.
5. Township agrees to budget and pay for conference expenses for the annual International City/County Management Association conference and the New Jersey Municipal Management Association conference. Conference expenses shall include registration, travel and lodging.
6. Township agrees to waive the residency requirement outlined in Section 12 of the Charter of the Township of Hardyston.
7. All provisions of the Township charter, and the Township code and regulations and rules of Hardyston Township relating to vacation and sick leave, retirement and pension system contributions, holidays and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply as they would to other Township employees, in addition to the benefits enumerated specifically herein.

This resolution, upon its adoption by the Hardyston Township Council, shall serve as form of agreement to be executed by the Mayor of the Township of Hardyston and Marianne Smith.

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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

L. Correspondence

1. Debra Lukacsko
2. Township of Fredon
3. Township of Vernon
4. Township of Vernon
5. Township of West Milford
6. Township of West Milford
7. Township of Frankford
8. Township of Frankford
9. Borough of Sussex
10. Borough of Franklin
11. Township of Sparta
12. Township of Jefferson
13. Township of Jefferson
14. County of Sussex
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
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. State of NJ
34. State of NJ
35. NJ General Assembly – E. Scott Garrett
36. NJ General Assembly – E. Scott Garrett
37. State of NJ
38. State of NJ
39. State of NJ
40. State of NJ
41. State of NJ
42. State of NJ
43. State of NJ
44. State of NJ
45. State of NJ
46. State of NJ
47. State of NJ
48. State of NJ
49. Rutgers
50. NJ Transit
51. NJ Transit
52. NJ Transit
53. Assemblyman Gregg
54. Spectrum for Living
55. NJ Dept. of Labor

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 15, 2002.

56. NJ Division of Pension & Benefits
57. NJ DOT
58. Delaware Water Gap Recreation
59. NJ Economic Development Authority
60. Government Technology
61. WMBC-TV
62. The Entech Group, Inc.
63. Jersey Central Power & Light
64. Center for the Study of Economics
65. Children's Aid and Family Services, Inc.
66. Killam Group, Inc.
67. The Commuter
68. Community Development Digest
69. General Recreation, Inc.
70. The Verdin Company
71. NJ State League of Municipalities

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

**MANAGERS REPORT:** None.

**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. Resident William Wurst offered his congratulations and best wishes to Township Manager John Eskilson on his new position with the County of Sussex. 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.

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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)