

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
JANUARY 20, 2009**

The meeting was called to order by Mayor Hamilton 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 Kievit, Councilman Ross, Manager Marianne Smith and Clerk Jane Bakalarczyk. Councilman Armstrong was absent.

**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 – December 2008
2. Tax Collector Report – December 2008
3. Sussex County Public Health Nurse Activity – December 2008
4. Police Department Report – December 2008
5. Municipal Court Report – December 2008
6. Construction Permit Activity Report – Hardyston – December 2008
7. Construction Permit Activity Report – Hamburg – December 2008
8. Finance Officer Report – November 2008
9. HTMUA – Minutes of 12/1/08
10. Assistant Planner Report – November 2008
11. Assistant Planner Report – December 2008
12. Sales Listing Report – 1/1/08 – 12/31/08
13. Zoning Officer Report – December 2008 & Year End Report
14. Planning Board – Minutes of 11/20/08
15. Joint Council and Planning Board – Minutes of 12/2/08
16. EDC – Minutes of 12/8/08

**Minutes:**

1. Reorganization Minutes of 1/6/09

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

**OLD BUSINESS:** None

**ORDINANCES:**  
**1<sup>st</sup> READING:** None

**ORDINANCES:**  
**2<sup>nd</sup> READING:** None

**NEW BUSINESS:**

- A. Resolution of the Township Council of the Township of Hardyston, County of Sussex and State of New Jersey to authorize settlement of tax appeal for Block 62, lot 31.02 (Bluffs at Ballyowen, LLC)

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**WHEREAS**, a tax appeal was filed by Bluffs at Ballyowen, LLC, with rollback assessment for the tax year 2007 for property known as Block 62, Lot 31.02 and commonly known as 103 Wheatsworth Road Rear, Hardyston, New Jersey; and

**WHEREAS**, settlement of the appeal is in the best interest of the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, that the settlement of the above referenced tax appeal filed at the Tax court of New Jersey is hereby authorized as follows:

Bluffs at Ballyowen, LLC  
103 Wheatsworth Road Rear  
Block 62, Lot 31.02

Tax Year	Original Assessment	Proposed Assessment
2004	\$70,987.	\$12,101.
2005	\$66,225.	\$13,005.
2006	\$61,707.	\$12,101.

**BE IT FURTHER RESOLVED**, that the municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

This Resolution shall take effect immediately.

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

B. Resolution of the Township Council of the Township of Hardyston expressing its notice of intent to petition the Highlands Council for Plan Conformance

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 *et seq.*, finds and declares that the protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other key natural resources; and

**WHEREAS**, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region and requiring that within nine to 15 months after September 8, 2008 each county and municipality located wholly or partially in the Preservation Area must submit a Petition for Plan Conformance to the Highlands Council for that portion of its jurisdiction lying within the Preservation Area; and

**WHEREAS**, the Highlands Act specifies that conformance with the Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

**WHEREAS**, the Highlands Council's Plan Conformance Guidelines require that for jurisdictions with any lands in the Preservation Area, a Notice of Intent to conform to the Regional Master Plan must be submitted to the Highlands Council as soon as practicable, but no later than February 1, 2009 and that for any lands in the Planning Area a Notice of Intent may be submitted at any time; and

**WHEREAS**, Hardyston Township lies within the Highlands Region as defined by the Highlands Act; and

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**WHEREAS**, the Township Council of the Township of Hardyston recognizes the Township's statutory obligation to conform to the Regional Master Plan.

**NOW, THEREFORE BE IT RESOLVED**, that the Township Council of the Township hereby provides the Highlands Council with this Notice of Intent to petition the Highlands Council for Plan Conformance exclusively for any of the lands located within the Township's jurisdiction that are designated as lying within the Preservation Area.

**BE IT FURTHER RESOLVED**, this Notice of Intent provides notice to the Highlands Council that the Township Council of the Township of Hardyston has set December 1, 2009 as the target date for submission of a Petition for Plan Conformance.

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

C. 2009 Soil Removal License Renewal – North Church Gravel, Inc.

A motion was made by Ross and seconded by Kievit to approve the 2009 Soil Removal License for North Church Gravel, Inc., conditioned upon consolidation of the operation over the next year and restoration of portions of the site which are not being actively mined, as per the recommendation of the Township Engineer. All in favor. Motion carried.

D. Correspondence

1. Township of West Milford
2. NJ State League of Municipalities
3. NJ State League of Municipalities
4. State of NJ - DEP
5. New Jersey Farm Bureau
6. NJ State League of Municipalities
7. NJ State League of Municipalities

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

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

**PUBLIC PORTION:** A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Frank Lacatena addressed the Council with his concerns regarding the interpretation of the current zoning ordinance as it pertains to the height requirements of dwellings in the lake communities. The Council agreed to review the ordinance with the Zoning Officer, the Construction Official and the Township Attorney at an upcoming workshop meeting. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Ross to adjourn, seconded by Kievit. All in favor. Motion carried.

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Jane Bakalarczyk, RMC/CMC  
Municipal Clerk