

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 15, 2003.

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 Armstrong, Councilman Lasinski, Councilman Ross, Councilman Kievit, 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's Report – June 2003
2. Police Department Report – June 2003
3. Tax Collector Report – June 2003
4. Tax Assessor Report – June 2003
5. Construction Official Report – June 2003
6. Construction Official Report – Bi-Annual 1/1/03 – 6/30/03
7. HTMUA – Minutes of 5/14/03
8. Sparta Health Department Report – May 2003

Minutes:

1. Regular Minutes of 6/17/03
2. Workshop Minutes of 6/24/03
3. Executive Session Minutes of 6/24/03
4. Workshop Minutes of 7/8/03
5. Executive Session Minutes of 7/8/03

Licenses:

1. Off-premise 50/50 – Birth Haven, Inc.
2. On-premise 50/50 – Easter Seals New Jersey
3. Tricky Tray – Easter Seals New Jersey

A motion was made by Kievit to approve the consent agenda as presented, seconded by Ross. All in favor with Armstrong and Kievit abstaining on the Workshop Minutes of 7/8/03 and the Executive Session Minutes of 7/8/03. All in favor. Motion carried.

OLD BUSINESS:

A. Indian Fields/Firehouse Improvements

Township Manager Marianne Smith gave the Council an update on the progress of this project. A motion was made by Ross to make the approval for this project conditional upon receipt of the Letter of Credit, seconded by Kievit. All in favor. Motion carried.

ORDINANCES:

1st READING:

NONE

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 15, 2003.

ORDINANCES:

2nd READING: NONE

NEW BUSINESS:

A. 2003 Municipal Budget Amendment

Mayor Hamilton opened the meeting to the public. Township Manager Marianne Smith and the Council answered general questions asked by the public. Mayor Hamilton closed the meeting to the public. A motion was made by Kievit to approve the amendment as presented, seconded by Lasinski. All in favor. Motion carried. A copy of the amendment can be found at the end of these minutes.

B. Resolution – Dedication by Rider for Public Defender

WHEREAS, the Director of the Division of Local Government Services Department of Community Affairs, State of New Jersey has promulgated regulations for the Municipal Court to collect public defender fees according to P.L.1997-Chapter 256; and

WHEREAS, such regulations provide for a public defender fee to be collected by the municipality to be based upon the recommendation of the Local Municipal Court within the municipality; and

WHEREAS, such fee shall be accounted for and forwarded to the Chief Financial Officer in the municipality on a monthly basis; and

WHEREAS, the Township of Hardyston has appointed a Municipal Public Defender pursuant to the above referenced statute.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, of the Township of Hardyston, County of Sussex, State of New Jersey as follows:

1. That such fees received by the municipality be placed in a specific trust fund and such trust fund shall be considered a "Dedication by Rider" to the budget of the local unit per N.J.S.40A:4-39 for the sole purpose stated above.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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

C. Resolution requesting permission for the Dedication by Rider for Escrow Deposits

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of moneys by dedication by rider; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, of the Township of Hardyston, County of Sussex, State of New Jersey as follows:

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 15, 2003.

1. The Township Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A.40A:4-39, for the exclusive purpose of depositing and expending funds paid by individuals to offset the costs of operating municipal "fee-based" escrow fees.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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

- D. A Resolution in opposition to Senate Bill No. 2516, prohibiting use of schools as polling places

WHEREAS, Senate Bill No. 2516 was introduced on May 15, 2003, and, if adopted, would prohibit use of schools as polling places in any election; and

WHEREAS, currently, N.J.S.A. 19:8-2 and N.J.S.A. 19:8-3 permit use of schoolhouses and other public buildings as polling places, and the proposed S-2516 would amend these statutes to specifically prohibit use of schoolhouses from such use; and

WHEREAS, it would be a severe hardship upon Hardyston Township if such bill were adopted, since the Township currently uses Wallkill Valley Regional High School as a polling place and intends to use the Hardyston Township Middle School once construction has been completed as it is convenient to voters and accessible to the disabled; and

WHEREAS, it is extremely difficult to locate polling places that meet these requirements, as well as all of the requirements of state law for polling places, especially since the number of polling districts in Hardyston Township is being increased from 4 to 7 districts, thereby increasing the amount of polling places needed in Hardyston Township; and

WHEREAS, there is no reason given in the bill by the sponsor as to what it is intended to address, yet the tremendous hardship that will be imposed by passage of this bill would be severe in Hardyston Township, and could result in the overcrowding of a small number of polling places, an inability of residents to conveniently cast their ballots and an extreme difficulty for residents of Hardyston Township to exercise their constitutional right to vote; and

WHEREAS, if the location of polling places is not convenient to voters, and handicapped accessible, there will certainly be a severe drop-off in voter participation in all elections, especially in school and primary elections, which already historically have low voter turnout; and

WHEREAS, elimination of schools as permissible polling places would impose a financial burden on the Township in relocating these polling places, causing in essence an unfunded mandate by the State of New Jersey, for which the Township would look to the State to reimburse it for such increased costs;

NOW THEREFORE BE IT RESOLVED on this 15th day of July, 2003, by the Township Council of the Township of Hardyston, County of Sussex, State of New Jersey, that:

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 15, 2003.

1. The Township Council hereby strongly opposes passage of S-2516, which would prohibit use of schools as polling places in any election, and urges its elected representatives to oppose same.

2. A certified copy of this Resolution be forwarded to Governor James McGreevey, Senator Robert Littell, Assemblyman Guy Gregg, Assemblywoman Alison McHose, all members of the Senate State Government Committee, all municipalities in the State of New Jersey and the New Jersey State League of Municipalities.

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

E. Resolution opposing Assembly Bill 3514 amending The Garden State Green Acres Preservation Trust to reduce funding for farmland preservation

WHEREAS, Chapter 152 of Public Law 1999 establishes the Garden State Green Acres Preservation Trust Fund; and

WHEREAS, the Garden State Green Acres Preservation Trust Fund provides funding for preservation of open space, farmland and certain historic assets; and

WHEREAS, Governor McGreevey has charged the State Agriculture Development Committee to preserve 20,000 acres of farmland per year; and

WHEREAS, A-3514 proposes to divert Garden State Green Acres Preservation Trust Funds from Farmland Preservation to urban parks by amending the Trust's fund allocation formula; and

WHEREAS, said formula change would reduce the annual allocation dedication to Farmland Preservation from \$80 million to \$50 million, thus substantially limiting the preservation of farmland and agriculture as an industry in New Jersey; and

WHEREAS, reduced State dollars would have a serious impact on County Farmland Preservation efforts for farms already with final approvals and those currently being processed; and

WHEREAS, preserving farmland is an important planning tool in curtailing sprawl since agricultural lands are the most readily developed and therefore often first to be developed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston, County of Sussex, New Jersey as follows:

1. The Township of Hardyston strongly opposes A-3514 due to its significant negative impact on Farmland Preservation and New Jersey's agricultural industry;
2. Funding for Farmland Preservation under the Garden State Green Acres Preservation Trust Fund should be maintained at 40% of the total, or increased, due to the critical timing needed to preserve a critical agricultural land mass.

BE IT RESOLVED that copies of this Resolution be forwarded to the Honorable James McGreevey – Governor of the State of New Jersey; the New Jersey Department of Environmental Protection; the New Jersey Department of Agriculture; the New Jersey League of Municipalities; the Honorable Robert E. Littell; the Honorable Alison McHose; the Honorable Guy Gregg; and all Sussex County municipalities.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 15, 2003.

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

- F. Resolution urging the Governor of the State of New Jersey and the New Jersey State Legislature to provide the funds necessary for the completion of the renovation project for the High Point Monument

WHEREAS, High Point Monument is one of New Jersey's most recognizable landmarks, and

WHEREAS, High Point Monument has value as an historic landmark, public relations site, tourism attraction, veterans memorial, and aid to economic development, making this monument one of the most valuable resources in the State of New Jersey, and

WHEREAS, as was demonstrated by the fate of the Kuser Mansion, a failure to maintain the capital infrastructure of the State of New Jersey leads to undesirable public burden in terms of demolition costs, and losses of revenue in the areas of economic development and tourism, and

WHEREAS, High Point Monument has been closed for six years because of deteriorating conditions, and

WHEREAS, a project to renovate High Point Monument remains unfinished due to insufficient funding, and

WHEREAS, it is fitting and proper that the funds to complete the renovation of the New Jersey Landmark be made available,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston, New Jersey, that the Governor of the State of New Jersey and the New Jersey State Legislature are hereby urged to provide the funds necessary for the completion of the renovation project for the High Point Monument.

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

- G. Resolution waiving land use fees for Christian Faith Fellowship Church

WHEREAS, Christian Faith Fellowship Church are the owners of property located in the Township of Hardyston; and

WHEREAS, Chapter 88-3K of the Revised General Ordinances of the Township of Hardyston provides for the waiver of fees for various reasons.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that 50% of the Land Use application fees for Christian Faith Fellowship Church be waived; and

BE IT FURTHER RESOLVED in accordance with Chapter 88-3K, no professional review, or escrow fees shall be waived; and

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

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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 15, 2003.

- H. Resolution accepting a performance surety bond in the amount of \$262,676.80 and cash bond in the amount of \$28,075.20 for Walden Village – Upper Section (aka Ridgefield Commons)

WHEREAS, the Hardyston Township Planning Board granted approval to Pottersville Properties Development, LLC for final subdivision known as Walden Village – Upper Section (aka Ridgefield Commons); and

WHEREAS, as a condition of said approval Pottersville Properties Development, LLC was required to post a performance bond with the Township of Hardyston for the said site in the amount of \$262,676.80 and a cash bond in the amount of \$28,075.20; and

WHEREAS, Pottersville Properties Development, LLC has submitted to the Municipal Clerk a performance surety bond in the amount of \$262,676.80 from Gulf Insurance Company and a cash bond in the amount of \$28,075.20; and

WHEREAS, the performance surety bond has been reviewed and approved as to form by the Township Attorney;

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby accepts the above stated bond from Pottersville Properties Development, LLC as performance securities required by the Hardyston Township Planning Board.

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

- I. Resolution authorizing the Township Manager to execute the following contracts/ leases/ interlocal agreements/agreements:

1. Developers Agreements:

- a. Pottersville Properties Development, LLC --
Walden Village – Upper Section (aka Ridgefield Commons)

BE IT RESOLVED by the Township Council of the Township of Hardyston that the Township Manager is hereby authorized to execute the following contracts/leases/ agreements:

1. Developers Agreements:

- a. Pottersville Properties Development, LLC --
Walden Village – Upper Section
(aka Ridgefield Commons)

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

- J. Correspondence

1. Township of West Milford
2. Township of West Milford
3. Township of West Milford
4. Franklin Borough

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 15, 2003.

5. Franklin Borough
6. Township of West Milford
7. County of Sussex
8. NJ State League of Municipalities
9. State of NJ
10. State of NJ
11. NJDOT – “The Commissioner’s Report” Newsletter
12. Project Self-Sufficiency
13. NJ Department of Labor

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 Kievit to approve the bill list as presented, seconded by Ross. 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. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

EXECUTIVE SESSION: WHEREAS, NJSA 10:4-12 allows for a Public body to go into closed session during a Public meeting, and

WHEREAS, the Township Council of the Township of Hardyston has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public.

WHEREAS the regular meeting of this council will reconvene.

NOW THEREFORE BE IT RESOLVED, that the Township Council of Hardyston Township will go into closed session for the following reason as outlined in NJSA 10:4-12:

____Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

___X___Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose right could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
JULY 15, 2003.

Motion to adopt: Kievit
Seconded by: Lasinski
Discussion: None

MOTION	YES	NO	ABSTAIN
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> x </u>	<u> </u>	<u> </u>
Armstrong	<u> x </u>	<u> </u>	<u> </u>

Motion carried.

ADJOURNMENT: A motion was made by Ross to adjourn the meeting,
seconded by Kievit. 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
Clerks Office.)