

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
AUGUST 17, 2004

The meeting was called to order by Mayor Armstrong at 7:30 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 Ross, Councilwoman Hamilton, Councilman Lasinski, 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 Report – July 2004
2. Finance Officer Report – June 2004
3. Tax Collector Report – July 2004
4. Construction Official Report – July 2004
5. Sales Listing Report – 1/1/04 – 7/31/04
6. HTMUA – Minutes of 6/9/04
7. Planning Board – Minutes/Resolutions
8. Zoning Board – Minutes/Resolutions
9. Economic Development Commission – Minutes of 7/12/04

**Minutes:**

1. Workshop Minutes of 7/20/04
2. Regular Minutes of 7/20/04
3. Executive Session Minutes of 7/20/04

**Licenses:**

1. 50/50 Raffle – Easter Seal Society of NJ
2. Raffle – Easter Seal Society of NJ
3. Casino Night – Northwest NJ Dental Coalition Inc.
4. 50/50 Raffle – Northwest NJ Dental Coalition Inc.
5. Tricky Tray – NRA Foundation NJ State Fund Committee
6. 50/50 Raffle – Immaculate Conception HSA
7. Basket Bingo – Immaculate Conception HSA
8. Tricky Tray – Immaculate Conception HAS
9. Tricky Tray – Wallkill Valley Booster Club
10. Tricky Tray – Wallkill Valley Booster Club
11. Calendar Raffle – Wallkill Valley Booster Club

**Applications:**

1. Fire Department New Member Application
  - a. Paul Cadou
  - b. Stephen J. Rogacki, Jr.

A motion was made by Hamilton to approve the consent agenda as presented, seconded by Kievit. All in favor with Armstrong abstaining on the Minutes. Motion carried.

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**OLD BUSINESS:**

**ORDINANCES:**

**1st READING: 2004-10**

**AN ORDINANCE PROVIDING FOR THE VACATION OF A PUBLIC STREET  
KNOWN AS WITS END ROAD, OR PART THEREOF, PURSUANT TO N.J.S.A.  
40:49-6, N.J.S.A. 40:67-2 AND N.J.S.A. 40:467-21 AND RELEASING AND  
EXTINGUISHING ANY PUBLIC RIGHT THEREIN**

**WHEREAS**, the Township Council of the Township of Hardyston previously adopted an ordinance authorizing and accepting the relocation of a portion of Wits End Road at its intersection with Shady Lane, both being roads dedicated and conveyed to Hardyston Township; and

**WHEREAS**, as a result of the relocation a portion of Wits End Road will no longer be needed for public purposes.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Hardyston as follows:

**Section 1.**

1. The portion of the Wits End Road right-of-way described in the attached SCHEDULE A is hereby vacated and the public's right therein released and extinguished except for all rights and privileges possessed by public utilities and/or cable television companies to maintain, repair and replace existing facilities in, adjacent to, over or under the said right-of-way, hereby reserved and excepted pursuant to N.J.S.A. 40:67-1.
2. After being introduced and having passed a first reading, this ordinance shall be published at least once not less than ten (10) days prior to the time fixed for further consideration for final passage.
3. At least one (1) week prior to the time fixed for further consideration of this ordinance for final passage, a copy thereof, together with notice of its introduction and the time and place when and where the ordinance will be further considered for final passage, shall be mailed to every person whose lands may be affected hereby so far as may be ascertained. The Township Clerk shall mail said notice in accordance with N.J.S.A. 40:49-6.
4. Within sixty (60) days of the effective date of this ordinance the Township Clerk shall file a copy, certified by her under the seal of the Township to be a true copy, together with proof of publication thereof, in the Office of the Sussex County Clerk in accordance with N.J.S.A. 40:67-21.
5. The Township Manager and Township Clerk are authorized and directed to execute a deed for the portion of right-of-way described in SCHEDULE A to Edgewater Associates to be annexed to Block 67.01, Lot 1.

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**Section 2. Severability** 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. Any ordinance or portion thereof that may be inconsistent with the ordinance is hereby repealed to the extent of the inconsistency.

**Section 3. Effective date.** This Ordinance shall take effect in the time and manner prescribed by law.

A motion was made by Ross to approve Ordinance 2004-10 on first reading, seconded by Kievit. All in favor. Motion carried.

**ORDINANCES:**

**2nd READING:** None

**NEW BUSINESS:**

A. Tax Collector Resolutions

**RESOLUTION #10-04**

WHEREAS, the Sussex County Tax Board approved the 2004 Tax Rate on July 14, 2004 for Hardyston Township, and

WHEREAS, the Tax Collector is unable to have the bills printed and mailed to the owners of record until August 13, 2004.

NOW THEREFORE BE IT RESOLVED, that the Tax Collector recommends the interest be abated for the August 1, 2004 tax quarter until 25 days after the mailing per NJSA 54:4-64 which said due date will be September 9, 2004.

**RESOLUTION #11-04**

WHEREAS, Hardyston Township needs to forgive taxes on Block 41 Lot 11 Qualification CELL2 also known as Nextel of New York, Inc., for the tax year 2004 as per the lease agreement,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector cancel the amount of \$ 4,548.57 for 2004 taxes.

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

B. Planning Board Appointments

A motion was made by Hamilton to appoint James Homa as Alternate I with a term expiring 12/31/04 and to appoint John Monell to fill the unexpired term of James Vecchio through 12/31/06, seconded by Kievit. All in favor. Motion carried.

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C. Bond Reduction Resolution – Crystal Springs Builders

WHEREAS, as part of the Planning Board approval Crystal Springs Builders was required to post performance bonds for public improvements; and

WHEREAS, Crystal Springs Builders has posted performance bonds in the following amounts:

<u>Area</u>	<u>Surety Amount</u>	<u>Cash Amount</u>	<u>Total Bond Amount</u>
Tarn	\$ 52,056.00	\$ 5,784.00	\$ 57,840.00
Oaks	\$ 38,583.00	\$ 4,287.00	\$ 42,870.00
St. Andrews	\$ 49,048.20	\$ 5,449.80	\$ 54,498.00
Cedars	\$133,164.00	\$14,796.00	\$147,960.00
Bourne	\$422,830.80	\$46,981.20	\$469,812.00
CS General	\$208,041.48	\$23,115.72	\$231,157.20
Angel Fire	\$174,885.48	\$19,431.72	\$194,317.20
Bracken	\$162,324.00	\$18,036.00	\$180,360.00
Heavenly Glen	\$105,932.07	\$11,770.23	\$117,702.30

in compliance with the Planning Board approval and upon the recommendation of the Township Engineer; and

WHEREAS, Crystal Springs Builders has requested a reduction in the bonding amount due to substantial completion of public improvements; and

WHEREAS, the Township Engineer has reviewed the request of Crystal Springs Builders and has found substantial completion of public improvements; and

WHEREAS, the Township Engineer has recommended reductions maintaining the following amounts:

<u>Area</u>	<u>Surety Amount</u>	<u>Cash Amount</u>	<u>Total Bond Amount</u>
Tarn	\$ 26,028.00	\$ 2,892.00	\$ 28,920.00
Oaks	\$ 11,574.90	\$ 1,286.10	\$ 12,861.00
St. Andrews	\$ 14,714.46	\$ 1,634.94	\$ 16,349.40
Cedars	\$ 39,949.20	\$ 4,438.80	\$ 44,388.00
Bourne	\$126,849.24	\$14,094.36	\$140,943.60
CS General	\$145,629.04	\$16,181.00	\$161,810.04
Angel Fire	\$ 52,465.64	\$ 5,829.52	\$ 58,295.16
Bracken	\$ 81,162.00	\$ 9,018.00	\$ 90,180.00
Heavenly Glen	\$ 31,779.62	\$ 3,531.07	\$ 35,310.69

NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that the performance bonds and cash bonds be reduced in accordance with the recommendation of the Township Engineer.

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

- H. Resolution pledging participation in the Route 94 access management planning initiative in Vernon Township

**WHEREAS**, the Township of Vernon has received grant funding to facilitate the development of an access management plan for State Route 94; and

**WHEREAS**, Hardyston Township has been asked to participate in the development of the plan;

**NOW THEREFORE**, be it resolved by the Council of the Township of Hardyston, that the Hardyston Township Council, that Hardyston Township will participate in the study working group and that the Township Manager is given authority to represent the Township of Hardyston as their contact person for the study.

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

- I. Resolution authorizing the Township Manager to submit an application to the New Jersey Department of Community Affairs

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

Statewide Livable Communities Grant – Municipal Capital Improvement Projects

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

- J. Correspondence

1. Vernon Township
2. Township of Jefferson
3. Township of Monroe
4. Borough of Tinton Falls
5. County of Sussex
6. County of Sussex
7. NJ State League of Municipalities
8. NJ State League of Municipalities
9. NJ State League of Municipalities
10. NJ State League of Municipalities
11. NJ State League of Municipalities
12. NJ State League of Municipalities
13. NJ State League of Municipalities
14. NJ State League of Municipalities
15. NJ State League of Municipalities
16. NJ State League of Municipalities
17. NJ State League of Municipalities
18. NJ State League of Municipalities
19. NJ State League of Municipalities
20. State of NJ
21. State of NJ
22. State of NJ
23. State of NJ
24. State of NJ
25. State of NJ

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26. State of NJ
27. State of NJ
28. State of NJ
29. State of NJ
30. Jersey Central Power & Light
31. New Jersey Future
32. The Commuter
33. SCARC
34. The Woodland Group
35. NJ Future Newsletter
36. County of Sussex
37. State of NJ

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

**MANAGERS REPORT:** Township Manager Marianne Smith gave a verbal and written presentation on the following:

- Municipal Building/Police Station Complex
- Senate Bill S1 – Highlands Legislation
- Plan Endorsement Status
- COAH Round Three Affordable Housing Obligation
- Municipal Park Complex/Department of Public Works
- Recreation Department

**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:

  X   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.

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

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

Motion carried.

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

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Jane Bakalarczyk, RMC  
Municipal Clerk