

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
OCTOBER 6, 2009**

The meeting was called to order by Deputy Mayor Kievit at approximately 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: Councilman Ross, Councilman Kula, Councilman Armstrong, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau. Mayor Hamilton was absent from this meeting.

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.

Agreements/Applications/Licenses:

1. Raffle – Sussex County Arts & Heritage Council

Minutes:

1. Workshop Minutes of 8/4/09
2. Workshop Minutes of 9/1/09
3. Regular Minutes of 9/15/09

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

ORDINANCES:

1ST READING: 2009-12

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$217,006.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Township of Hardyston, County of Sussex, New Jersey, as follows:

Section 1: The sum of Two hundred seventeen thousand six dollars (\$217,006.00) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purpose:

For Various Capital Improvements or Purposes for the Township of Hardyston.

Section 2: In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 hereof is not a Current Expense and is an improvement, which the Township of Hardyston may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed on to the extent of there inconsistency:

Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

A motion was made by Ross to approve Ordinance 2009-12 on first reading, seconded by Armstrong. All in favor. Motion carried.

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2009-13

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 172, VEHICLES AND
TRAFFIC, SECTION 172-27, SPEED LIMITS, OF THE REVISED GENERAL ORDINANCES**

BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 172, Vehicles and Traffic, Section 172-27, Speed Limits, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 172-27. Speed Limits

<u>Name of Street</u>	<u>Direction</u>	<u>Speed Limit</u>	<u>Location</u>
Holland Mountain Road	Both	40	Entire Length
Rock Lodge Road	Both	35	Entire Length
Scenic Lake Road	Both	35	Entire Length
Scenic Drive (Public Section)	Both	25	Entire Length
Bunn Road	Both	25	Entire Length
Big Spring Road	Both	35	Entire Length
Davis Road	Both	25	Entire Length
Franek Road	Both	25	Entire Length
Crystal Springs Road (Public Section)	Both	25	Entire Length

SECTION 2. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made by Ross to approve Ordinance 2009-13 on first reading, seconded by Armstrong. All in favor. Motion carried.

2009-14

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 172, VEHICLES AND
TRAFFIC, SECTION 172-27, SPEED LIMITS, OF THE REVISED GENERAL ORDINANCES
REGARDING THE SPEED LIMIT ON PORTIONS OF LAKE STOCKHOLM TERRACE**

BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 172, Vehicles and Traffic, Section 172-27, Speed Limits, of the aforesaid Revised General Ordinances is hereby amended and supplemented with respect to the speed limit on Lake Stockholm Terrace to read as follows:

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§ 172-27. Speed Limits

<u>Name of Street</u>	<u>Direction</u>	<u>Speed Limit</u>	<u>Location</u>
Lake Stockholm Terrace	Both Zone 1	15mph	From the intersection of Glen Avenue to the intersection with Rock Lodge Road.
	Both Zone 2	25mph	Remainder of roadway not in Zone 1

SECTION 2. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made by Ross to approve Ordinance 2009-14 on first reading, seconded by Armstrong. All in favor. Motion carried.

2009-15

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO CARLTON VILLAGE AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

BE IT ORDAINED, by the Township Council of the Township of Hardyston, County of Sussex and State of New Jersey as follows:

SECTION 1. The roadways contained within Carlton Village are Township roadways and, thus, the Township desires to place the following traffic regulations on such roadways located in the Township of Hardyston, County of Sussex, State of New Jersey and cause such regulations to become enforceable:

REGULATIONS:

1. Through Streets and Stop Intersections:

A. Through Streets:

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.

<u>Name of Street</u>	<u>Limits</u>
Wits End Road	Entire length
Shady Lane	Entire length

B. Stop Intersections:

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

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<u>Intersection</u>	<u>Stop Sign(s) on:</u>
Shady Lane & Shady Lane Extension (both ends)	Shady Lane Extension (both ends)
Shady Lane & Ridgefield Drive	Ridgefield Drive
Wits End Road/Ridgefield Rd/YMCA Drive	Three-way Stop. Stop signs On Southbound Wits End, Ridgefield Rd and Exit from YMCA

2. 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>
Wits End Road	25	Entire length (both sides)
Shady Lane	25	Entire length (both sides)
Shady Lane Extension	15	Entire length (both sides)
Overlook Lane	15	Entire length (both sides)

B. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation.

Recommendations:

That all signs, posts, or other necessary materials be installed and paid for by the Township as the roadways are Township roadways. 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.

SECTION 2. All ordinances of the Township of Hardyston, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect upon publication and as required by law and upon the posting of appropriate signs.

A motion was made by Ross to approve Ordinance 2009-15 on first reading, seconded by Armstrong. All in favor. Motion carried.

2009-16

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 172, VEHICLES AND TRAFFIC, SECTION 172-34, WALDEN VILLAGE II, OF THE REVISED GENERAL ORDINANCES

BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

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SECTION 1. Chapter 172, Vehicles and Traffic, Section 172-34, Walden Village II, Section (C) Speed Limits, Subsection (1), of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 172-34. Walden Village II

C. Speed Limits.

(1) The speed limit for both directions of travel on the following roadways is:

<u>Name of Roadway</u>	<u>Speed Limit (M.P.H.)</u>	<u>Limits</u>
Beechmont Terrace	15	Entire length
Cotton Court	15	Entire length
Druid Lane	15	Entire length
Fox Chase Lane	15	Entire length
Magnolia Lane	15	Entire length
Meadow Lane and Meadow Lane East	15	Entire length
Moss Court	15	Entire length
Rolling Brook Way	25	Entire length
Spruce Run	15	Entire length
Woodmere Court	15	Entire length

SECTION 2. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made by Ross to approve Ordinance 2009-16 on first reading, seconded by Armstrong. All in favor. Motion carried.

2009-17

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING A PORTION OF CHAPTER 172,
VEHICLES AND TRAFFIC, SECTION 172-30, THE INDIAN FIELDS AT HARDYSTON AND
SECTION 172-35, THE INDIAN FIELDS AT HARDYSTON (PHASE III), OF THE REVISED
GENERAL ORDINANCES**

BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 172, Vehicles and Traffic, Section 172-30, The Indian Fields at Hardyston, Section (C) Restricted Parking, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 172-30. The Indian Fields at Hardyston.

C. Restricted Parking.

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No person shall stop or stand a vehicle upon any of the streets or parts of streets except as described below:

(1) Twenty-six (26) marked parallel parking spaces on straightaway across from intersection with Bitter Root Trail.

SECTION 2. Chapter 172, Vehicles and Traffic, Section 172-35, The Indian Fields at Hardyston (Phase III), Section (A), General Parking, Subsection (2), of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

§ 172-32. The Indian Fields at Hardyston (Phase III).

A. General parking.

(2) No person shall stop or stand a vehicle upon any of the streets or parts of streets except as described below:

(a) Sixteen (16) marked parallel parking spaces on the straightaway east of Lodge Pole Lane.

SECTION 3. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 5. This Ordinance may be renumbered for purposes of codification.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made by Armstrong to approve Ordinance 2009-17 on first reading, seconded by Kula. All in favor with Ross voting "No". Motion carried.

NEW BUSINESS:

A. Tax Collector Resolution

1. Cancellation of Added Assessment - John & Alberta Schumm, 24 Red Oak Drive

RESOLUTION # 07-09

WHEREAS, Block 16.03 Lot 12 also known as 24 Red Oak Drive and owned by John & Alberta Schumm was assessed an added assessment for 2008, and

WHEREAS, based on information from the Tax Assessor, Scott Holzhauer the property was the subject of an erroneous added assessment based on information supplied by the homeowner,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to cancel the 2008 Added Assessment based upon the Tax Assessor's recommendation in the amount of \$ 74.70 for the added assessment tax/interest accrued.

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

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- B. Resolution providing authorization for the purchase of road salt for the Department of Public Works

**A RESOLUTION OF THE TOWNSHIP OF HARDYSTON, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY PROVIDING AUTHORIZATION FOR THE
PURCHASE OF ROAD SALT FOR THE DEPARTMENT OF PUBLIC WORKS OF THE
TOWNSHIP OF HARDYSTON**

WHEREAS, the County of Sussex advertised and received bids for road salt; and

WHEREAS, the bids received allowed for vendors to extend their pricing to municipalities within the County of Sussex through a State regulated County Contract Purchasing System Identification Number CK03-SXC; and

WHEREAS, the following vendor was awarded a contract for road salt and has extended their pricing to municipalities, thereby affording the Township of Hardyston the opportunity of direct purchase without competitive bidding:

1. International Salt Company, 655 Northern Boulevard, Clarks Summit, PA., 18411;
- and

WHEREAS, the manufacturer has been awarded the contract at the price of \$68.85 per tonnage of road salt.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston, County of Passaic and State of New Jersey that the Township Council does hereby authorize the execution of the necessary purchase orders, if necessary, in an amount not to exceed \$25,000.00 by the Department of Public Works to permit the purchase of road salt as specified and priced to the County of Sussex; and

BE IT FURTHER RESOLVED, that upon receipt, inspection and approval of vouchers therefore by the using agency, payment, pursuant to said purchase orders, are hereby authorized with the same to be charged against funds established in the appropriate accounts for said purpose; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Department of Public Works, the Municipal Treasurer, and the Purchasing Agent.

The Manager explained the resolution and it followed with a motion by Ross to approve the resolution as presented, seconded by Kula. All in favor. Motion carried.

- C. Resolution authorizing the refund of non-residential development fees under the New Jersey Stimulus Act of 2009 to Crystal Springs Resort Development, LLC

WHEREAS, A non-residential development fee (NRDF) was paid for property located at Wild Turkey Way, Block 16, Lot 6.02 owned by Crystal Springs Resort Development, LLC; and

WHEREAS, the non-residential development fee was paid for the aforementioned property pursuant to the Statewide Non-Residential Development Fee Act (New Jersey P.L. 2008, Chapter 46); and

WHEREAS, on July 27, 2009 the New Jersey Economic Stimulus Act of 2009 was signed into law; and

WHEREAS, the New Jersey Economic Stimulus Act of 2009 includes an amendment to the Statewide Non-residential Development Fee Act to suspend the collection of non-residential development fees and to provide a process by which developers may claim refunds of non-residential development fee paid; and

WHEREAS, Crystal Springs Resort Development LLC has submitted the State of New Jersey Non-residential Development Fee Claim Form requesting a refund for the non-residential developer's fees paid to the Township of Hardyston.

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NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that Crystal Springs Resort Development, LLC is eligible to receive a refund for the full amount of the developer's fees paid; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Township of Hardyston that the Developer's Fees paid for the property located at Wild Turkey Way are to be refunded to Crystal Springs Resort Development, LLC in the amount of \$4,702.50 and the Township authorizes and directs its housing liaison to seek reimbursement of the \$4,702.50 from the New Jersey Affordable Housing Trust Fund and to seek an exclusion of the growth share if insufficient funds are available from the State.

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

D. Resolution authorizing release of performance bond to Geis Construction South, LLC

**RESOLUTION AUTHORIZING THE RELEASE OF A LETTER OF CREDIT IN THE
AMOUNT OF \$42,471.00 AND A CASH BOND IN THE AMOUNT OF \$4,719.00
RECEIVED FROM GEIS CONSTRUCTION SOUTH, LLC FOR SITE IMPROVEMENTS
OF BLOCK 62, LOT 22.01 (PODS)**

WHEREAS, the Hardyston Township Planning Board granted approval to Geis Construction South, LLC for site improvements of Block 62, Lot 22.01 and

WHEREAS, as a condition of said approval Geis Construction South, LLC was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of \$47,190.00 and;

WHEREAS, Geis Construction South, LLC has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$42,471.00, and a cash bond in the amount of \$4,719.00; and

WHEREAS, Geis Construction has requested a release of this bond due to completion of site improvements; and

WHEREAS, the Township Engineer has recently inspected the site and has observed that all site improvements noted in his performance bond estimate dated December 12, 2007 have been completed and are in good condition; and

WHEREAS, the Township Engineer has recommended release of this performance bond.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that the above stated bonds received from Geis Construction South, LLC for site improvements be released in accordance with the recommendation of the Township Engineer.

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

E. Resolution approving the settlement agreement between the Appellant, Fair Share Housing Center and Respondents, the Council On Affordable Housing and the Township of Hardyston

WHEREAS, by way of this resolution and the intent of the Mayor and Township Council of the Township of Hardyston to approve the attached Settlement Agreement between Appellant Fair Share Housing Center (FSHC) and Respondents, the Council on Affordable Housing (COAH) and the Township of Hardyston (Township) and to authorize the Township Special Council, Thomas F. Collins, Jr., Esq. of Vogel, Chait Collins and Schneider, P.C. to sign and file the Settlement Agreement; and

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NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston that the Township approves the attached Settlement Agreement between Appellant, FSHC and Respondents, COAH and the Township and authorizing the Township's Special Counsel, Thomas F. Collins, Jr., Esq. of Vogel, Chait, Collins and Schneider, P.C. to sign and file the Settlement Agreement.

This was discussed with the Assistant Planner at the workshop meeting this evening. A motion was made by Ross to approve the resolution as presented, seconded by Kula. All in favor with Armstrong voting "No". Motion carried.

- F. Resolution authorizing submission of grant application for "Over the Limit Under Arrest" 2009 Statewide Crackdown Grant

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

1. New Jersey Division of Highway Traffic Safety – Application for "Over the Limit Under Arrest" 2009 Statewide Crackdown Grant

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

- G. 2008 Audit Resolution

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Township Council* of the Township of Hardyston, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby

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submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

- H. A Resolution of the Township Council of the Township of Hardyston, County of Sussex and State of New Jersey authorizing the conclusion of the matter entitled Hardyston Township vs. James Yurchak, et al.

WHEREAS, the Township of Hardyston filed an action in the Superior Court of New Jersey Sussex County Law Division entitled Hardyston Township v. James Yurchak, et al. alleging non-compliance with Township Zoning laws for the premises known as 40 Mountain Road within the Township; and

WHEREAS, in July, 2009, a Temporary Restraints Order was issued at the request of the Township to address the concerns of the municipality; and

WHEREAS, the temporary restraints that were issued were identified by the Township as being necessary in order to effectuate compliance with the Township's Zoning Ordinances and for the protection of the health and safety of the community; and

WHEREAS, the Township now seeks to execute a Consent Order that would call for the temporary restraints to be converted to a permanent Order precluding commercial truck activity including but not limited to, the transfer or storage of solid waste materials, utilization and storage of dumpsters and such activity on the premises; and

WHEREAS, the Administration is of the opinion that the entry of such Consent Order would be 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 Manager and/or Municipal Attorney is hereby authorized to execute the attached Consent Order which will essentially make permanent the Court's Temporary Restraints previously issued against the property owner in connection with this matter.

BE IT FURTHER RESOLVED that as part of executing the Consent Order, the litigation entitled Hardyston Township v. James Yurchak, et als will be precluded and the Township will recommend to the Municipal Prosecutor that the entry of the Consent Order in the Superior Court may no longer necessitate the pursuit of the zoning violations presently pending against the property owner.

This Resolution shall take effect immediately.

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

BILLS TO BE PAID: A motion was made by Ross to approve the bill list as presented, seconded by Armstrong. 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. A student (a minor) in the audience asked why there was parking allowed on some streets in Indian Fields and not on other streets. Township Manager and the Council explained that it was because of safety issues. 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 at approximately 8:00 p.m., seconded by Kievit. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk