

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
OCTOBER 21, 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 Kievit, Manager Marianne Smith and Clerk Jane Bakalarczyk

**SALUTE THE FLAG:**

**SWEARING IN CEREMONY:** Mayor Leslie Hamilton administered the Oath of Allegiance to Karl Ludwig for his promotion to Sergeant with the Hardyston Township Police Department.

**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 2003
2. Tax Assessor Report – Sales Listing Report 1/1/03 – 9/30/03
3. Smoke Detector & CO Alarm Inspection Report – 3<sup>rd</sup> Q 2003
4. Tax Collector Report – September 2003
5. Construction Official Report – September 2003
6. Police Department Report – September 2003
7. HTMUA – Minutes of 8/13/03
8. Zoning Board – Minutes of 9/4/03/Resolutions
9. Sparta Health Department Report – August 2003
10. Sparta Animal Control Report – August 2003
11. Zoning Officer Report as of 10/9/03

**Minutes:**

1. Regular Minutes of 9/16/03
2. Special Meeting Minutes of 9/30/03
3. Workshop Minutes of 10/14/03
4. Executive Session Minutes of 10/14/03

**Licenses:**

1. Tricky Tray – Hamburg PTA
2. On premise 50/50 – Hamburg PTA
3. On premise 50/50 – Wallkill Valley Booster Club
4. Raffle – “Pass It Along”
5. On premise 50/50 – “Pass It Along”
6. Amusement Devices – Anthony Pignataro (Tony’s Pizza)
7. Amusement Devices – Beaver Hill Campground
8. Amusement Devices – Playbiz, LLC t/a Skylands Ice World (approval conditional upon passing required inspections)
9. Tricky Tray – Wallkill Valley Regional High School
10. On premise 50/50 – Wallkill Valley Regional High School

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**Applications:**

1. New Member Application - Hardyston Township Volunteer Fire Department
  - a. William R. Ficacci
  - b. Donald Covert

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

**OLD BUSINESS:**

**ORDINANCES:**

**1st READING:** None.

**ORDINANCES:**

**2nd READING:** None.

**NEW BUSINESS:**

- A. Tax Collector Resolutions

**RESOLUTION #11-03**

**WHEREAS, payment for the February and May Tax quarters were made on a timely manner for Block 17.01 Lot 8 also known as 16 Tannery Hill Drive, Hardyston and owned by John & Hannelore Crammond, and**

**WHEREAS, this was the location for a house fire in 2002 and the homeowners paid the amount of \$ 3,035.34 prior to receiving an adjusted tax bill due to the Tax Assessor lowering their assessment, and the 2003 Taxes should have been \$ 1,497.60,**

**NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that John & Hannelore Crammond of 16 Tannery Hill Drive, Hardyston be reimbursed the amount of \$ 1,537.74 due to an overpayment of taxes.**

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### **RESOLUTION # 12-03**

**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 2002 and 2003, and**

**WHEREAS, Nextels' taxes were overlooked when the Township did their 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 \$ 2065.63 for 2002 taxes and the amount of \$ 4,451.20 for 2003 taxes.**

### **RESOLUTION # 13-03**

**WHEREAS, Christopher & Christine Simpson of 10 Big Spring Road, Hardyston also known as Block 72 Lot 4 have refinanced their mortgage, and**

**WHEREAS, on September 4, 2003 payments were received form the old mortgage company and also from the attorneys representing the Simpsons thus creating an overpayment on their account.**

**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 Christopher and Christine Simpson of 10 Big Spring Road, Hardyston in the amount of \$ 1,072.73.**

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

#### **B. Resolution for Preliminary Costs**

**WHEREAS, the Governing Body of the Township of Hardyston hereby acknowledges that preliminary costs can be charged to capital improvement fund and then be reimbursed back to the capital improvement upon adoption of a bond ordinance, and,**

**WHEREAS, the purpose of these preliminary costs are for the construction of a municipal building complex, and that the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A,**

**NOW, THEREFORE BE IT RESOLVED, that the amount appropriated for preliminary costs shall not exceed \$65,000 and the Chief Financial Officer is authorized to set up a reserve for preliminary expenses out of the capital improvements fund of the general capital fund.**

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

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C. Request for use of portable lighting on Wheatsworth Road Fields

A motion was made by Kievit, seconded by Lasinski, to approve the use of temporary lighting on the Wheatsworth Road fields by the Wallkill Valley Football Association on a season by season basis until 9:00 p.m. and subject to providing proof of proper insurance. All in favor. Motion carried.

D. Resolution of the Hardyston Township Council Opposing the Internet Non-Discrimination Act

**WHEREAS**, the Township of Hardyston is an incorporated municipality within the State of New Jersey; and

**WHEREAS**, the House of Representatives has passed their version of the Internet Tax Non-Discrimination Act, despite warnings of severe negative impact on state and local revenues; and

**WHEREAS**, the Internet Tax Moratorium, which was originally intended to prevent the taxation of Internet transactions, is set to expire on October 31, 2003, absent Congressional action; and

**WHEREAS**, the proposed House and Senate bills not only extend the existing moratorium, but also expands the coverage to exempt all telecommunications providers from local government taxes, including franchise fees for cable and telephone; and

**WHEREAS**, while local governments do not collect sales taxes, the State relies heavily on its sales tax revenues to fund youth and family services, environmental protection, transportation, social services, corrections, parks and recreation, health, education, support for our farmers, tourism, etc.; and

**WHEREAS**, creating an unfair playing field for commerce gives electronic merchants a competitive advantage over those who maintain a physical presence in the community; and

**WHEREAS**, the tax exemption encourages people to spend more on the Internet and, consequently less on Main Street; and

**WHEREAS**, merchants who maintain a physical presence in our communities not only pay property taxes, they also employ our fellow citizens; and

**WHEREAS**, local merchants contribute to local charities, sponsor youth sports teams, and in a thousands of other ways, give their life to the communities that contribute to their prosperity; and

**WHEREAS**, the proposed bill does not only continue to afford an unfair advantage to internet commerce over local commerce, its further expansion of language puts existing local revenue sources at risk, namely franchise fees.

**NOW THEREFORE BE IT RESOLVED** by the Township Council of Hardyston Township that the Council opposes the extension and expansion of the Internet Tax Moratorium. And further opposes the adoption of the Internet Tax Non-Discrimination Act..

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**BE IT FURTHER RESOLVED**, that copies of this resolution will be sent to U.S. Congressman Scott E. Garrett, U.S. Senator Jon S. Corzine, U.S. Senator Frank R. Lautenberg; the Board of Chosen Freeholders of the County of Sussex and all municipal managers/administrators/clerks of Sussex County.

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

E. Correspondence

1. Frankford Township
2. West Milford Township
3. West Milford Township
4. West Milford Township
5. Vernon Township
6. Vernon Township
7. Czura Stilwell, LLC
8. Morris, Downing & Sherred
9. Vernon Township
10. Vernon Township
11. Vernon Township
12. Sandyston Township
13. West Milford Township
14. SC Farm & Horse Show/NJ State Fair
15. County of Sussex
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. 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. State of New Jersey
26. State of New Jersey
27. State of New Jersey
28. State of New Jersey
29. State of New Jersey
30. State of New Jersey
31. State of New Jersey
32. State of New Jersey
33. State of New Jersey
34. State of New Jersey
35. State of New Jersey
36. State of New Jersey
37. State of New Jersey
38. State of New Jersey
39. State of New Jersey
40. State of New Jersey
41. State of New Jersey
42. Commerce National Insurance Services
43. New Jersey State Historic Preservation Office
44. The Passaic Valley Ground Water Protection Committee
45. The Pipeline Group-Midwest, Inc.
46. Spanning the Gap
47. Highlands Coalition News

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48. The Sussex County Arts & Heritage Council News – Autumn 2003
49. The Commuter Newsletter
50. State of New Jersey

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

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

- Municipal Building Project
- Planning Issues
- 2004 Municipal Budget
- Winter Preparations – DPW
- Fall Clean-Up

**BILLS TO BE PAID:** A motion was made by Kievit to approve the bill list as presented, seconded by Lasinski. 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. Resident Helen Swingle inquired as to the status of the amended Crystal Springs Developers Agreement. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:** A motion was made by Armstrong to adjourn, seconded by Lasinski. 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 Clerks Office.)