

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
NOVEMBER 6, 2008**

The meeting was called to order by Mayor Armstrong at approximately 9:15 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, Councilwoman Hamilton, Councilman Ross, Councilman Lasinski, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau

**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. Police Department Report – September 2008
2. Finance Officer Report – September 2008

**Agreements/Applications/Licenses:**

1. Raffle Licenses – Order of Eastern Star

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

**NEW BUSINESS:**

- A. Resolution reducing the performance bond for site improvements associated with the Brecia Farms Subdivision located on Lot 16, Block 68 along Grumm Road

WHEREAS, the Hardyston Township Planning Board granted final subdivision approval to David Hook for the Brecia Farms Subdivision; and

WHEREAS, David Hook has posted a letter of credit in the amount of \$784,091.00, and a cash bond in the amount of \$87,121.20 ; and

WHEREAS, David Hook has requested a reduction in the bonding amount due to substantial completion of site improvements; and

WHEREAS, the Township Engineer has reviewed the request of David Hook, inspected the site and prepared a letter addressed to the Township Council dated October 16, 2008 stating that he has observed substantial completion of a portion of the site improvements; and

WHEREAS, based on his site inspection, the Township Engineer believes that release of a portion of the performance bond is appropriate and has recommended the following performance bond be maintained:

Total Bond Amount	\$696,969.60
Surety amount (90%)	\$627,272.64
Cash amount (10%)	\$ 69,696.96

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NOW THEREFORE BE IT RESOLVED by the Hardyston Township Council that the bond for Brechia Farms be reduced in accordance with the recommendation of the Township Engineer.

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

- B. Resolution opposing A-1158, an expansion of survivor recovery claims for non-economic losses under the wrongful death statutes

**WHEREAS**, The current economic climate, escalating health insurance and pensions costs, and increasing state spending mandates are placing a significant strain on municipal budgets, and

**WHEREAS**, New Jersey property taxpayers already are burdened with some of the highest property taxes in the nation, and additional municipal spending requirements will undoubtedly require local municipalities to either raise local property taxes or cut back on necessary services, and

**WHEREAS**, An expansion of survivor recovery claims under the wrongful death act to allow compensation for mental anguish, emotional pain and suffering, loss of society, and loss of companionship as proposed in Assembly Bill No. 1158 would expose municipalities to increased litigation, and

**WHEREAS**, The increased litigation that would result from a passage of A-1558 will inevitably require Municipalities to defend themselves; increasing the costs that would be placed directly on the shoulders of the over-burdened property tax payer, and

**WHEREAS**, A-1158 if adopted will have a far reaching negative impact on municipalities and the local property tax payers of the State of New Jersey which will cause more harm than could have been intended when originally drafting the legislation;

**THEREFORE BE IT RESOLVED**, that the Township Council of Hardyston Township, County of Sussex is strongly opposed to the expansion of the wrongful death act as proposed in A-1158 and therefore urges the New Jersey Legislature to vote against its adoption thereof;

**AND BE IT FURTHER RESOLVED**, that the Clerk is hereby authorized to forward certified copies of this resolution to Governor Jon Corzine, Members of the Assembly Judiciary Committee, Senator Steven Oroho, Assemblywoman Alison Littel-McHose, and Assemblyman Gary Chiusano.

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

- C. Resolution endorsing S-1908-A-2731, to permit municipalities and counties to make certain traffic engineering decisions without Department of Transportation approval

**WHEREAS**, Municipalities and Counties are currently required to receive DOT approval prior to posting appropriate traffic safety signs and signals essential to protecting lives and preventing accidents, and

**WHEREAS**, Local officials throughout the State have experienced a great deal of frustration due to the bureaucratic delays involved in receiving the required approvals, and

**WHEREAS**, Many local officials have felt compelled to post traffic signs and other safety measures without prior approval from DOT in order to ensure the public's safety in and around the streets and roadways under their jurisdiction, and

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**WHEREAS**, It is necessary to amend the existing law to provide municipalities and counties with the authority to make certain traffic engineering decisions regarding the placement of signs, speedhumps, and parking requirements without the prior approval of the Department of Transportation, and

**WHEREAS**, Assembly Bill No. 2731, and Senate Companion, S-1908 will give municipalities and counties the authority to establish by ordinance, resolution, or regulation many of the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways without the approval of the Commissioner.

**THEREFORE BE IT RESOLVED**, that the Township Council of Hardyston Township, County of Sussex do hereby endorse the sensible solution to the existing bureaucratic delays experienced when trying to obtain DOT approval of signs and signals as proposed in A-2731/S-1908 and support its adoption thereof.

**AND BE IT FURTHER RESOLVED**, that the Clerk is hereby authorized to forward certified copies of this resolution to Governor Jon Corzine, Senator Steven Oroho, Assemblywoman Alison Littell-McHose, and Assemblyman Gary Chiusano

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

D. Tax Collector Resolution

1. Permanently Disabled Veteran Tax Exemption – Robert Gilbert

**WHEREAS**, Block 67.07 Lot 1.71 also known as 3 Sweetwater Lane, Hardyston and owned by Robert Gilbert, and

**WHEREAS**, on April 5, 2006 Mr. Gilbert was approved for a permanently disabled Veteran and has full exempt status, and

**WHEREAS**, Mr. Scott Holzhauer Tax Assessor for Hardyston Township has approved this exemption, with Mr. Gilbert just purchasing this property on September 16, 2008.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to cancel the balance of the 2008 taxes for the period of 9/16/08 thru 12/31/08 in the amount of \$ 1,067.49.

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

E. Resolution – E-Mail, Voice Mail, Computer and Internet Usage Policy

**WHEREAS**, the Township of Hardyston Mayor and Council recognize that maintaining an email policy is necessary to protect public records and insure appropriate use of the Township's email system; and

**WHEREAS**, the Township Manager, with input and discussion from Township Department Heads, Township Officials, Municipal Attorney and members of the public, recommends that the Mayor and Council adopt the enclosed Township of Hardyston Employee Email Policy.

**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 Township of Hardyston Employee Email Policy dated November 5, 2008 which is currently on file in the Township Clerk's Office shall be implemented by the Township Manager as a policy of the Township for all Township employees.

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The Manager advised the Council that this policy has been discussed with all department heads and is ready for implementation. A motion was made by Ross to approve the resolution as presented, seconded by Kievit. All in favor. Motion carried.

- F. Resolution authorizing changes to the recently amended Township Official Request for Government Records Form

**WHEREAS**, the Township of Hardyston has recently amended its adopted OPRA request form to the form that the Government Records Council has recommended be adopted by local government agencies; and

**WHEREAS**, after such amendment was authorized, some additional minor changes needed to be made to the adopted form based upon recent OPRA decisions and based upon the municipal attorney's review and recommendation; and

**WHEREAS**, the Township Council wishes to authorize the incorporation of such minor changes to the amended OPRA form.

**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 Township's official request for government records form (OPRA form) is hereby amended to reflect the recent minor changes incorporated, with said amended form being attached hereto as Exhibit A and made a part hereof; and

**BE IT FURTHER RESOLVED**, that this amendment to the Records Request Form shall be effective immediately.

The Attorney advised that this is an amendment to address some concerns relative to the back of the OPRA form. He was asked by Councilman Ross if it is recommended that the Council adopt this form, to which the Attorney advised that it is in fact recommended. A motion was made by Kievit to approve the resolution as presented, seconded by Ross. 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. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Kievit at approximately 9:30 p.m. to adjourn, seconded by Ross. All in favor. Motion carried.

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Jane Bakalarczyk, RMC/CMC  
Municipal Clerk

