

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
NOVEMBER 23, 2004

The meeting was called to order by Deputy Mayor Ross 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: Councilwoman Hamilton, Councilman Kievit, Councilman Lasinski, 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 – October 2004
2. Tax Collector Report – October 2004
3. Construction Official Report – October 2004
4. Sales Listing Report – 1/1/04 –10/31/04
5. Finance Officer Report – October 2004
6. Police Department Report – October 2004
7. Planning Board – Minutes/Resolutions
8. Zoning Board – Minutes/Resolutions
9. Sparta Health Department –September 2004
10. HTMUA – Minutes of 9/8/04
11. Zoning Officer Report – as of 11/18/04

**Minutes:**

1. Regular Minutes of 8/17/04
2. Regular Minutes of 10/19/04
3. Workshop Minutes of 10/19/04
4. Executive Session Minutes of 10/19/04
5. Workshop Minutes of 11/9/04

**Licenses:**

1. Tricky Tray – Order of Eastern Star
2. 50/50 Raffle – Order of Eastern Star
3. 50/50 Raffle – Pass It Along
4. Raffle – Pass It Along
5. Amusement License – Skylands Ice World, LLC
6. Amusement License – Anthony Pignataro (Tony's Pizza)

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

**OLD BUSINESS:**

**ORDINANCES:**

**1st READING:** None



MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
NOVEMBER 23, 2004

WHEREAS, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that Hardyston Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Robert F. Schultz, Recycling Coordinator for the Township of Hardyston, 29 Stockholm-Vernon Road, Stockholm, NJ 07460 to assure that the said Application is properly filed.

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

D. 2004 Budget Appropriation Transfers

Now, Therefore be it resolved by the Mayor and Council of the Township of Hardyston, State of New Jersey, That the following 2004 Budget Appropriation transfers be authorized:

Transfer From:		Transfer To:	
Current Fund			
Worker Comp. Ins.	3,000.00	Engineering OE	3,000.00
Legal Other Expenses	7,000.00	Planning Brd OE	7,000.00
Gasoline	3,000.00	Planning Brd OE	3,000.00
Gasoline	3,000.00	Senior Citizen Busing	3,000.00
Police Other Expenses	37.00	Police Car Purchase	37.00
Workers Comp Ins.	9,000.00	Other Insurance	9,000.00

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

E. Resolution of the Hardyston Township Council authorizing the refund of a portion of application fee submitted to the Planning Board – Sussex National Development

WHEREAS, a land use application was submitted by an applicant, Sussex National Development, Inc., which included the submission of applications fees totaling \$8,427.40 on June 30, 2004;

WHEREAS, subsequent to minimal review by both the planning board staff and professionals, the application was withdrawn by the applicant shortly thereafter; and

WHEREAS, based on the fact that very limited administrative services were rendered to review and/or process the application prior to it being withdrawn, the Planning Board made a “non-precedent binding” recommendation to the Township Council that an application fee refund in the amount of \$7,000 and retain \$1,427.40 be to defray any administrative costs incurred to process the application be granted;

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that they hereby grant a non-precedent binding application fee refund in the amount of \$7,000 to the applicant in the matter of PB-7-04-1, Sussex National Development, Crystal Springs II, Amended Preliminary and Amended Master Plan.

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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
NOVEMBER 23, 2004

- F. Resolution supporting the request of Beaver Lake Realty Company that the State of New Jersey install sensor controls on Route 23 so as to provide safer access to Route 23 from Beaver Lake Road

**WHEREAS**, the Beaver Lake Realty Company has requested assistance from the State of New Jersey to install a sensor in the roadbed of the southbound lane of Route 23 about 200 yards north of the intersection that would control a pair of lights on a pole visible only to a car on Beaver Lake Road at the intersection. One light being yellow to indicate that the system is working and the other would being red indicating oncoming traffic in the southbound lane, registering cars passing over the sensor; and

**WHEREAS**, there have been multiple accidents at the intersection;

**NOW THEREFORE**, be it resolved by the Township Council of Hardyston Township that the Township of Hardyston hereby supports such a request and further recommends that the State of New Jersey address this issue immediately to help to alleviate the dangerous condition that exists.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to Senator Robert E. Littell, Assemblywoman Alison McHose, Assemblyman Guy Gregg, and the NJDOT.

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

G. Chapter 159 Resolutions

1. State of New Jersey, Department of Community Affairs, Division on Women, Domestic Violence Training Reimbursements

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION I.

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2004, in the sum of \$720.00, which is, know available as a revenue from State of New Jersey, Department of Community Affairs, Division on Women, Domestic Violence Training Reimbursement, pursuant to the provision of Statute, and

SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$720.00 and the name is hereby appropriated under the caption State of New Jersey, Department of Community Affairs, Division on Women, Domestic Violence Training Reimbursement.

SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of a Grant award from State of New Jersey, Department of Community Affairs, Division on Women, Domestic Violence Training Reimbursement, and /or/ has been anticipated as a revenue from the State of New Jersey, Department of Community Affairs, Division on Women, Domestic Violence Training Reimbursement, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
NOVEMBER 23, 2004

2. State of New Jersey, Department of Law and Public Safety, Division of  
Criminal Justice, Body Armor Grant

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION I.

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2004, in the sum of \$1,505.81, which is, know available as a revenue from State of New Jersey, Department of Law and Public Safety, Division of Criminal Justice, Body Armor Grant, pursuant to the provision of Statute, and

SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$1,505.81 and the name is hereby appropriated under the caption State of New Jersey, Department of Law and Public Safety, Division of Criminal Justice, Body Armor Grant.

SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of a Grant award from State of New Jersey, Department of Law and Public Safety, Division of Criminal Justice, Body Armor Grant, and /or/ has been anticipated as a revenue from the State of New Jersey, Department of Law and Public Safety, Division of Criminal Justice, Body Armor Grant, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

3. State of New Jersey, Department of Law and Public Safety, Division of  
Highway Traffic Safety, Make It Click Grant

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION I.

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2004, in the sum of \$4,921.88, which is, know available as a revenue from State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety, Make it Click Grant, pursuant to the provision of Statute, and

SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$4,921.88 and the name is hereby appropriated under the caption State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety, Make it Click Grant.

SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of a Grant award from State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety, Make it Click Grant, and /or/ has been anticipated as a revenue from the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety, Make it Click Grant, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
NOVEMBER 23, 2004

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

4. State of New Jersey, Department of Environmental Protection, Division of Solid Waste Administration, Clean Communities Grant

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget, and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION I.

NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Hardyston for the year 2004, in the sum of \$11,458.95, which is, know available as a revenue from State of New Jersey, Department of Environmental Protection , Division of Solid Waste Administration, Clean Communities Grant, pursuant to the provision of Statute, and

SECTION II.

BE IT FURTHER RESOLVED, that a like sum of \$11,458.95 and the name is hereby appropriated under the caption State of New Jersey, Department of Environmental Protection, Division of Solid Waste Administration, Clean Communities Grant.

SECTION III.

BE IT FURTHER RESOLVED, that the above is a result of a Grant award from State of New Jersey, Department of Environmental Protection, Division of Solid Waste Administration, Clean Communities Grant, and /or/ has been anticipated as a revenue from the State of New Jersey, Department of Environmental Protection, Division of Solid Waste Administration, Clean Communities Grant, and upon receipt shall be deposited into the Township of Hardyston Current Fund, and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

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

- H. Resolution authorizing the Township Manager to submit a grant application to the New Jersey Department of Environmental Protection for a Stormwater Management Planning Grant and execute the grant agreement

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

I. Correspondence

1. Walkkill Valley Rotary Club
2. Matrix Environmental & Geotechnical Services
3. Borough of Franklin
4. Township of Hampton
5. Borough of Fairview
6. Borough of Hamburg
7. Township of Montgomery
8. Township of Frankford
9. Town of Newton
10. County of Sussex
11. County of Sussex

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
NOVEMBER 23, 2004

12. NJ League of Municipalities
13. NJ League of Municipalities
14. NJ League of Municipalities
15. NJ League of Municipalities
16. NJ League of Municipalities
17. NJ League of Municipalities
18. State of NJ
19. State of NJ
20. State of NJ
21. State of NJ
22. Council On Affordable Housing Newsletter
23. New Jersey Future Newsletter
24. High Ground Newsletter
25. Conspectus Newsletter
26. Pitney Hardin, LLP
27. State of NJ
28. State of NJ
29. State of NJ

A motion was made by Kievit to approve the correspondence as presented, seconded by Hamilton. 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
- Landfill Status
- NJ State Plan Cross-Acceptance
- COAH Third Round Obligations
- DPW Winter Preparations
- Budget Preparations

**BILLS TO BE PAID:** A motion was made by Lasinski to approve the bill list as presented, seconded by Kievit with Kievit abstaining on payment to Joseph DeVita, Inc. 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.

\_\_\_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.

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>      </u>	<u>      </u>	<u>      </u>	<u>  x  </u>

Motion carried.

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

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 Jane Bakalarczyk, RMC  
 Municipal Clerk