

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON
NOVEMBER 24, 2009**

The meeting was called to order by Mayor Hamilton at approximately 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 Kievit, Councilman Kula, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Dominic DiYanni of Dorsey & Semrau. Councilman Ross and Councilman Armstrong were 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.

Monthly Reports:

1. Municipal Clerk Report –October 2009
2. Tax Collector Report – October 2009
3. Finance Officer Report – September 2009
4. Construction Certificate Activity Report – October 2009
5. Construction Permit Activity Report – Hardyston – October 2009
6. Construction Permit Activity Report – Hamburg – October 2009
7. Construction Permit Activity Report – Franklin – October 2009
8. HTMUA – Minutes of 10/5/09
9. Sussex County Public Health Nurse Activity – October 2009
10. Zoning Officer Report – October 2009
11. Police Department Report – October 2009

Agreements/Applications/Licenses:

1. Raffle – Hamburg PTA
2. Meridien Associates – Hardyston CCTV System for Pavilion & DPW Buildings
3. Applied Energy Solutions – Energy Conservation Audit for Hardyston Fire House Co. 1 & Co. 2 and DPW
4. Change Order – Quote #Q1045 – Solar Project

Minutes:

1. Regular Minutes of 11/10/09
2. Executive Minutes of 11/10/09

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

NEW BUSINESS:

A. Tax Collector Resolution

1. 2008 Homeowners Rebate Refund

RESOLUTION # 09-09

WHEREAS, the State of New Jersey mailed a check to the Township for 2008 Homeowners Rebate, whom had delinquent taxes, and

WHEREAS, the following parcel paid their 2009 taxes in full and are entitled to a refund of their rebate.

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Block	Lot	Name	Address	Amount
67.28	1.07	Dawn Cobianchi	15 Black Bear Ct	\$ 1,264.29

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund the 2008 Homeowners Rebate to the above homeowner.

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

B. Resolution - North Church Gravel (Block 62, Lot 10) – Soil Removal Permit Extension

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING A
SOIL REMOVAL PERMIT EXTENSION APPLICATION FOR NORTH CHURCH GRAVEL
LOCATED AT BLOCK 62, LOT 10**

WHEREAS, North Church Gravel maintains a Soil Removal Permit for the premises known as Block 62, Lot 10 that is scheduled to expire December 31, 2009; and

WHEREAS, North Church Gravel has filed a Soil Removal Permit Extension application seeking to extend the permit through December 31, 2014; and

WHEREAS, the Township Engineer has reviewed this application and submitted comments in a report dated October 26, 2009 which was provided to the applicant; and

WHEREAS, the applicant has addressed the concerns set forth by the Township Engineer as they relate to the existing driveway from North Church Road that is used to access the soil removal operation and the fact that it encroaches onto an adjoining property; and

WHEREAS, the applicant and the adjoining property owner have agreed that North Church Gravel must address the encroachment by constructing a new driveway accessing Park Drive and within 30 days of the completion of said driveway, the applicant will cease and desist from encroaching the adjoining property and remove pavement and restore the area to its natural condition; and

WHEREAS, the applicant has filed a site plan application with the Planning Board relating to a proposed driveway and it was suggested that the appropriate access be made by way of Park Drive rather through the current drive which is surrounded by residential homes and accordingly it is recommended that the driveway be completed no later than December 31, 2010.

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 North Church Gravel Soil Removal Permit Extension application is hereby approved based upon the following conditions:

1. That the terms of the temporary access agreement between North Church Gravel and the adjacent property owner, John and Carol Turner of 220 North Church Road, are incorporated as part of this Resolution.
2. That the applicant shall expeditiously proceed with the approval for the proposed driveway and new access to Park Drive.
3. That the new access driveway from Park Drive be constructed and completed by December 31, 2010.
4. That the updated and revised plans consisting of 14 sheets entitled "Soil Removal Permit Extension Application, 2010 – 2014" prepared by LAN Associates with revisions through November 11, 2009 are adhered to and made part of the conditions of this approval.

BE IT FURTHER RESOLVED, that the applicant shall be required to comply with the terms of this Resolution and in the event the applicant fails to comply with said terms the

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Township Engineer is authorized to issue a Stop Work Order and the extension may be revoked by the Township Council.

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

C. Amendment Resolution - North Church Gravel (Block 62, Lot 10) – Soil Removal Permit Extension

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN
AMENDMENT TO THE SOIL REMOVAL PERMIT EXTENSION APPLICATION GRANTED TO
NORTH CHURCH GRAVEL LOCATED AT BLOCK 62, LOT 10**

WHEREAS, North Church Gravel made application for a Soil Removal Permit Extension for the property known as Block 62, Lot 10 that was scheduled to expire December 31, 2009; and

WHEREAS, on November 24, 2009 the Mayor and Township Council authorized the Soil Permit Extension by way of Resolution which contained specific conditions of said approval; and

WHEREAS, a copy of said Resolution is incorporated herein; and

WHEREAS, the application also included a request for a waiver to permit the operations for excavation to provide for a limit of twenty-five (25) acres rather than the ten (10) acres as permitted by Ordinance; and

WHEREAS, it is recommended by the Township Engineer that this waiver be granted provided that all other conditions which are set forth in the Resolution adopted on November 24, 2009 by the Mayor and Township Council are complied with.

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 Resolution authorizing North Church Gravel's Soil Removal Permit Extension adopted on November 24, 2009 be amended to specifically include the following:

That a waiver is granted to permit the excavation of twenty-five (25) acres instead of the ten (10) acre limitation permitted by Township Ordinance.

BE IT FURTHER RESOLVED, that all conditions of approval as set forth in the Resolution adopted on November 24, 2009 remain in full force and effect and are incorporated herein.

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

D. Correspondence

1. Township of Wantage
2. Borough of Hamburg
3. Township of Green
4. Franklin Borough
5. Lafayette Township
6. NJ State League of Municipalities
7. NJ State League of Municipalities
8. NJ State League of Municipalities
9. State of NJ
10. State of NJ
11. State of NJ
12. State of NJ
13. State of NJ
14. State of NJ
15. State of NJ
16. NJ Transit

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A motion was made by Kievit to approve the correspondence as presented, seconded by Kula. 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 new resident asked some general questions regarding the Council meetings and agendas which were addressed by the Township Manager and the Council. 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 Kievit to adjourn at approximately 7:40 p.m., seconded by Kula. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk