

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING HELD ON FEBRUARY 26, 2008

The meeting was called to order by Mayor Armstrong 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 Kievit, Councilman Ross, Councilman Lasinski, Councilwoman Hamilton, Manager Marianne Smith, Clerk Jane Bakalarczyk, Township Attorney Fred Semrau, Township Planning Board Attorney Thomas F. Collins, Jr., Township Engineer Robert P. Guerin, Deputy Manager/DPW Director Robert F. Schultz, and Planning Intern Carrine Piccolo

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.

NEW BUSINESS:

- A. Resolution Of The Mayor And Council Of The Township Of Hardyston Expressing Comments To The Highlands Council Regarding The Draft Regional Master Plan

WHEREAS, the Township of Hardyston has consistently sought to cooperate with the State of New Jersey and the Highlands Council with respect to the Highlands Act and the Highlands Region policies of the State; and

WHEREAS, the Township of Hardyston has consistently complied with the rules and requirements of the Council on Affordable Housing (COAH) and obtained Substantive Certification under the Second Round Rules and has petitioned for Substantive Certification from COAH on the Third Round Rules; and

WHEREAS, the Township of Hardyston has explicitly requested that the Regional Master Plan be revised to protect and authorize the development of commercial development and affordable housing in the Town Center established under the State Development and Re-Development Plan of the State of New Jersey and excepted from the Preservation Area by the Highlands Act explicitly by the Legislature of the State of New Jersey; and

WHEREAS, the Township of Hardyston has expressed, in writing, to the Highlands Council and its staff, certain requests regarding the mapping of the Protection Zones and Conservation Zones of the Regional Master Plan and particularly a request

that the Village Center Zone of the Township be proposed as a Community Development Zone rather than a Protection Zone because of the Smart Growth Planning and affordable housing requirements set forth in said Smart Growth Zoning and Form Based Code set forth in the Village Center Zone of the Township of Hardyston; and

WHEREAS, the Township expressed these positions in writing to the Highlands Council and the Highlands Council and its professional staff have disregarded and ignored the requests of the Township of Hardyston in its recently proposed Regional Master Plan; and

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NOW THEREFORE, be it resolved by the Township Council of the Township of Hardyston that the Township expresses the following comments and objections to the proposed Highlands Council Regional Master Plan:

1. The Regional Master Plan should be revised to make the Regional Master Plan Community Development Zones consistent with the Hardyston Township Center of the Township of Hardyston.
2. The entire Township Center of the Township of Hardyston, or at a minimum, the Commercial Recreation Zone and Village Center should be entirely included within a Community Development Zone of the Regional Master Plan rather than partially in the proposed Protection Zone.
3. During the course of the public comment period concerning the Original Highlands RMP, the Hardyston Township Municipal Staff and Professionals met with the Highlands Staff to point out inconsistencies between the conservation and protection zones depicted on the Highlands Mapping and the approvals and construction which was, and still is on-going within the municipality. Hardyston Township has expended substantial municipal funds to provide the Highland's Council and its staff with more accurate information concerning development within the Township than the Highlands Staff has obtained. Hardyston Township provided both paper and electronic copies of this information to allow this information to be easily incorporated into the Highland's RMP Mapping. This was done to insure that Hardyston Township was depicted in the RMP as accurately as possible. The prior submission by the Township dated on or about January 30, 2007 is incorporated herein by reference.

While Hardyston township was advised by the Highlands Staff that this information would be seriously considered and incorporated into the RMP, as may be appropriate, based on the contents of the latest RMP proposal issued by the Highlands Council, Hardyston Township has reached the conclusion that the information provided was never even considered for inclusion in the modified RMP. Please revise the RMP accordingly.

4. The remainder of the Town Center of the Township of Hardyston should be proposed for Community Development Zone rather than any Protection Zone or Conservation Zone since that area is appropriate for Smart Growth in a manner consistent with both the State Development and Re-Development Plan and the expressed language of the Highlands Act which excludes that area from the Preservation Area and which requires the Highlands Council to plan for smart growth and affordable housing in the Planning Area of the Highlands Act. The RMP mapping should be consistent with the Maps and written information regarding prior approvals and infrastructure previously submitted to the Highlands Council by the Township, which documents are hereby incorporated herein by reference. Please revise the RMP accordingly.

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5. The Highlands Council should enhance methods of providing equitable transfers of value to property owners in the Preservation Area and work with the New Jersey Department of Environmental Protection (NJDEP) to more appropriately plan for reasonable utilization of properties in the Preservation Area by the municipalities for such things as open space, recreation and municipal and governmental services and for property owners for reasonable use by their owners and family members. If Legislative change is necessary, the Highlands Council should work with municipalities and Legislature to make more equitable the treatment of landowners within the Preservation Area by promoting purchases of open space and conservation restrictions, a water tax for reimbursement of

affected property owners and more appropriate standards for future utilization of properties by property owners and family members.

6. Hardyston Township was well ahead of the curve as it relates to the Preservation Area within the township which are now included generally within the either the MIDD-10 District with a density of 1 unit per ten acres or the OSGU District which has a density of one unit per 25 acres.
7. The Highlands Council should address and object to the unusual and extraordinary projections of employment and Growth Share housing obligations in the Township of Hardyston and other parts of the Highlands Region to the Council on Affordable Housing (COAH) and coordinate the Round Three housing allocations with COAH to make them more realistic and appropriate in Hardyston Township and the Highlands Region as envisioned by the Highlands Act and its explicit language.
8. The Highlands Council should not await Plan Conformance, map adjustments, or policy adjustments and Plan Conformance as the procedure by which municipalities, like Hardyston Township will be compelled to conform their existing Smart Growth Center Planning with the Regional Master Plan. The Regional Master Plan should more carefully consider the Smart Growth policies of the Hardyston Township Master Plan and ordinances of the Township of Hardyston and the State Development and Re-Development Plan. The Highlands Council should adjust its RMP in accordance with proper Professional Planning techniques consistently used throughout the New Jersey and the United States .

NOW THEREFORE, be it further resolved that the Clerk is hereby authorized and directed to send a copy of this resolution to the Highlands Council, the State Planning Commission, the Office of Smart Growth and the Council on Affordable Housing, Governor Corzine, local Legislators, and surrounding municipalities.

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

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B. Resolution authorizing the transfer of funds relating to 2007 Reserves

Now, Therefore be it resolved by the Township Council of the Township of Hardyston, State of New Jersey, That the following 2007 Budget Appropriation Reserves transfers be authorized:

Transfer From:		Transfer To:	
Admin S&W	1,500.00	Finance OE	1,500.00
Admin OE	334.00	Finance OE	334.00
Admin Supplies OE	1,122.00	Finance OE	1,122.00
Election OE	91.00	Finance OE	91.00
Tax Assessor S&W	697.00	Finance OE	697.00
Tax Assessor OE	230.00	Finance OE	230.00
Tax Collector OE	26.00	Finance OE	26.00
Communication OE	502.00	Communication S&W	502.00
Police S&W	3,010.00	Police Uniforms OE	3,010.00
Equipment Repairs OE	1,755.00	Streets & Roads S&W	1,755.00
Recycling OE	249.00	Streets & Roads S&W	249.00
Police S&W	1,250.00	Streets & Roads S&W	1,250.00
Construction S&W	344.00	Streets & Roads S&W	344.00
Land Use S&W	313.00	Streets & Roads S&W	313.00
Social Security	2,121.00	Streets & Roads S&W	2,121.00
Uniform Fire OE	941.00	Streets & Roads OE	941.00
Aid to Fire OE	1,621.00	Streets & Roads OE	1,621.00
Senior Cit. Busing	1,975.00	Streets & Roads OE	1,975.00
Summer Rec OE	1,700.00	Streets & Roads OE	1,700.00
Littell Center S&W	317.00	Streets & Roads OE	317.00
Littell Center OE	411.00	Streets & Roads OE	411.00
Build & Grounds OE	1,063.00	Streets & Roads OE	1,063.00
Computer Maint	179.00	Streets & Roads OE	179.00
Construction OE	450.00	Streets & Roads OE	450.00
Zoning Official OE	545.00	Streets & Roads OE	545.00
Insurance OE	300.00	Streets & Roads OE	300.00
Group Ins OE	646.00	Streets & Roads OE	646.00
Emergency Mgt OE	1,852.00	Streets & Roads OE	1,852.00
HEP B Shots OE	500.00	Streets & Roads OE	500.00
Gasoline	4,547.00	Telephone	4,547.00
Fuel Oil OE	1,507.00	Diesel Fuel	1,507.00
Electricity	3,205.00	Natural Gas	3,205.00
Totals	35,303.00	Totals	35,303.00

A motion was made by Ross to approve the transfer resolution 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 Ross to adjourn, seconded by Lasinski. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk