

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING HELD ON OCTOBER 9, 2007.

The meeting was called to order by Mayor Kievit 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 Hamilton, Councilman Ross, Councilman Armstrong, Councilman Lasinski, Manager Marianne Smith, and Clerk Jane Bakalarczyk

**SALUTE THE FLAG:**

**ORDINANCES**

**1<sup>ST</sup> READING: 2007-16**

**ORDINANCE AMENDING FEES, RATES AND CHARGES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**BE IT ORDAINED** by the Mayor and Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

**SECTION 1.** Fees, Rates and Charges of the aforesaid Revised Ordinances for the Township of Hardyston are hereby amended and established to read as follows (proposed changes are underlined):

<b>SECTION</b>	<b>SERVICE</b>	<b>FEE</b>
44-3	Copying by person requesting documents	<u>This section shall be repealed.</u>
88-8	Miscellaneous Fees.	
	A. Copying.	
	(1) <u>Single copies.</u>	<u>\$0.10 per page</u>
	(a) One to 10 pages, per page:	<u>This section shall be repealed.</u>
	(b) Eleven to 20 pages, per page:	<u>This section shall be repealed.</u>
	(c) Over 20 pages, per page:	<u>This section shall be repealed.</u>
	(2) Use of Xerox Machine; per copy	<u>This section shall be repealed.</u>
	(3) Copying by person requesting documents, using his own copying machine	<u>This section shall be repealed.</u>
	B. Township Code Books	<u>\$189.80</u>
	C. Yearly Supplement to Code Books	<u>This section shall be repealed.</u>
	D. Zoning Ordinance (map included)	<u>\$20.44</u>
	E. Yearly supplement to zoning book	No Charge
	F. Zoning Map	<u>\$5.00</u>
	G. (Reserved)EN(1)	
	H. <u>Duplication of Meeting Compact Discs:</u>	<u>\$0.40</u>
	(1) First tape	<u>This section shall be repealed.</u>
	(2) Additional tapes	<u>This section shall be repealed.</u>
	I. Archival search fee	<u>This section shall be repealed.</u>
	J. Return Check fee	\$35.00
	K. (Reserved)EN(2)	
	L. (Reserved)EN(3)	
	M. Summer Recreation day camp registration fee:	
	(1) First child for one session	\$60.00
	(2) Each additional child per session	\$50.00
	(3) First child for two sessions	\$115.00
	(4) Each additional child for two sessions	\$95.00

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- N. Master Plan (Color Copy) \$100.00
- O. Master Plan (CD) (Electronic Version) \$0.40

**SECTION 2.** All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 4.** This ordinance shall take effect upon final passage and approval in accordance with law.

A motion was made by Armstrong to approve Ordinance 2007-16 on first reading, seconded by Lasinski. All in favor. Motion carried.

**NEW BUSINESS:**

- A. Tax Collector Resolutions
  - 1. Overpayment Refund
    - a. Deer Trail Lake Community
    - b. Joseph & Evelyn Franek

**RESOLUTION #11-07**

WHEREAS, the following parcels had their assessment values changed by Scott Holzhauser Tax Assessor, in 2006, and

WHEREAS, the homeowners have paid their property taxes now creating an overpayment on their accounts thus creating overpayments for the Tax Year 2007,

Block	Lot	Name	Property	Amount
31	1.01	Deer Trail Lake Community	36 Deer Tr Rear	\$ 681.90
71	4.01	Joseph & Evelyn Franek	80 Franek Road	\$ 820.75

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to refund the above taxpayers the amounts of the overpayments.

- 2. Disabled Veteran Refund – Joseph Esposito

**RESOLUTION #12-07**

WHEREAS, Joseph Esposito of Block 67.04 Lot 1.08 also known as 15 Meadow Pond Road, Hardyston submitted an application for exempt status as permanently disabled veteran, and

WHEREAS, Scott Holzhauser Tax Assessor for Hardyston Township has the proper paperwork in order along with proof of disability, which the law requires that disabled Veterans become tax exempt from the time they are declared permanently disabled. In this case The Department of Veteran Affairs declared Mr. Joseph Esposito to be 100% totally disabled as of November 22, 2005, and

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WHEREAS, Hardyston will have to reimburse Mr. Esposito for all back taxes paid subsequent to the date of permanent disability. (11/22/05 thru 12/31/07.)

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to issue a refund to Joseph Esposito of 15 Meadow Pond Road, Hardyston in the amount of \$ 7,183.61.

3. 2006 Homestead Rebate Refund – Michael & Tammy Saporito

**RESOLUTION #13-07**

WHEREAS, The Township of Hardyston received the Homestead Rebates for delinquent 2006 tax payers, and

WHEREAS, Michael & Tammy Saporito of 62 Lake Shore Road West, Stockholm had paid their 2006/2007 taxes in full and are requesting a refund for their 2006 Homestead Rebate in the amount of \$ 560.28,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston that the Tax Collector be authorized to issue a refund to Michael & Tammy Saporito \$ 560.28 for their 2006 Rebate.

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

- B. Release of Executive Session Minutes of: 12/12/06; 1/9/07; 1/16/07; 1/23/07; 2/15/07; 2/27/07; 3/13/07; 3/27/07; 4/24/07; 7/2/07; 7/17/07; 7/31/07; 8/28/07; 9/11/07

A motion was made by Ross to approve the release of the Executive Session Minutes as presented, seconded by Lasinski with Lasinski abstaining on the minutes of 7/2/07. All in favor. Motion carried.

- C. Resolution Regarding Opposition to the VVPAT Mandate by the New Jersey Attorney General

**WHEREAS**, in July, 2005 the Legislature enacted, and the Governor signed, I. 2005 c. 137, which requires that all voting machines "shall produce an individual paper record of each vote cast" by January 1, 2008 (the VVPAT); and

**WHEREAS**, the 2005 Amendment now codified both in N.J.S.A. 19:48-1, and N.J.S.A. 19:53A-3, provides, in relevant part:

By January 1, 2008, each voting machine shall produce an individual permanent paper record for each vote cast, which shall be made available for inspection and verification by the voter at the time the vote is cast, and preserved for later use in any manual audit. In the event of a recount of the results of an election, the voter verified paper record shall be the official tally in that election. A waiver of the provisions of this paragraph shall be granted by the Attorney General if the technology to produce a permanent voter verified paper record for each vote cast is not commercially available; and

**WHEREAS**, the cost of implementing the VVPA T system in Sussex County alone would be in excess of \$500,000.00; and

**WHEREAS**, the VVPAT system will make voting a lengthy, complex and cumbersome process; and

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**WHEREAS**, the printers are likely to jam making reliable audits and recounts impossible; and

**WHEREAS**, the thermal paper used in the printers degrades easily, is expensive, hard to store, difficult to transport and requires more unnecessary equipment to be added to the voting machines; and

**WHEREAS**, changing paper rolls is difficult for district workers and disruptive to the voting process; and

**WHEREAS**, studies have shown that fewer people notice errors on paper trails than other forms of voter verification; and

**WHEREAS**, paper trails are not ADA accessible and not currently available in languages other than English; and

**WHEREAS**, Sussex County has used the iVotronic voting machines by Election Systems and Software since 2001; and

**WHEREAS**, Sussex County has in place a pre- and post-election testing and auditing system which verifies that there has been no alteration to the voting machines or the ballots; and

**WHEREAS**, an alternative auditing method is possible and should be further investigated and researched, which is the voter verified audio audit transcript trail, which would increase voter confidence, significantly reduce the cost of a verifying system, is easily stored, requires minimal district worker and voter education, would allow complete recount transparency, is fully handicapped accessible and will not disenfranchise voters; and

**WHEREAS**, there is also a very viable, reliable and cost-effective method to verify each voters individual vote through an audio verification system now present on all machines in the State of New Jersey.

**NOW, THEREFORE BE IT FURTHER RESOLVED** by the Mayor and Council of the Township of Hardyston, County of Sussex, that this Council opposes the mandated imposition of the VVPAT and urges the Attorney General of the State of New Jersey to issue a waiver of the VVPAT criteria, and consider the alternatives to the voter verified paper audit trail; and

**BE IT FURTHER RESOLVED** that the Attorney General's Office review the audio transcript trail which would supply each voter the independent verification of their votes in a more reliable and cost effective manner, and to make a determination of whether such voter verified audio audit trail would satisfy the requirements set for in N.J.S.A. 19:48-1 and N.J.S.A. 19:53-A-3; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to all Sussex County State Legislators; the New Jersey Attorney General; the Senate President; Governor Jon S. Corzine; Sussex County Board of Chosen Freeholders; the Sussex County Board of Elections Commissioners; and all Sussex County Municipalities.

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

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- D. A Resolution Authorizing Foreclosure Under the In Rem Tax Foreclosure Act (1948)  
and Establishing the Tax Foreclosure Lists of Liens to be Foreclosed

**BE IT RESOLVED**, that the Township Council of the Township of Hardyston hereby determines that the Township of Hardyston foreclose, by summary proceedings In Rem, as provided in the In Rem Tax Foreclosure Act (1948), upon tax sale certificates held by it, as listed on the attached Tax Foreclosure Lists. (Tax Foreclosure Lists are on file in the Clerk's Office).

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

**BILLS TO BE PAID:** A motion was made by Ross 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. 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.

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Jane Bakalarczyk, RMC/CMC  
Municipal Clerk