

**TOWNSHIP COMMITTEE
SEPTEMBER 14, 2010**

The Tewksbury Township Committee met in a regular session on the above date at the Municipal Building, Mountainville, NJ.

The meeting was called to order at 7:30 PM, roll call held and a quorum established.

Mayor Robert Hoffman Jr. presided.

Other officials in attendance were Township Committee members Dana Desiderio, Peter Melick, Shaun Van Doren and William Voyce.

Jesse Landon, Township Administrator, Roberta Brassard, Municipal Clerk and Michael Selvaggi, Township Attorney were in attendance.

There were approximately seven members of the public in attendance.

1. Open Public Meetings Statement

The Open Public Meetings Statement was read by Mayor Hoffman.

2. Executive Session

At 7:30 PM Mr. Van Doren moved adoption of the following Resolution, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, Hoffman, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #87a-2010
A RESOLUTION AUTHORIZING AN EXECUTIVE SESSION OF THE TEWKSBURY
TOWNSHIP COMMITTEE**

BE IT RESOLVED, pursuant to N.J.S.A. 10:4-13 and 10:4-12 that the Tewksbury Township Committee hold a closed session to discuss Personnel.

It is expected that the discussion undertaken in closed session can be made public at the time official action is taken.

Robert M. Hoffman, Jr.
Mayor

At 7:35 PM Mr. Van Doren moved adoption of the following Resolution, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, Hoffman, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #87b-2010
A RESOLUTION AUTHORIZING AN EXECUTIVE SESSION OF THE TEWKSBURY
TOWNSHIP COMMITTEE**

BE IT RESOLVED, pursuant to N.J.S.A. 10:4-13 and 10:4-12 that the Tewksbury Township Committee hold a closed session to discuss Advice of Attorney, Contract Negotiations and Litigation.

It is expected that the discussion undertaken in closed session can be made public at the time official action is taken.

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Robert M. Hoffman, Jr.
Mayor

At 7:45 PM Mr. Van Doren moved adoption of the following Resolution, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, Hoffman, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #87c-2010
A RESOLUTION AUTHORIZING AN EXECUTIVE SESSION OF THE TEWKSBURY
TOWNSHIP COMMITTEE**

BE IT RESOLVED, pursuant to N.J.S.A. 10:4-13 and 10:4-12 that the Tewksbury Township Committee hold a closed session to discuss Personnel.

It is expected that the discussion undertaken in closed session can be made public at the time official action is taken.

Robert M. Hoffman, Jr.
Mayor

At 7:55 PM Mr. Melick moved adoption of the following Resolution, seconded by Mr. Van Doren. The motion was approved. Ayes: Desiderio, Hoffman, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #87d-2010
A RESOLUTION AUTHORIZING AN EXECUTIVE SESSION OF THE TEWKSBURY
TOWNSHIP COMMITTEE**

BE IT RESOLVED, pursuant to N.J.S.A. 10:4-13 and 10:4-12 that the Tewksbury Township Committee hold a closed session to discuss Advice of Attorney and Litigation.

It is expected that the discussion undertaken in closed session can be made public at the time official action is taken.

Robert M. Hoffman, Jr.
Mayor

3. Reconvened

The meeting reconvened at 8:10 PM.

4. Flag Salute

Those present stood and pledged allegiance to the American flag.

5. Public Participation

Bruce Winter presented a petition and signed letters from residents of Water Street opposed to the possible increase in the speed limit. He stressed that the street is very narrow and raising the speed limit would pose a serious safety risk to residents, runners and cyclists. He urged the Committee to not endorse raising the speed.

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Janet Leonardi stated that Police officers should be more vigilant with regard to issuing speeding tickets. She stated that Water Street is used as a cut through from Route 22 and the speeding is getting worse.

George Cassa questioned the process for changing a speed limit on a Township road. It was explained that municipal roads are handled differently than intra-municipal roads, but that either type require an Ordinance and public hearing.

Mr. Van Doren explained that the reason a survey is being done on Water Street is because of complaints of speeding. The Police will use the results of the survey to determine if a change of speed limit is warranted.

Mr. Selvaggi noted that there are Department of Transportation standards that have to be followed regarding setting speed limits.

Lisa Winter stated that she met with Chief Holmes and was struggling with the concept of basing a speed limit on the actual speed of travel. She noted that many vehicles travel up to 35 mph.

Mayor Hoffman noted that enforcement is very difficult when roads have an unrealistic speed limit.

Bruce Winter reiterated that the road is windy and has blind curves and raising the speed limit would only cause motorists to drive more quickly.

Dennis McGill stated that his neighbor currently has 25-30 chickens and 3 or 4 roosters and has heard that they may raise up to 100 animals. He stressed that the noise from the roosters is unacceptable and questioned if the Committee could adopt an Ordinance to regulate the number of chickens on a property. He stated his concern that the waste from the chickens could run into a T1 trout stream. He stressed that relief is needed as his quality of life is being jeopardized.

Discussion followed regarding how to address the problem. Mr. Melick stated that the County Agriculture Development Board (CADB) should be able to address the problem with regard to manure management.

John Mazzarino stated that this is a quality of life issue, not dissimilar to the speeding issue on Water Street. He stated that an Ordinance should be in place that does not allow residents to keep neighbors awake. Mr. Mazzarino stated that he has spoken with the owners of the chickens and they have not been cooperative.

Direction was given to Mr. McGill and Mr. Mazzarino to contact the CADB.

Mr. Mazzarino reiterated that the noise is adversely affecting his quality of life. Mr. McGill stated that he feels his property values are being negatively affected. Mr. Mazzarino questioned what the Committee can do to afford peace to Township residents.

Mr. McGill stated that he had another matter to bring to the Committee. He has received "three lawyer letters" from his neighbor stating that he is not allowed to put his trash cans on the road.

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Discussion followed regarding road right of ways and the permitted uses of a right of way.

It was stated that Mr. McGill should contact Mr. Landon to clarify the right of way matter.

6. Actions to be taken

➤ **Ordinance Public Hearing**

Mr. Van Doren moved to open the Public Hearing on Ordinance #07-2010, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, Hoffman, Melick, Van Doren, Voyce. Nays: None.

Ms. Brassard provided proof of publication from the 09-03-10 Hunterdon County Democrat.

There being no comments from the public, Mr. Van Doren moved to close the Public Hearing on Ordinance #07-2010, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, Hoffman, Melick, Van Doren, Voyce. Nays: None.

Mr. Van Doren moved adoption of Ordinance #07-2010, seconded by Dr. Voyce. A roll call vote was taken and the motion was approved. Ayes: Desiderio, Hoffman, Melick, Van Doren, Voyce. Nays: None.

ORDINANCE 07-2010

**AN ORDINANCE TO CANCEL THE BALANCE FROM ORDINANCE #08-2009 ENTITLED
“AN ORDINANCE TO FUND THE IMPROVEMENTS TO THE OLDWICK SEWER” TO THE
OLDWICK SEWER UTILITY FUND**

BE IT ORDAINED by the Township Committee of the Township of Tewksbury in the County of Hunterdon, New Jersey the following:

1. From the General Capital Fund. \$6,609.01
2. To the Oldwick Sewer Utility Fund Balance. \$6,609.01
3. That this Ordinance shall take effect after final passage, adoption, and publication according to law.

Robert Hoffman, Jr.
Mayor

➤ **Consent Agenda**

Ms. Desiderio requested that the Executive Session minutes of 08-27-10 be removed from the Consent Agenda.

Dr. Voyce moved adoption of the Consent Agenda as amended, seconded by Mr. Voyce. A roll call vote was taken and the motion was approved. Ayes: Desiderio, Hoffman, Melick, Van Doren, Voyce. Nays: None.

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RESOLUTION #88-2010

**TO ACKNOWLEDGE RECEIPT OF A \$1000.00 DONATION FROM
THE ISABEL & DAVID MAHALICK FOUNDATION, INC. TO THE
TEWKSBURY POLICE DEPARTMENT**

WHEREAS, a charitable donation of \$1000.00 was made to the Tewksbury Police Department by the Isabel & David Mahalick Foundation, Inc..

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that this donation has been gratefully acknowledged and the monies will be used to fund the purchase of vehicle equipment updates.

Robert Hoffman, Jr.
Mayor

**RESOLUTION #89-2010
REDEMPTION OF A TAX SALE CERTIFICATE**

BE IT RESOLVED, by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the Chief Financial Officer is hereby authorized to make the following payments for the redemption of a tax sale certificate.

Block	Lot	Name	CERT #	Amount
38	16.02	Havid Development 41 Watchung Plaza Montclair, NJ 07042	09-08 premium	40,904.69 <u>35,000.00</u> 75,904.69

Robert Hoffman, Jr.
Mayor

**RESOLUTION #90-2010
CANCELLATION OF TAXES**

BE IT RESOLVED, by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the Chief Financial Officer is hereby authorized to make the following cancellation of taxes.

Block	Lot	Year	Amount
15	9.09	2010	47.07
34	20.01	2010	<u>57.04</u> 104.11

Robert Hoffman, Jr.

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Mayor

- Claims as submitted by the CFO
- Minutes of 08/10/10 and 08/27/10

ITEMS REMOVED FROM THE CONSENT AGENDA

Mr. Van Doren made a motion to adopt the Executive Session minutes of 08/27/10, seconded by Dr. Voyce. The motion was approved. Ayes: Melick, Van Doren, Voyce. Nays: None. Abstain: Desiderio, Hoffman.

- Executive Session minutes of 08/27/10

Mr. Van Doren made a motion authorizing the Clerk to sign the application for a Permit for Social Affair for the 10/15/10 Haytown Nursery School event at the Oldwick Fire Company, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, Hoffman, Van Doren, Voyce. Nays: None. Abstain: Melick.

- Authorization to have Clerk sign application for a Permit for Social Affair for the 10/15/10 Haytown Nursery School event at the OFC

7. Reports

➤ **Township Committee Sub Committees & Township Committee Comments**

Mr. Melick stated that the County Superintendent of Schools should be making a decision to appoint a member of the Tewksbury Board of Education (BOE) within the next week. This matter went to the County as the local Board was unable to make a decision. Discussion followed regarding the recent BOE conversation regarding cupcakes in the classrooms.

Dr. Voyce stated that most of the road work and chip and seal projects are completed. He noted a letter received from a resident who experienced a problem with the fireworks that were held in 2005. Discussion followed regarding the size of the planned fireworks display and the location of the launch site. It was also noted that the fire level is currently high and the fireworks display may not occur.

Mr. Van Doren noted that the Land Use Board is commencing the Master Plan re-examination and the Planner is working on various elements of the Plan. He added that the Land Use sub-committee should meet to discuss possible amendments to the DRO so that they can be adopted in 2010.

Regarding finance, Mr. Van Doren noted that the budget is on track and spending is being kept to a minimum. Proposed changes from the Governor's office will be forthcoming during the coming weeks.

Mr. Van Doren noted that the upcoming Harvest Festival will be the venue for the 255th anniversary concert and fireworks show at the Christie Hoffman Farm on 09/25/10.

The following appointments were made by Mayor Hoffman.

Ed D'Armiento Alternate #4 Land Use Board through 12/31/10

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Move Tom Dillon to Alternate #3 Land Use Board through 12/31/11

Mayor Hoffman noted that the drainage work on Rockaway Road was done to spec and was fully compliant.

Mr. Van Doren stated that he was disappointed in the changes made to the Bissell - Welsh Road intersection. He opined that the Belgian block was not in keeping with Tewksbury. Discussion followed regarding how the Committee needs to take a more in depth look at upcoming road projects.

Mr. Van Doren stated that Bissell Road needs to be looked at as he thought there were cuts in Welsh Road. After some discussion it was determined that the cuts in question were from road work that was done in the past.

➤ **Township Administrator**

Mr. Landon stated that response to the upcoming picnic was very low and he recommended cancelling the event. The Committee was in agreement and the people who responded in the positive will be notified.

8. Executive Session

At 9:08 PM Mr. Van Doren moved adoption of the following Resolution, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, Hoffman, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #91-2010
A RESOLUTION AUTHORIZING AN EXECUTIVE SESSION OF THE TEWKSBURY
TOWNSHIP COMMITTEE**

BE IT RESOLVED, pursuant to N.J.S.A. 10:4-13 and 10:4-12 that the Tewksbury Township Committee hold a closed session to discuss Contract Negotiations and Personnel.

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Robert M. Hoffman, Jr.
Mayor

7. Reconvened

The meeting reconvened at 10:15 PM.

It was stated that Mary Elizabeth Young should appear in Executive Session at the upcoming Committee meeting.

The Land Use sub-committee will meet prior to the next meeting to discuss changes to the DRO.

Mr. Melick and Mr. Van Doren will meet with Mr. Landon and Ms. McGrorey to discuss the matter of billing for fuel.

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8. Adjournment

There being no further business, the meeting was adjourned at 10:16 PM.

Roberta A. Brassard
Municipal Clerk