

**TOWNSHIP COMMITTEE
JANUARY 14, 2014 MINUTES**

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 7:00 PM, roll call held and a quorum established. Deputy Mayor William Voyce presided.

Other officials in attendance were Township Committee members Dana Desiderio, Louis DiMare and Peter Melick.

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

There were approximately four members of the public in attendance.

1. Open Public Meetings Statement

The Open Public Meetings Statement was read by Deputy Mayor Voyce.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Swearing in of Township Committee Member Louis DiMare

Robert Flowers assisted in the swearing in of Louis DiMare.

4. Executive Session

At 7:03 PM Mr. Melick moved adoption of the following Resolution, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

**RESOLUTION #27A-2014
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.

William Voyce
Deputy Mayor

Mayor Van Doren arrived at 7:05 PM.

5. Proclamations

The following Proclamations were read into the meeting minutes. Mr. Koester, Mr. Tweedie and Mr. Saulsky were in attendance to receive the Proclamations.

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**PROCLAMATION
TO HONOR TOM KOESTER**

WHEREAS, Tom Koester, Boy Scouts of America, Troop 199, has attained the designation of Eagle Scout, Scouting's highest award; and

WHEREAS, Tom Koester has been an active Scout demonstrating outstanding leadership and has contributed many service hours during his years of Scouting; and

WHEREAS, Tom Koester's Eagle Scout project consisted of building six wooden picnic tables, three wooden benches and a wood and screen pool pump cover at the Brady Life Camp property in Pottersville; and

WHEREAS, Tom Koester conferred with the Life Camp property manager to determine which project would be most beneficial for the public; and

WHEREAS, Tom Koester has worked as a life guard at the Life Camp and feels that the Life Camp is an integral part of the community that is often undervalued: his project will provide lasting value to the Life Camp through increased opportunities for congregating, learning and having fun; and

WHEREAS Tom Koester raised \$1,930.00 in donations from community, friends and family with the excess funds of \$794.49 being donated back to the Life Camp to sponsor "camperships" for children whose families could not afford the tuition; and

WHEREAS, Tom Koester's project took a total of ten work days utilizing twenty-two volunteers to complete.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby extends to Tom Koester individually, collectively and with great pride, sincere congratulations for achieving this highest of Scouting awards which symbolizes the American ideal of good citizenship and service to community; and

BE IT FURTHER RESOLVED that the Township Committee wishes Tom Koester much success in all his future endeavors.

Shaun C. Van Doren
Mayor

**PROCLAMATION
TO HONOR JOHN TWEEDIE**

WHEREAS, John Tweedie, Boy Scouts of America, Troop 199, has attained the designation of Eagle Scout, Scouting's highest award; and

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WHEREAS, John Tweedie has been an active Scout demonstrating outstanding leadership and has contributed many service hours during his years of Scouting; and

WHEREAS, John Tweedie's Eagle Scout project consisted of replacing a dilapidated shed at the Brady Life Camp located in Pottersville; and

WHEREAS, John Tweedie initially had to demolish the original shed, remove the base and replace with gravel; and

WHEREAS, John Tweedie also replaced the roof of another shed on the property in order to prevent any further water damage; and

WHEREAS, John Tweedie hopes that the work done at the Life Camp will provide a safer and more pleasing environment for the campers.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby extends to John Tweedie individually, collectively and with great pride, sincere congratulations for achieving this highest of Scouting awards which symbolizes the American ideal of good citizenship and service to community; and

BE IT FURTHER RESOLVED that the Township Committee wishes John Tweedie much success in all his future endeavors.

Shaun C. Van Doren
Mayor

**PROCLAMATION
TO HONOR WILLIAM SAULSKY**

WHEREAS, William Saulsky, Boy Scouts of America, Troop 199, has attained the designation of Eagle Scout, Scouting's highest award; and

WHEREAS, William Saulsky has been an active Scout demonstrating outstanding leadership and has contributed many service hours during his years of Scouting; and

WHEREAS, William Saulsky Eagle Scout project involved organizing, promoting and executing a musical festival to benefit the Open Cupboard Food Pantry located in Clinton; and

WHEREAS, William Saulsky met with the director of the Open Cupboard and was advised that donations to the pantry slow down significantly during the summer even though the need to feed over 550 Hunterdon County residents remains constant year round; and

WHEREAS, William Saulsky planned the musical festival in the summer, asking that a bag of nonperishable food be donated to the Open Cupboard as the price of admission; and

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WHEREAS, William Saulsky raised funds to cover the associated costs of the festival, designed posters and used social media and press releases to advertise the event; and

WHEREAS, William Saulsky delivered over 500 pounds of donated food to the Open Cupboard which was collected at the May 10 concert which was held at the Clinton Community Center.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby extends to William Saulsky individually, collectively and with great pride, sincere congratulations for achieving this highest of Scouting awards which symbolizes the American ideal of good citizenship and service to community; and

BE IT FURTHER RESOLVED that the Township Committee wishes William Saulsky much success in all his future endeavors.

Shaun C. Van Doren
Mayor

**PROCLAMATION
TO HONOR DANIEL HIGBEE**

WHEREAS, Daniel Higbee, Boy Scouts of America, Troop 199, has attained the designation of Eagle Scout, Scouting's highest award; and

WHEREAS, Daniel Higbee has been an active Scout demonstrating outstanding leadership and has contributed many service hours during his years of Scouting; and

WHEREAS, Daniel Higbee's Eagle Scout project included the rehabilitation of "The Eagle's Nest" a camping and meeting area located at the non-profit Round Valley Youth Center; and

WHEREAS, Daniel Higbee raised funds and acquired materials to complete the task of clearing a 9000 square foot area of mature trees, dense brush and boulders; and

WHEREAS, Daniel Higbee used the numerous large rocks to restore a nearby fire ring; and

WHEREAS, Daniel Higbee arranged for twelve large dump truck loads of mulch to be donated and delivered to the site to be spread over the entire area; and

WHEREAS, Daniel Higbee designed and set up four rustic log benches at a clearing in the center of The Eagle's Nest, and sanded and repainted a weathered sign to mark the site as a shady gathering spot and a sheltered area with an even, soft mulched ground for pleasant camping.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby extends to Daniel Higbee individually, collectively and with great pride, sincere congratulations for achieving this highest

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of Scouting awards which symbolizes the American ideal of good citizenship and service to community; and

BE IT FURTHER RESOLVED that the Township Committee wishes Daniel Higbee much success in all his future endeavors.

Shaun C. Van Doren
Mayor

**PROCLAMATION
TO HONOR BANTON HEITHOFF**

WHEREAS, Banton Heithoff, Boy Scouts of America, Troop 199, has attained the designation of Eagle Scout, Scouting's highest award; and

WHEREAS, Banton Heithoff has been an active Scout demonstrating outstanding leadership and has contributed many service hours during his years of Scouting; and

WHEREAS, Banton Heithoff's Eagle Scout project included the refurbishing and restoring of a forgotten cemetery dating from 1832 located in the heart of historic Oldwick; and

WHEREAS, Banton Heithoff's project required locating the headstones, carefully digging them up and cleaning them and replacing them to their original location on a bed of weed barrier and riverstones; and

WHEREAS, Banton Heithoff photographed, transcribed and documented the information from the headstones for the local library, church and historical society; and

WHEREAS, Banton Heithoff's project helped to preserve an integral piece of Tewksbury history that would have been lost to future generations.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby extends to Banton Heithoff individually, collectively and with great pride, sincere congratulations for achieving this highest of Scouting awards which symbolizes the American ideal of good citizenship and service to community; and

BE IT FURTHER RESOLVED that the Township Committee wishes Banton Heithoff much success in all his future endeavors.

Shaun C. Van Doren
Mayor

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6. Actions to be taken

➤ **Appointment**

Mayor Van Doren announced the following Mayoral appointment.

Geoffrey Connor Alternate #2 Environmental Commission 2 year term through 12-31-15

➤ **Landscaping request for JCPL substation/Fox Hill Road**

Harold Wrede chairman of the Scenic Roads and Bridges Commission stated that the shrubs and landscaping that were on Fox Hill Road by the substation were removed and the structure is more of an eyesore than ever. He stated that the natural cover has been obliterated and opined that there is no landscaping cover as promised by JCP&L at Land use Board (LUB) meetings.

George Cassa questioned if JCP&L was obligated to plant according to specific plans as presented during LUB hearings and if any of the landscape exhibits had any validity.

Mr. Selvaggi noted the debate over the crumbling wall and the BPU approval, adding that whatever approved plan is in place, must be adhered to by JCP&L.

With regard to adhering to the landscaping plan, Mr. Melick questioned who would be responsible to monitor. Mr. Selvaggi stated that initially it would be the responsibility of the Township and if JCP&L did not cooperate, the BPU would have to be petitioned.

John Anderson, Area Manager for JCP&L stated that there are two landscaping plans for the property –one that was approved by the BPU and one that was approved by the Township specifically for the two driveways.

He noted that the only vegetation that has been removed is indigenous plants that do not comply with vegetation standards, dead, dying or invasive plants. He added that nothing was removed that was planted per the landscaping plans.

In response to a question from Mr. DiMare, Mr. Anderson stated that the “crumbling wall” was not part of the final landscape plan and that JCP&L has done what was approved.

Mr. Anderson reiterated that there are two different landscaping plans and Maser Consulting Engineers is currently doing the inventory for the second plan as it pertains to the Kalb/Hernick driveways.

He added that any vegetation that was removed was not part of a landscaping plan and could have been removed before the landscaping was done.

Mayor van Doren noted the residents’ concern and confusion with what vegetation was removed and stated that he wished to work together to put something back without compromising the safety or access to the site.

In response to a question from Ms. Desiderio, Mr. Anderson stated that everything that was installed is alive, noting several specimens that were removed for one reason or another.

Jon Lowe questioned if more mature trees could have been planted so that the period of time until maturity was not as long.

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Mr. Anderson stated that many of the tree specimens that were installed had to be special ordered from many different nurseries. He stated that there are strict guidelines as to the variety and size of vegetation that can be planted in the transmission right of way. He noted that special care was taken with a holly plant that suffered from deer browse during the first season. He added that the plantings will take time to naturalize and the landscaping plan was not to create a manicured appearance of the property.

In response to a question from Dr. Voyce, Mr. Anderson stated that there is no final sign off of the landscaping plan, but JCP&L has done the count and the plan related to the driveways is being overseen by Maser Consulting Engineers.

Jonathan Holt thanked the Committee for including this matter on their agenda and including input from the Scenic Roads and Bridges Commission. He noted that the "reality vs. plans" is very different with regard to visibility of the substation especially during the winter months. He lamented that the loss of trees during Hurricane Sandy was substantial, adding that many trees were on the site before the landscaping plans were created.

He stated that the BPU had no control related to the Highlands exemption and DEP approval of the landscaping plan, adding that the omission of the "crumbling wall" was because of a "mincing of words".

He conceded that the BPU, the Highlands Commission and JCP&L have done the best they can, although the Friends of the Historic Fairmount District still feel the site for a substation under the transmission wires, in an historic area and on a scenic road is not appropriate.

He stated that taller trees should be planted, there are more deer now in their yard because the indigenous plants have been removed (from the site) and if there is any way to plant additional vegetation outside of the wire zone to screen the substation, it would be most appreciated.

He hopes that there could be something better to protect the scenic road and make the substation not so intrusive.

Debbie Close noted that Hollow Brook Road is also listed as a Township scenic road and is fully exposed to the substation. She noted that JCP&L was "a good neighbor" and removed some dangerous and damages trees that were in the area between her home and the site. She noted that many of these large trees provided buffering and would like to have additional trees installed to replace the removed ones. She hoped to work cooperatively with JCP&L to create more screening and fill in the gaps that are now more visible in the winter.

She added that there are still three trees missing on her property as noted in the final plan and that one of the holly trees is not doing well. She stressed the need to work cooperatively with the spirit of intent of the landscape plan. She stated her support of the residents from Fox Hill Road, with the request that Hollow Brook Road not be forgotten.

Discussion followed regarding the replacement of trees damaged/destroyed by Hurricane Sandy that were not part of any landscaping plan as they were part of the original landscape.

In response to a question from Ms. Desiderio, Mr. Anderson stated that the site looks as the plan said it would-the substation is visible from Fox Hill Road and the plants are doing what they were intended to do. He added that the residents need to wait until the trees fully mature

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adding that it is unfortunate that trees were destroyed in the storms, but the additional space gained from their removal has helped the smaller trees grow better and allow the new plants maximum benefit to flourish.

Mayor Van Doren thanked Mr. Anderson for attending the meeting and speaking with the residents. He stated that he would like to set up a meeting with Harold Wrede and two members of the Township Committee to address the issues raised at tonight's meeting. Ms. Desiderio stated that she would be interested in attending the meeting.

Nancy Hance stated that it is important to reviewing the landscaping at this time of year because many of the trees are deciduous and it is a clearer picture of how the site looks the larger part of the year. In response to a suggestion to install berms closer to the road as a means of buffering, Mayor Van Doren cautioned that this could cause a problem with road drainage issues.

➤ **FCC Rule re: Cell Towers**

Mayor Van Doren noted that there are proposed FCC rules that would preempt local authority over the construction and siting of cell towers for which comments are being solicited until 2-5-14. He noted that this was discussed at a recent LUB meeting and, on advice of counsel; they declined comment because there is a cell tower application on the Board's agenda. He added that he is willing to work on drafting comments to send to the FCC and the NJ League of Municipalities. (NJLM)

Mr. Melick recused himself from the meeting at this time.

George Cassa noted his observations on the proposed FCC rules with regard to streamlining the approval of alternative small scale wireless technology. He stated that co-locating on an existing structure/tower should be the top priority when considering an application, adding that smaller technology is quickly becoming a feasible option. He noted a 2009 decision from the US Appellate Court regarding the FCC Act of 2003 related to precluding a municipality/state from skewing preference one way or another with regard to wireless matters.

He encouraged the Committee to oppose the general trend of pulling power away from municipalities and to consider having the language related to co-locating and using alternate technology prominently made part of the Township Ordinance.

Jon Holt stated his agreement with comments made by Mr. Cassa adding that "big government" is taking away the rights of the small municipalities. He agreed that the NJLM should be kept apprised of the Township's position, adding that alternate technology needs to be looked at carefully. He stressed that the Township "needs to start somewhere", there is a "need to be vocal" and it is important for a municipality to "retain its rightful control."

Chris Kennedy agreed with comments made by Mr. Cassa and Mr. Holt, adding that it is all too clear to see what happens when a higher authority takes control of a small community. He opined that what is happening in this regard is "atrocious" and "not why the country was established". He urged the Township Committee to take control of the situation and send comments to the FCC and the NJLM.

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Nancy Hance suggested that other municipalities be contacted along with Senators and Assemblymen to garner their support of the matter.

Mayor Van Doren noted that the matter is two-fold in that the FCC portion is limited to providing comments and copying Congressman and Senators. The second prong can deal with the erosion of home rule and the Legislators can be engaged in this portion. He stressed the need to try to get local control back to all NJ municipalities.

It was the consensus of the Committee present to send comments in to FCC and to continue the discussion at the 1-28-14 meeting.

Mr. Melick returned to the meeting at this time.

Nancy Held, speaking for the Friends of the Historic Fairmount District (Friends) regarding the Johnson helistop noted that a motion was filed to include additional documents into the record; specifically the testimony heard during the LUB hearings which were sent to the DOT but were not included.

She noted that the Deputy Attorney General has verbally agreed to an extension of time to review the new documents relative to the Johnson helistop. It was added that the "matrix" of information that was not forthcoming for some time, was now available for review and appears that sufficient points were awarded to approve the helistop based on Land Use regulations. She opined that there were other "questionable items" on the matrix with regard to how they were evaluated.

She added that no other new information came to light to show how the DOT determined the allowable number of flights, adding that she has requested copies of document from all DOT approved helistops. She hoped that this information might prove to be "additional ammunition." In closing, she stated that the Friends have petitioned the DOT to stop use of the helistop although she was not sure if this would occur.

In response to a question from Mayor Van Doren, Mr. Selvaggi noted that he has been in contact with Catherine Walsh (Friends' attorney) regarding the Township Committee joining in the Friends' appeal. He added that he needs to review the notes related to the of appeal and to ask the Appellate Division to extend the filing time as was done with the JCP&L appeal. He added that he has tried to reach the Johnson's attorney but has had no success.

In response to a question from Debbie Close, Mr. Landon stated that the construction work on Fox Hill and Hollow Brook Roads is not yet completed and that is why there is still signage and material in the area.

Nancy Held-stated that she sent e-mails to the five municipalities that have been affected by FCC helistop decisions. She requested that the Committee contact the NJLM to ask that the DOT be removed from the decision making process related to private heli-stops and airstrips.

Mayor Van Doren stated that he would pull in the NJLM and the NJ Planning Officials in the attempt to form a coalition, adding that a framework needs to initially be formed.

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➤ **Consent Agenda**

Mayor Van Doren requested that Resolution #28-2014 and #32-2014 be removed from the Consent Agenda and voted on separately.

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

RESOLUTION #29-2014

THANKING JOSEPH WEBER FOR HIS SERVICE TO TEWKSBURY

WHEREAS, Joe Weber has devoted countless hours of service to the citizens of the Township of Tewksbury, in the County of Hunterdon, State of New Jersey by serving on the Environmental Commission; and

WHEREAS, Joe Weber has always availed himself to counsel, guide and assist anyone seeking his valuable time, expertise and assistance in a manner characterized by honesty, integrity and intelligence.

NOW, THEREFORE BE IT RESOLVED on this fourteenth day of January in the year two thousand and fourteen that the Township Committee wishes to thank Joe Weber for his years of service by way of this Resolution.

BE IT FURTHER RESOLVED that a copy of this Resolution be entered into the official minutes of the Township Committee of the Township of Tewksbury.

Shaun C. Van Doren
Mayor

**RESOLUTION #30-2014
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
31	33.01	US BANK FOR PRO CAPITAL III LLC	2013-02	835.90
		2 LIBERTY PL	premium	<u>7,700.00</u>
		50 S 16 TH ST SUITE 1950		8,535.90
		PHILADELPHIA PA 18102		

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Shaun C. Van Doren
Mayor

RESOLUTION NO.31-2014

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,
STATE OF NEW JESREY, AUTHORIZING APPROVAL
OF A MODIFICATION TO AFFORDABLE HOUSING AGREEMENT
BETWEEN THE TOWNSHIP OF TEWKSBURY AND
GLENN LIKUS CONCERNING LOT 10 IN BLOCK 12**

WHEREAS, the Township of Tewksbury, previously entered into an Affordable Housing Agreement (“Agreement”) on October 20, 2008, with Glenn Likus (“Likus”) enabling the latter to establish an Affordable Housing Unit on property commonly known as Lot 10 in Block 12 as described on the Township’s Tax Map; and

WHEREAS, the Agreement was recorded with the Hunterdon County Clerk on November 3, 2008, at Book 2220, Page 430; and

WHEREAS, the property includes both a detached single-family home and a barn with an apartment; and

WHEREAS, the barn apartment was used to provide the low and moderate income-eligible housing unit contemplated in the Agreement and was incorporated in the Township’s Affordable Housing Compliance Plan (“Plan”); and

WHEREAS, Likus sold the Property to Roger Antaki (“Antaki”) by way of a Deed dated November 26, 2013, and recorded with the Hunterdon County Clerk in Deed Book 2322, Page 354; and

WHEREAS, Antaki took title to the Property subject to, among other things, the Agreement; and

WHEREAS, Antaki now wishes to utilize the single-family home as the low and moderate income-eligible unit and not the barn apartment; and

WHEREAS, Antaki agrees that the rent to be charged for the use of the single-family house will be the same as the rent charged for the apartment, said rent to be calculated in accordance with the rules and regulations promulgated by the Department of Community Affairs pursuant to the Fair Housing Act; and

WHEREAS, the Township is willing to allow this modification to the Agreement and to incorporate the single-family house in the Township’s Plan.

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, New Jersey, that the Mayor and Committee of the Township of Tewksbury consent to a modification of the Affordable Housing Agreement to allow the detached single-family home on Lot 10 in Block 12 on the Township's Tax Map.

BE IT FURTHER RESOLVED, that the Mayor, Clerk, Chief Financial Officer and any other proper official of the Township be and each of them is authorized to execute the Amended Affordable Housing Agreement as required by law in substantially similar form as the proposed Agreement attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED, that said Amended Agreement be promptly filed and recorded with the Hunterdon County Clerk's Office subsequent to its full execution by the Township and Antaki.

Shaun C. Van Doren
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO
- Correspondence List
- Regular and e/s minutes of 12-16-13
- Reorg minutes of 01-01-14
- Authorization to have Mayor sign Access Easement – Platt Block 23 Lot 24
- Authorization to have Clerk sign Social Affair Permit 3-29-14 Woman's Club event

ITEMS REMOVED FROM THE CONSENT AGENDA

Dr. Voyce moved adoption of Resolution #28-2014, seconded by Ms. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Voyce. Nays: None. Abstain: Melick. Recused: Van Doren.

**TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY**

RESOLUTION # 28-2014

**RESOLUTION GRANTING QUARRY LICENSE FOR THE YEAR 2014
SUBJECT TO CERTAIN CONDITIONS**

WHEREAS, on June 27, 2000, the Township of Tewksbury ("Township") adopted an ordinance ("Ordinance") regulating quarrying and requiring a license to conduct that activity which Ordinance was amended in 2007 and again in 2009; and

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WHEREAS, Stavola Quarries, LLC, 175 Drift Road, Tinton Falls, New Jersey ("Stavola") is the owner of a quarry known as the Oldwick Materials Quarry, Oldwick, New Jersey ("Quarry"); and

WHEREAS, Stavola has submitted a Quarry License Application for the year 2014 which has been reviewed by the Township Engineer who has found it to be generally consistent with the requirements of the Ordinance, subject to Stavola addressing certain conditions set forth in the Township Engineer's letter dated December 2, 2013; and

WHEREAS, the Quarry License Application includes, but is not limited to, all documents filed with the Township by Stavola as part of its 2014 Quarry License Application, the documents reviewed and/or referenced by the Township Engineer as identified in a letter dated December 2, 2013, and any correspondence on file with the Township from the Township Engineer commenting on the 2014 Quarry License Application (all such documents hereinafter collectively referred to as the "Quarry License Application"); and

WHEREAS, Stavola must fully comply with all requirements of the Township Engineer in accordance with any deadlines established, or the Township shall revoke Stavola's Plenary License as set forth in this Resolution because of concerns by the Township that failure to comply will endanger the health and welfare of the residents of the Township and others.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, that a Quarry License is hereby granted to Stavola Quarries, LLC, for the year 2014, subject to the following terms and conditions:

1. All operations of the Quarry shall be conducted, and permitted only in accordance with the Ordinance, the Quarry License Application and the terms and conditions set forth in a letter from Robert C. Bogart, P.E. to Jesse Landon, Township Administrator, dated June 7, 2001 ("Bogart Letter"), and the terms of this License. The Quarry License Application, prior Quarry License applications, the Bogart Letter and the documents listed therein are incorporated herein by reference.

2. Stavola may use up to three portable crushers on site in order to carry out the processing of the already shot rock. The type of crusher(s) to be used shall be approved in writing in advance by the Township Engineer. Stavola agrees to use portable crushers that incorporate the best available technology to reduce dust and noise from their operations. The crushers may only be used in such locations as are approved by the Township Engineer in accordance with the Bogart Letter.

3. Except for local deliveries within one mile of this exit, Stavola shall prohibit all dump trucks and vehicles having a gross weight in excess of four tons from making a right-hand turn onto Rockaway Road when exiting the Quarry. Stavola will post adequate signage at the exit of the Quarry to notify truck drivers of this restriction.

4. The submission of a quarterly report from the Township Engineer finding that (1) the operation of the Quarry has been in conformance with the Quarry's NJPDES permit; (2) the operation of the Quarry has not measurably impacted, in any aspect, the Rockaway Creek; (3) storm water runoff emanating from Block 44, Lot 24, and Block 46, Lot 18 on the Tax Maps of

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the Township of Tewksbury ("Property") has been adequately handled before discharge to Rockaway Creek such that no measurable impact, in any aspect to the Creek, has occurred as a result of such discharge; (4) ground water levels have not been adversely impacted by the operation of the Quarry and (5) Stavola has complied with all environmental reports and correspondence prior to the date hereof. The Quarry shall timely submit to the Township Engineer such reports and information from reputable professionals, in the form established by the Township Engineer, as reasonably necessary for him to prepare the reports to the Township required by this paragraph. In the event that the Township Engineer's report does not provide an affirmative finding for any of the above, the Quarry will take reasonable and prompt steps to rectify the conditions responsible for the lack of such affirmative finding(s). In the event that the Quarry is unsuccessful in doing so, the Township reserves the right, upon five (5) days notice to the Quarry, to revoke the license granted herein. The Quarry may challenge any such action in accordance with the law.

5. Stavola shall continue to submit water quantity and quality monitoring reports from a local ground and surface water testing agency identified by Stavola and agreed to by the Township, which reports shall be consistent with the requirements of the Township Engineer's letter dated December 2, 2013. Stavola shall pay directly the costs and fees charged the water testing agency.

6. The granting of this Quarry License does not eliminate or replace the need for Stavola to comply with all requirements of all other applicable ordinances of the Township.

7. In the event that the Township Engineer determines that there is a discernable impact upon a resident's person or property from blasting, Stavola shall take steps to respond to the resident's concern, including, but not limited to, considering whether the sequence, timing, size or location of future blasts can be altered to diminish the impact upon the resident. In the event that Stavola either refuses to or cannot come up with a viable solution to the resident's problem, then the municipality, at its option and upon recommendation of its Township Engineer, may hire a blasting expert, to be paid pursuant to the escrow agreement, to determine what additional steps may be available to deal with this situation and to make such recommendations as the expert sees fit. In the event that Stavola is not willing to carry out the recommendations of the municipal blasting expert, then the Township may pursue such options as are available to it at law.

8. Stavola shall comply with the terms and conditions of letters, dated January 5, March 9, June 11, 2007 and March 24, 2008 from Andrew Holt, P.E., P.P., C.M.E., Township Engineer, incorporated herein by reference.

9. Stavola shall continue to comply with the comments of the Tewksbury Township Planning Board, dated February 21, 2002, attached to prior Licenses.

10. If not already provided, this Quarry License shall not become effective until Stavola submits, in a form and amount acceptable to the Township Engineer, a Performance Bond as required by the Ordinance.

11. If not already provided, Stavola shall comply with and supply to the Township within ten (10) days of the date hereof, copies of all county, state and federal approvals

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necessary or incidental to quarrying operations at the Quarry for the year 2014. Throughout the term of this license, Stavola shall provide Township with a copy of all correspondence to and from any regulatory agencies which regulate quarry activities in the Township.

12. The granting of this license does not endorse the design, lot or road layout, drainage or any other matter contained in the Reclamation Plan Narrative, Reclamation Alternatives or Mining Plan, and prior to commencing reclamation activities at the Quarry, Stavola shall obtain any necessary development approvals from the appropriate Township board or agency.

13. The granting of this license applies only to quarrying activities as defined by the Ordinance and does not approve any other operations on site.

14. The granting of this license is without prejudice and does not grant to Stavola any "grandfather rights" to operate or carry on any quarry operations of any type for any years subsequent to the year 2014.

15. Stavola shall, if it has not already done so, pay any outstanding taxes due on the Property.

16. Stavola will maintain sufficient balance in its escrow account to reimburse all Township professionals for their services in connection with review of quarry operations, licensing and applications. If Stavola wishes to challenge the escrow billing of any professional engaged by the Township, it may do so in accordance with the procedure established pursuant to *N.J.S.A. 40:55D-53.1*.

17. The grant of the license of the year 2014 is without prejudice to any claims made by the Township that Stavola is in violation of any ordinances of the Township or any state or federal regulations or other law.

18. The grant of the license of the year 2014 is without prejudice to any claims made by the Township that Stavola is in violation of any wetland lands regulations of the State of New Jersey.

19. The Mayor and Committee specifically reserve the right to revoke this Plenary License at any time on 5 days written notice to the Quarry if it fails to fulfill the requirements of Paragraphs 4 and 5 of this Resolution or any other term of this Plenary License if that violation presents an immediate threat to health and safety of the residents of the Township or others.

Shaun C. Van Doren
Mayor

In response to a question from Mayor Van Doren, it was stated that no additional language was necessary for the Resolution pertaining to Hunters Glen rates.

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

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**RESOLUTION # 32-2014
CHARGES RELATED TO HUNTERS GLEN FORCED MAIN REPAIR**

WHEREAS improvements were made to the Hunter's Glen Sewer Utilities forced main; and

WHEREAS, the Township Committee of the Township of Tewksbury paid for the improvements with a capital ordinance; and

WHEREAS, the Hunter's Glen Homeowners Association have agreed to reimburse the costs of the improvements to the Township.

NOW THEREFORE BE IT RESOLVED that each home owner in the Hunter's Glen Homeowners Association will be charged, a fee of \$425.00 for the year 2014.

Shaun C. Van Doren
Mayor

➤ **Ordinance Introduction**

Dr. Voyce made a motion to introduce Ordinance #01-2014, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

The Public Hearing is scheduled for 02-11-14 at a meeting commencing at 7: 30 PM.

**ORDINANCE #01-2014
CALENDAR YEAR 2014
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

5. Reports

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

Ms. Desiderio noted that the Hunterdon County Planning Board awards dinner date for September has been changed.

Mr. DiMare congratulated Mayor Van Doren on being named Mayor for the year 2014.

Mr. Melick noted the shortage of road salt during the past storms.

Dr. Voyce noted a recent meeting with representatives from the Pottersville Fire Company to discuss funding. A follow up meeting will be scheduled. He added that he attended the recent Eagle Scout award ceremony.

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Ms. Desiderio made a motion to adopt the five Eagle Scout Proclamations that were read earlier in the meeting, seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ben Kurzrock will be invited to the 01-28-14 Township Committee meeting in order to receive his Proclamation for his Eagle Scout project.

Mayor Van Doren noted that Judie McGrorey, CFO will be retiring May 31, 2014. A recent OEM meeting was held and the main topic of discussion was the need for better communication during times of emergency. Additional comments were made regarding the need for additional warming stations around the Township.

➤ **Township Attorney**

Mr. Selvaggi praised Mr. Landon for his work done with regard to the Township affordable housing program.

A correction will be made to the signature page related to the Platt document that was signed earlier in 2013.

➤ **Township Administrator**

It was noted that item 5 in the Administrator's Report should be discussed in Executive Session.

Mayor Van Doren noted that a finance subcommittee meeting needs to be scheduled. Past and present members of the Parks and Equestrian Committees and the Forestry Advisory Board have been invited to attend the 01-28-14 meeting to discuss their mission and goals moving forward.

Further discussion will be held on 01-28-14 regarding the correspondence to the FCC as was discussed earlier in the meeting.

6. Executive Session

At 8:50 PM Ms. Desiderio moved adoption of the following Resolution, seconded by Mr. Di Mare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

RESOLUTION #33-2014

**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 and Advice of Attorney.

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

Shaun Van Doren
Mayor

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Mr. Melick and Mayor Van Doren left the meeting at 9:30 PM.

7. Reconvened

The meeting reconvened at 9:40 PM.

8. Authorization

Authorization was given for the Township Administrator to contact the person to discuss the property as discuss in Executive Session.

Ms. Desiderio noted that the County Planning Board no longer uses the Hunterdon County Democrat because of their advertising rates.

9. Adjournment

There being no further business, the meeting was adjourned at 9:42 PM.

Roberta A. Brassard
Municipal Clerk