

**TOWNSHIP COMMITTEE
OCTOBER 8, 2013 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 7:30 PM, roll call held and a quorum established. Mr. Van Doren presided.

Other officials in attendance were Township Committee members Peter Melick and William Voyce.

Dana Desiderio and Louis DiMare were absent.

Jesse Landon, Township Administrator, Roberta Brassard, Municipal Clerk and Michael Selvaggi, Township Attorney 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 Mr. Van Doren.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

Richard Smith was present to express his concern with a drainage issue on Homestead Road that has caused property erosion and damage. He opined that work done to the road ten years ago that removed the crown led to runoff that has seriously impacted his property and home. He added that curbing has been installed to divert the water flow.

Christina Smith stated that they would like reimbursement from the Township in the amount of \$2700.00 for apron work and landscaping.

Mr. Landon stated that he and the Superintendent of Public Works went to the property and advised the Smiths that the correct procedure for addressing their concern is to file a Notice of Tort Claim.

In response to a question from Dr. Voyce, Mr. Smith stated that he was unsure if the curbing was effective.

Mr. Melick noted that the recent storms that have affected the Township are unprecedented.

Mr. Van Doren stated that the Committee would like additional time to review the letter from the Township Engineer prior to making a decision. He added that the Smiths should contact the municipal offices for a copy of the afore mentioned letter.

4. Actions to be taken

➤ **Ordinance Introduction**

Mr. Selvaggi explained that the Ordinance that was adopted in April of 2013 did not have zoning maps included. The proposed Ordinance #10-2013 is to correct this matter.

**TOWNSHIP COMMITTEE
OCTOBER 8, 2013 MINUTES**

Mr. Melick made a motion to introduce Ordinance #10-2013, seconded by Dr. Voyce. The motion was approved. Ayes: Melick, Van Doren, Voyce. Nays: none. Absent: Desiderio, DiMare.

The Public Hearing is scheduled for 11-12-13 at 7:30 PM.

ORDINANCE NO. 10 -2013

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, TO AMEND
ARTICLE VII, SECTION 701 OF TEWKSBURY TOWNSHIP DEVELOPMENT REGULATIONS
ORDINANCE AND TO SUPPLEMENT AND REVISE
ORDINANCE NO. 03-2013 WHICH, AMONG OTHER THINGS, REVISED
CERTAIN BULK REQUIREMENTS IN THE VR VILLAGE RESIDENTIAL DISTRICT;
ESTABLISHED NEW ZONE DISTRICT KNOWN AS
THE R-1 VILLAGE RESIDENTIAL-1 DISTRICT; AND AMENDED
ARTICLE IX, SECTION 900**

➤ **Consent Agenda**

Dr. Voyce requested that the authorization to have the Mayor sign the Blue Light Permit for Jeffrey Fenton be removed from the Consent Agenda and voted on separately.

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

**RESOLUTION #91-2013
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.

| <u>Block</u> | <u>Lot</u> | <u>Name</u> | <u>CERT #</u> | <u>Amount</u> |
|--------------|------------|---|--------------------|---|
| 32 | 7.03 | Havid Development 41 Watchung Plaza Suite 520 Montclair, NJ 07042 | 2011-01 premium | 84,357.16 <u>59,100.00</u> 143,457.16 |

Shaun Van Doren
Committeeman

RESOLUTION #92-2013

**TOWNSHIP COMMITTEE
OCTOBER 8, 2013 MINUTES**

**A RESOLUTION SETTING THE 2013 SALARIES AND WAGES FOR OFFICERS AND
EMPLOYEES OF THE TOWNSHIP OF TEWKSBURY**

BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the following salary and wage for the employee so stated is hereby set for the year 2013.

| PUBLIC WORKS | | |
|---------------------|-----------------------|------------------------------------|
| Ryan Welch | Public Works Employee | \$15.00/hour Effective 10-02-13 |

Shaun Van Doren
Committeeman

RESOLUTION NO. 93-2013

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON, STATE OF
NEW JERSEY, AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT
WITH THE BOROUGH OF CALIFON AND THE TOWNSHIP OF LEBANON**

WHEREAS, the Township of Tewksbury, the Borough of Califon, and the Township of Lebanon have previously entered into a valid Interlocal Services Agreement for the provision of State Uniform Construction Code Enforcement Services by the Township of Tewksbury; and

WHEREAS, the aforesaid municipalities have concluded that it would be in their best interests to extend this agreement prior to its expiration; and

WHEREAS, the agreement, in the form attached hereto, which sets forth the terms and conditions of the provision of the services and has been reviewed and approved by the Tewksbury Township Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, New Jersey, that the Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with the Borough of Califon and the Township of Lebanon, for the provision of State Uniform Construction Code Enforcement Services by the Township of Tewksbury, as per N.J.S.A. 52:27D-119, et seq.

BE IT FURTHER RESOLVED, that the Tewksbury Township Construction Code Official is hereby authorized to provide the services to the Borough of Califon and the Township of Lebanon, in accordance with the terms of the agreement.

BE IT FURTHER RESOLVED that the Municipal Clerk and the Township Attorney are authorized to take any and all action required to complete this Agreement.

**TOWNSHIP COMMITTEE
OCTOBER 8, 2013 MINUTES**

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon adoption.

Shaun Van Doren
Committeeman

**AGREEMENT PURSUANT TO THE INTERLOCAL SERVICES ACT NJS 40:8A –1 ET SEQ.
AND THE STATE UNIFORM CONSTRUCTION CODE ACT NJSA 52: 27D-119 ET SEQ., FOR
THE PROVISION OF STATE UNIFORM CONSTRUCTION CODE ENFORCEMENT
SERVICES BY THE TOWNSHIP OF TEWKSBURY TO THE BOROUGH OF CALIFON AND
THE TOWNSHIP OF LEBANON**

WHEREAS, the Township Committee of the Township of Lebanon (“Lebanon”) and the Mayor and Council of the Borough of Califon (“Califon”) are of the opinion that it would be advantageous to the residents, property owners, taxpayers, builders and contractors of Lebanon and Califon to continue enforcement of the State Uniform Construction Code to the local enforcement agency of the Township of Tewksbury (“Tewksbury”); and

WHEREAS, Tewksbury already provides code enforcement for Tewksbury and Tewksbury is willing to continue to have local code enforcement provided by Tewksbury through an interlocal services agreement to which Califon, Lebanon and Tewksbury are parties; and

WHEREAS, the present interlocal services agreement for local code enforcement between Lebanon, Califon and Tewksbury is a four year agreement which commenced on January 12, 2010 and continues until December 31, 2013 and under the provisions of NJAC 5:23-4.6 (b) a new interlocal services agreement amongst Califon, Lebanon and Tewksbury would be an agreement which continues until, but does not include, January 1, 2018.

NOW, THEREFORE, BE IT RESOLVED this 8th day of October, 2013, by and between the Borough of Califon, a municipal corporation of the State of New Jersey, with offices at 39 Academy Street, P.O. Box 368, Califon, NJ 07830, the Township of Lebanon, a municipal corporation of the State of New Jersey, with offices at 530 West Hill Road, Glen Gardner, NJ 08826, and the Township of Tewksbury, a municipal corporation of the State of New Jersey, with offices at 169 Old Turnpike Road, Califon, NJ 07830, as follows:

1. Califon, Lebanon and Tewksbury agree that as of the date on which Ordinances authorizing this Agreement adopted by all three municipalities hereto have become effective, enforcement of the New Jersey State Uniform Construction Code in Califon shall continue to be provided, and enforcement of such Code in Lebanon shall continue to be provided, by the Tewksbury Construction Department through its Construction Official and various sub-code officials.
2. The office hours of the Tewksbury Construction Department for members of the public from Califon and Lebanon shall be the same hours as for Tewksbury residents, presently Monday through Friday, during regular business hours. All secretarial, administrative and enforcement costs of the Tewksbury Township Construction

**TOWNSHIP COMMITTEE
OCTOBER 8, 2013 MINUTES**

Department for services provided to Califon and Lebanon residents and contractors shall be borne directly by Tewksbury.

3. All fees, charges and surcharges payable in connection with the enforcement of the Uniform Construction Code in Califon and Lebanon shall be payable to and collected by the Tewksbury Construction Department and, in consideration of the services to be provided hereunder, shall be the sole property of the Township of Tewksbury, except for surcharges and training fees payable to the New Jersey Department of Community Affairs as applicable.
4. Tewksbury shall provide for a waiver of enforcing agency fees for construction contracted for, or conducted by, Califon and Lebanon within their respective boundaries, pursuant to NJSA 52: 27D-126b.
5. A copy of the contract shall be filed and open to public inspection at the offices of the Municipal Clerks of Califon, Lebanon and Tewksbury in accordance with NJSA 40:55D-87.
6. The contract shall take effect immediately upon its full execution by Califon, Lebanon and Tewksbury, as said municipalities have previously adopted appropriate ordinances establishing a joint Interlocal Enforcing Agency.
7. All services provided by the Tewksbury Township Construction Department to the residents of Califon and Lebanon shall be in accordance with the New Jersey State Uniform Construction Code and the regulations adopted pursuant thereto.
8. Pursuant to NJAC 5:23-4.6, the parties agree as follows:
 - a. Upon the final adoption of Ordinances by Califon, Lebanon and Tewksbury pursuant to the Interlocal Services Act, copies of such Ordinances, this Agreement and any other pertinent information shall be forwarded to the Department of Community Affairs.
 - b. The term of this contract shall be until, but not including, January 1, 2018.
 - c. The term of office of any construction or sub-code official shall, except for good cause, continue to, but not include, January 1, 2018.
 - d. Should this agreement be invalidated by a court of competent jurisdiction or prove otherwise unenforceable, administration and enforcement of the Uniform Construction Code in Califon and Lebanon shall be provided by the Tewksbury Township Construction Department on an interim or emergency basis until permanent construction code serviced can be obtained for Califon and Lebanon.
 - e. To the extent applicable, the information contained in NJAC 5:23-4.7 (b) and 4.8 (a) is hereby incorporated in this agreement as is set forth fully herein.

IN WITNESS WHEREOF, the parties hereto have signed and sealed this agreement on the date so noted.

MISCELLANEOUS

- Claims as submitted by the CFO for 9/24/13 and 10/8/13
- Correspondence list
- Regular and executive session minutes of 09-10-13
- Authorization to have CFO, Administrator and Clerk sign Best Practices 2013

ITEMS REMOVED FROM THE CONSENT AGENDA

**TOWNSHIP COMMITTEE
OCTOBER 8, 2013 MINUTES**

Mr. Melick made a motion authorizing the Mayor to sign the application for Blue Light Permit for Jeffrey Fenton, seconded by Mr. Van Doren. The motion was approved. Ayes: Melick, Van Doren. Nays: none. Absent: Desiderio, DiMare. Abstain: Voyce.

- Authorization to have Mayor sign Application for Blue Light Permit for Jeffrey Fenton

Discussion followed regarding item "k" from the Consent Agenda.

- k. From Shana Goodchild- memo re: DRO amendment pertaining to Hunters Glen Homeowners Association * **REQUIRES ACTION**

It was noted that the Hunter's Glen development is considered non-conforming and the DRO could easily be amended to make the properties conforming.

Tony Palmer, 5 Hunter's Circle stated that the homeowners association would like to see this matter resolved quickly so that small replacement decks could be built on the existing townhouses.

It was the consensus of the Committee present that a draft Ordinance be prepared for review by the Land Use Subcommittee at the 10-15-13 meeting and if the Ordinance were ready, to introduce on 10-22-13 with a public hearing on 11-12-13.

It was further stated that an additional DRO amendment should be prepared for introduction in 2014 that would address the matter of changing the conformity of the Hunter's Glen development.

5. Reports

- **Township Committee Sub Committees & Township Committee Comments**

Dr. Voyce noted that matters related to safety have been few in the Township and advised those present to be vigilant in the coming season.

Mr. Melick noted that the Public Works subcommittee met to discuss outsourced mowing and the matter needs to be further fine tuned in 2014.

Mr. Van Doren stated that the Finance subcommittee met recently to review the budget, which is in good shape as only 71% has been utilized to date.

He noted that Township vehicle usage was reviewed adding that Police, DPW and Construction are in need of new vehicles. It was further noted that there was conversation regarding lease versus purchase of new vehicles.

A date needs to be determined for an on-line auction of Township vehicles and equipment.

Regarding Land Use matters, Mr. Van Doren noted the following.

- The afore mentioned DRO amendment related to Hunter's Glen can be introduced at the next meeting.
- Shana Goodchild is working on drafting an alternate energy Ordinance. There is not a huge rush to have this adopted in 2013.

**TOWNSHIP COMMITTEE
OCTOBER 8, 2013 MINUTES**

- The matter of zoning inspections still needs to be resolved – this will be discussed at the 10-15-13 subcommittee meeting.

- **Township Attorney**

Mr. Selvaggi noted the following items from his report.

- The matter related to payment for Ashbritt has been resolved.
- The Hyland matter has resurfaced and additional documents have been sent to the GRC.
- The Kneser matter has been dismissed.
- Discussion followed regarding COAH – where the program is headed, how numbers will be determined and the overall state of the program.

- **Township Administrator**

Mr. Landon noted the following items.

- A letter was received from the County Engineer's office regarding the installation of a stop sign at the intersection of Water Street and Cokesbury Road. An Ordinance to effectuate this will be introduced at the upcoming Township Committee meeting.
- Mr. Van Doren stated that the repair work done to the stone arch bridge on Water Street is substandard. Mr. Landon noted that he would confirm that the work done was only temporary.
- Mr. Landon noted that he has been reviewing the existing COAH apartments in the Township and has found some inconsistencies and missing documents. Letters have been sent to landlords and follow up inspections will be held. A notice on the Township website noting that there are two available units has yielded several calls.

Mr. Van Doren stated that a salary resolution should be adopted at the upcoming Committee meeting, adding that a meeting will have to be coordinated to give Mr. Landon his performance review.

6. Adjournment

There being no further business, the meeting was adjourned at 8:20 PM.

Roberta A. Brassard
Municipal Clerk

**TOWNSHIP COMMITTEE
OCTOBER 8, 2013 MINUTES**