

**TOWNSHIP COMMITTEE
OCTOBER 28, 2014 MINUTES**

The Tewksbury Township Committee met in a work 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. Mayor Shaun Van Doren presided.

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

Louis DiMare was absent.

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 Mayor Van Doren.

2. Executive Session

At 7:00 PM Mr. Melick moved adoption of the following Resolution, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

**RESOLUTION #106-2014
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.

Shaun Van Doren
Mayor

3. Reconvened

The meeting reconvened at 7:30 PM.

4. Flag Salute

Those present stood and pledged allegiance to the American flag.

5. Public Participation

John Anderson JCP&L Area Manager was present to update the Committee on storm related improvements. He noted that a critical facilities data base has been set up that interfaces directly with the BPU to report any outages.

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A new procedure related to ETR (estimated time of restoration) was discussed. Mr. Anderson noted that whenever any loss is reported, notification is sent out to affected parties and a follow up is sent once the outage is corrected. He stressed that this procedure is done manually by a JCP&L local representative.

The third tier of improvements relates to prioritizing road openings during a storm. The order of importance for road openings is always 1) state roads 2) county roads and 3) local roads. He added that the County Office of Emergency Management will take the information and make a decision as to which county roads take priority for opening.

Additional enhancements are being utilized for the collection of data, including the use of I-phones and I-pads.

Mayor Van Doren commended JCP&L for their work with sending e-mail messages and follow ups regarding outages in County. He stated that he would like the "Dinner Pot" area of the Township looked at in the hopes that the wires could be moved underground in the near future. He added that the topography and tree growth in the area lends itself to problems with electrical service during severe storms and/or accidents.

Mr. Melick stated that he was unhappy with the procedure in place for contacting JCP&L with life safety issues. He noted that he would like there to be a way to "cut through and get a live person."

Mr. Anderson explained the procedures in place with a call comes into the contact center for a life safety issue adding that if Mr. Melick encounters a problem systemically, he should contact his office directly to speak with him.

Ms. Desiderio thanked Mr. Anderson for attending the meeting and updating the Committee on procedures.

6. Actions to be Taken

➤ **Ordinance Public Hearing**

Dr. Voyce made a motion to open the Public Hearing on Ordinance #10-2014, seconded by Mr. Desiderio. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

Mayor Van Doren explained that Ordinance #10-2014 had to be re-introduced because the notice of introduction and adoption were incorrectly noticed in a newspaper not published in county as required by NJ bond law.

Ms. Brassard provided proof of publication from the 10-16-14 Hunterdon County Democrat.

There being no comments from the public, Mr. Melick made a motion to close the Public Hearing on Ordinance #10-2014, seconded by Mr. Desiderio. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

Dr. Voyce moved adoption of #10-2014, seconded by Mr. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

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ORDINANCE #10-2014

**REFUNDING BOND ORDINANCE PROVIDING FOR THE
REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS
OF THE TOWNSHIP OF TEWKSBURY, STATE OF NEW
JERSEY, APPROPRIATING \$4,800,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$4,800,000 BONDS OR
NOTES OF THE TOWNSHIP FOR FINANCING THE COST
THEREOF.**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF TEWKSBURY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Township of Tewksbury, New Jersey (the "Township") is hereby authorized to pay an aggregate amount not exceeding \$4,800,000 for the redemption, including redemption premium, of \$4,334,000 principal amount of the Township's General Obligation Bonds issued in the original aggregate principal amount of \$8,276,000, dated January 5, 2006, (i) which consists of \$1,880,000 General Improvement Bonds which bonds are subject to redemption (on or after January 1, 2016) prior to their stated dates of maturity, and which mature on January 1, in each of the years 2017 to 2019 in an aggregate amount of \$523,000 inclusive; and (ii) which consists of \$6,396,000 Open Space Bonds which bonds are subject to redemption (on or after January 1, 2016) prior to their stated dates of maturity, and which mature on January 1, in each of the years 2017 to 2026 in an aggregate amount of \$3,811,000 inclusive (the "Refunded Bonds"), and in accordance with the provisions of the resolution of the Township Committee of the Township, duly adopted December 13, 2005 and a copy of which is on file in the office of the Clerk of the Township.

Section 2. An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount not exceeding \$4,800,000 pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations.

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All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the tenth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the debt provided in this refunding bond ordinance by an amount not to exceed \$4,800,000 with a maximum deduction from the debt due to the refunding of the Refunded Bonds (i.e. \$4,334,000). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law. Upon issuance of the Bonds and determination of the final amount thereof, if less than the \$4,800,000 authorized hereby, an amended Supplemental Debt Statement shall be made and filed, along with any other required filings, and this Committee shall, by resolution, approve the cancellation of such amount authorized hereby, which has not been issued.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director of the Division of Local Government Services and signed by the Chief Financial Officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

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Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

Shaun C. Van Doren
Mayor

➤ **Ordinance Introduction**

Ms. Desiderio made a motion to introduce Ordinance #08-2014, seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

The Ordinance is being re-introduced because the original submission of Ordinance Introduction was not published in the Courier News.

The Public Hearing is scheduled for 11-10-14 at 7:30 PM.

ORDINANCE 08-2014

ORDINANCE AMENDING CHAPTER 16, SECTION 20, "TREE CLEARING AND REMOVAL," OF THE CODE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO REVISE THE TREE REMOVAL REGULATIONS.

➤ **Consent Agenda**

Ms. Desiderio requested that the regular and executive session minutes of 10-14-14 be removed from the Consent Agenda and voted on separately.

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

RESOLUTION # 107-2014

A RESOLUTION APPOINTING CERTAIN TOWNSHIP PROFESSIONALS

WHEREAS, there exists a need for various Township Professionals;

WHEREAS, the local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised;

WHEREAS, the following awards are for contracts that are not in excess of \$17,500, as certified by the Chief Financial officer of the Township of Tewksbury, and, pursuant to N.J.S.A. 19:44A-20.4, may be awarded by the Township Committee;

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NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Tewksbury, County of Hunterdon, New Jersey as follows:

1. The Mayor and Clerk are hereby authorized to execute an agreement with the following for the terms indicated:

C. Kerry Morris of NW Capital Markets Inc. to act as underwriter for the Refunding of a General Obligation Bond for the Township.

The fees are included in the cost of the sale of the bonds.

2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because these are recognized professions licensed and regulated by law and it is not feasible to obtain competitive bids.

3. A copy of this resolution shall be published in the Hunterdon Review and Hunterdon County Democrat as required by law, within ten days of its passage.

Shaun Van Doren
Mayor

RESOLUTION #108-2014

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR
STORM EMERGENCY/SNOW REMOVAL**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

NOW, THEREFORE, BE IT RESOLVED by the Township of Tewksbury, County of Hunterdon, New Jersey as follows:

1. The Township Committee does hereby request permission of the Director or the Division to set aside money each year to accrue in a reserve account for storm emergency/snow removal expenses.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Shaun Van Doren
Mayor

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**TOWNSHIP OF TEWKSBURY
RESOLUTION NO. 109-2014**

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE POTTERSTOWN ROAD ROADWAY AND DRAINAGE IMPROVEMENTS PROJECT.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Tewksbury formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Potterstown Road Roadway and Drainage – 00662 to the New Jersey Department of Transportation on behalf of the Township of Tewksbury.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Tewksbury and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Shaun Van Doren
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO

ITEMS REMOVED FROM THE CONSENT AGENDA

Dr. Voyce made a motion to adopt the regular and executive session minutes of 10-14-14, seconded by Mr. Melick. The motion was approved. Ayes: Melick, Van Doren, Voyce. Nays: None. Absent: DiMare. Abstain: Desiderio.

- Regular and E/S minutes of 10-14-14

ADDITIONAL ITEMS FOR ADOPTION

Dr. Voyce made a motion to adopt Resolution #110-2014, seconded by Ms. Desiderio. the motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

RESOLUTION NO. 110-2014

RESOLUTION OF THE TOWNSHIP OF TEWKSBURY,

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**COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING
THE ACQUISITION OF CERTAIN REAL PROPERTY**

WHEREAS, there is within the Township of Tewksbury, (“the Township”) certain real property known as Block 11, Lots 22 (the “Property”) as shown on the official Tax Map of the Township; and

WHEREAS, the Township Committee has determined that there is a need to acquire the Property for open space preservation, parkland and/or other public purposes, and that such acquisition is in the best interest of the Township; and

WHEREAS, the Township is authorized pursuant to N.J.S.A. 40:12-1, et. seq., and other statutes to acquire the Property for public purposes; and

WHEREAS, the Tewksbury Land Trust (hereinafter, “TLT”) has entered a contract to purchase the Property from the Estate of David Jeffery for a total purchase price of \$758,160; and

WHEREAS, the Township of Tewksbury and the Lamington Conservancy have agreed to enter into a Joint Funding Agreement with the TLT in order to purchase this Property; and

WHEREAS, the Township and the TLT will purchase the property (the Township acquiring an 86% undivided interest and TLT acquiring a 14% undivided interest); and

WHEREAS, the Lamington Conservancy has agreed to contribute funds without taking an interest in the Property; and

WHEREAS, immediately upon taking title to the Property, the Township will transfer its interest to the TLT for long term ownership and management; and

WHEREAS, the funding for the purchase has been pledged as follows:

1. Township has pledged \$325,000 of its Municipal Green Acres Grant toward the purchase of the property
2. TLT has pledged \$54,080 of its Green Acres Nonprofit Grant Award toward the purchase of the Property
3. Lamington Conservancy has secured a grant through Hunterdon County towards the purchase of the property in the amount of \$151,632; and
4. TLT has secured a grant through Hunterdon County towards the purchase of the property in the amount of \$151,632 and the balance of the purchase price in private donations; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Tewksbury in the County of Hunterdon, and State of New Jersey, as follows:

1. The Township Committee supports the acquisition of the Property.
2. The Township is hereby authorized to purchase the Property

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3. The Township is hereby authorized to enter the Joint Funding Agreement with TLT and Lamington Conservancy described above
5. The Township is hereby authorized to enter in the a Deed of Conservation Restriction with the County of Hunterdon and the New Jersey Department of Environmental Protection to deed restrict the Property.
6. The Township is authorized to transfer its 86% undivided interest to the Tewksbury Land Trust for long term ownership and management immediately upon taking title.
7. The Mayor is authorized to execute the Joint Funding Agreement, the Deed of Conservation Restriction, the Deed transferring the Township's interest to TLT and any and all other documents necessary to accomplish the acquisition described above.
8. Counsel for the Township is authorized and directed to take such steps as may be required pursuant to law to accomplish the acquisition on such terms authorized in this Resolution.

Shaun Van Doren
Mayor

7. Work Session Topics

- Highlands Ordinances

Chuck McGroarty was present to discuss the adoption of Highlands model Ordinances.

He noted that he received an updated version from the Highlands Council in September, and the Land Use Board recently adopted the Highlands Master Plan Element. He suggested that the Land Use subcommittee meet to review the 90+ page document prior to introduction. He noted three key areas in the Ordinance that should be reviewed and addressed.

It was noted that much of the Township is in the agriculture resource area and provisions need to be established with respect to agricultural development. He opined that the existing language in the DRO relative to this topic can be used as it works well here, adding that the provisions need to apply across various zone districts.

Cluster development was discussed- any residential development that occurs in the agricultural resource area must be a cluster development design. The Highlands Ordinance requires this, and their Ordinance provides for this. Per Highlands' staff, Mr. McGroarty noted that Tewksbury's Ordinance dealing with cluster development can be used. Discussion followed regarding which Ordinance is stricter with regard to density standards.

Mayor Van Doren noted that the language in the Highlands Ordinance is mandatory as opposed to the Township's language being optional. Further discussion followed regarding the RSIS and the Township's flexibility with regard to building parameters.

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Mr. McGroarty stated that he would look into the time parameters related to cluster development and approvals. He added there is no flexibility in the mandatory provisions of the Highlands Ordinance.

The matter of exemptions was noted and it was agreed that if the Township does not review exemptions, the section could be deleted and each application would go directly to the Highlands Council or the DEP.

Mr. McGroarty added that the language could be put in as a reserve category.

In response to a question from Dr. Voyce, it was stated that training was made available to Township staff. Mr. Landon noted that the two days of training presented “very diverse perspectives”, adding that he understood the training to be “once and done.” He, Mrs. Goodchild and Mr. Allen attended the training sessions.

Discussion followed regarding exemptions, specifically exemption #4 and the difficulty in understanding how impervious coverage is measured. Additional comments were heard regarding the “house in Fairmount” that burned and the issue with rebuilding as it pertains to setbacks.

Mr. McGroarty noted that there are currently two areas where fees will be charged- one is under the exemption Ordinance if the Township decides to review applications. The other fee structure relates to the type of professional review that the Ordinance anticipates, such as securing a specialist in a certain applicable field. Mr. McGroarty noted that this could entail creating an additional escrow which he feels could become too complicated. He added that he feels it is unnecessary, as specialists could be brought in when a matter goes beyond the knowledge and scope of Township staff.

Mayor Van Doren stated that a Land Use subcommittee needs to review the Ordinance prior to introduction. He noted that the Ordinance would probably not be introduced until 2015. It was noted that the checklist ordinance has been accepted by the Highlands Council and the Township is current except for the wastewater management element.

Mr. McGroarty noted that the wastewater management element is taking longer than expected and he knows of no municipalities that have element in place. He added that he was not sure of the status of the Highlands’ stance on the matter.

- Abandoned Properties

Mr. Landon noted that no Township properties could actually be considered abandoned as all taxes are current. He added that he contacted various banks and mortgage companies pertaining to the “main offenders” and was advised that if a property is minimally maintained (e.g. cutting a small portion of lawn) it could not be considered abandoned.

He noted that a property maintenance ordinance that could address grass mowing, length of grass and other aesthetic matters is difficult to enforce and could prove unwieldy.

He noted that a snow fence was reinstalled at a Township property as it posed a danger to the general public.

Mr. Landon participated in a seminar pertaining to abandoned properties facilitated by the League of Municipalities and it was noted that it is difficult to track down mortgage companies

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and the responsible entity. He noted that adoption of a property maintenance ordinance could lead to neighborly disputes.

In response to a question from Mayor Van Doren, Mr. Landon suggested leaving the situation in its current state and serious health or safety issues became evident on a property, either the local or County agency could step in and address the matter.

Mayor Van Doren stated that the matter could be readdressed at a later time if necessary.

8. Township Committee Comments

Dr. Voyce noted that safety precautions should be taken for Halloween. He added that the County is working on setting up a procedure to deal with Ebola cases.

Ms. Desiderio noted that the HCPB awards dinner was a success.

Mr. Melick noted that the weather forecast for the weekend is ominous, adding that the Township has an adequate supply of salt for the winter.

Mayor Van Doren noted that some members of the former Forestry Advisory Board (FAB) have concerns that the five year plan is not moving forward. A State Forester will be in attendance at the upcoming Parks/FAB meeting on 11-12-14 to further explain the plan. Mayor Van Doren stated that he was unavailable to attend the meeting and asked if any of the Committee members were available.

Mr. Melick stated that he did not feel it necessary to have a Committee member attend – if Parks/FAB could not make a decision, then it would be left to the Committee to make the ultimate decision.

Mayor Van Doren praised the work done on the Mountain Road Bridge, adding that it was finished ahead of schedule.

The Black River Road Bridge is scheduled to open on 10-29-14: also ahead of schedule.

9. Adjournment

There being no further business, the meeting was adjourned at 8:19 PM.

Roberta A. Brassard
Municipal Clerk