

**TOWNSHIP COMMITTEE
NOVEMBER 7, 2011 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. Mayor Peter Melick presided.

Other officials in attendance were Township Committee members Louis DiMare and Shaun Van Doren.

Dana Desiderio and William Voyce 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 Mayor Melick.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

Dean Cafora was present to discuss a drainage problem related to his property located at 26 Philhower Road. He noted that he is the engineer who initially subdivided the property into two lots. Mr. Cafora presented photographs depicting water sitting on Philhower Road and coming onto his property, which he added can get dangerously deep. He added that Winterwood Road, which is a private road, has had some drainage changes which are causing problems on Philhower Road.

Mr. Cafora stated that he spoke with Hayden Hull regarding the blocked culvert under Philhower Road. Mr. Cafora opined that if the blocked culvert were opened, it would bring additional water onto his property. He suggested that a bigger pipe (12"-15" in diameter) be installed along with catch basins and/or a swale, adding that a 12" pipe can take close to two times the volume of an 8" pipe. He estimated the cost to be approximately \$2000 and take up to two days to complete. He added that his neighbor would also like the problem to be corrected.

In response to a question from Mr. Van Doren, Mr. Cafora stated that the larger diameter pipe will still direct the water flow in the same direction towards his property, adding that he did not want the flow directed to a new area.

Mr. Cafora stated that when the drainage was designed it was meant to handle the water on the south side of the roadway. He added that the former Superintendent of Public Works and Engineer stated that they had plans for drainage on the north side of the roadway, but it never occurred.

Mr. Van Doren stated that Winterwood Road needs to be looked at with regard to the work that was done.

Mr. Landon stated that he visited the property today and agreed that Winterwood Road is in bad condition. He stated that he would further review the problem and speak with Mr. Cafora later in the week.

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Lee Hahn opined that considering the recent spate of bad weather, the Township may have “missed the magic bullet” in terms of damage to properties and individuals, adding that if it had been colder, it would have been much worse. He questioned if either of the schools were equipped with emergency generators or were identified on the Emergency Management Plan as emergency shelters.

Mayor Melick noted that OTS does not have a generator and TES has one, but it does not power the entire school. Neither facility has showers so they would not serve as emergency shelters. Mr. Van Doren added that when TES was built, the generator was not included because of funding issues.

Mr. Van Doren added that only the Rescue Squad and Police/Administration buildings have emergency generators. Mayor Melick added that the Oldwick Fire Company has a generator, but no showers.

Mr. Hahn stated that the Township, whose population is close to 6000, should have schools with generators so that they could serve as emergency shelters. He added that the Township should have had facilities for individuals during the recent power outages: a “place for people to be”. He suggested that the Committee review the Emergency Management Plan and look into getting emergency generators for the schools.

4. Actions to be taken

➤ **Ordinance Public Hearing**

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #10-2011, seconded by Mr. DiMare. The motion was approved. Ayes: DiMare, Melick, Van Doren. Nays: None. Absent: Desiderio, Voyce.

Ms. Brassard provided proof of publication from the 10-19-11 Hunterdon Review.

Mr. Van Doren explained that the Ordinance was merely a change in naming the Zoning Officer as the enforcement officer with regard to tree issues. In the past, the Planner was the official.

Mr. Van Doren made a motion to close the Public Hearing on Ordinance #10-2011, seconded by Mr. DiMare. The motion was approved. Ayes: DiMare, Melick, Van Doren. Nays: None. Absent: Desiderio, Voyce.

Mr. Van Doren moved adoption of Ordinance #10-2011, seconded by Mr. DiMare. A roll call vote was taken and the motion was approved. Ayes: DiMare, Melick, Van Doren. Nays: None. Absent: Desiderio, Voyce.

**ORDINANCE NO. 10-2011
TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING CHAPTER 16.20, ENTITLED “TREE CLEARING AND
REMOVAL,” OF THE CODE OF THE TOWNSHIP OF TEWKSBURY**

BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, and State of New Jersey that Chapter 16.20, entitled “Tree Clearing and Removal”

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of the Code of the Township of Tewksbury is hereby amended as follows and all other sections will remain unchanged:

16.20.020 Definitions

Section 16.20.020 "Definitions" of Chapter 16.20 shall be amended as follows:

"Enforcement Officer" shall mean the Tewksbury Township Zoning Officer or his designee.

All other provisions of Chapter 16.20 shall remain unchanged and in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and adoption and publication according to law.

Peter Melick
Mayor

Ordinance #11-2011 was scheduled for Public Hearing, but the notice did not appear in the Hunterdon Review on 10-19-11.

The Public Hearing on Ordinance #11-2011 will be held at the 11-22-11 Township Committee meeting commencing at 7:30 PM.

➤ **Ordinance Introduction**

Mr. Van Doren made a motion to introduce Ordinance #12-2011, seconded by Mr. DiMare. The motion was approved. Ayes: DiMare, Melick, Van Doren. Nays: None. Absent: Desiderio, Voyce.

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

**TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
ORDINANCE NO. 12-2011**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF TEWKSBURY BY
REVISING CERTAIN PROVISIONS OF CHAPTER 13.08, ENTITLED "HUNTERS GLEN
SEWER SYSTEM"**

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Mr. Van Doren made a motion to introduce Ordinance #13-2011, seconded by Mr. DiMare. The motion was approved. Ayes: DiMare, Melick, Van Doren. Nays: None. Absent: Desiderio, Voyce.

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

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**TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
ORDINANCE NO. 13-2011**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF TEWKSBURY BY
REVISING CERTAIN PROVISIONS OF CHAPTER 13.04, ENTITLED "SEWER SERVICE
SYSTEM- OLDWICK SEWER"**

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Mr. Van Doren made a motion to introduce Ordinance #14-2011, seconded by Mr. DiMare. The motion was approved. Ayes: DiMare, Melick, Van Doren. Nays: None. Absent: Desiderio, Voyce.

The Ordinance will be forwarded to the Land Use Board for Master Plan consistency review. The Public Hearing is scheduled for 12-13-11 at 7:30 PM.

ORDINANCE NO. 14-2011

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY,
TO AMEND, REVISE AND SUPPLEMENT ARTICLE V OF THE TEWKSBURY TOWNSHIP
DEVELOPMENT REGULATIONS ORDINANCE TO SET REQUIREMENTS FOR
APPLICATION SUBMISSIONS, DISMISSAL FOR INACTIVE APPLICATIONS, AND
REQUIREMENTS FOR NEW APPLICATIONS AFTER SUBSTANTIAL CHANGE.**

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➤ **Consent Agenda**

Mr. DiMare requested that the regular and executive session minutes of 10/25/11 be removed from the Consent Agenda.

Mr. Van Doren questioned if Resolution #97-2011 should be removed from the Consent Agenda and voted on separately in light of a letter received from the Lebanon Township Tax Collector's attorney.

Mr. Selvaggi and Mr. Landon stated that the letter was anticipated and they did not feel that adoption of Resolution #97-2011 would be a problem. It was noted that Lebanon Township adopted their Resolution last week.

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

RESOLUTION 96-2011

AUTHORIZING THE RE-APPOINTMENT OF A

**TOWNSHIP COMMITTEE
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**JOINT MUNICIPAL TAX ASSESSOR BETWEEN THE TOWNSHIP
OF TEWKSBURY AND TOWN OF CLINTON, COUNTY OF
HUNTERDON, STATE OF NEW JERSEY PURSUANT TO
40:48B-14, ET SEQ. AND 40:8A-1, ET SEQ.**

WHEREAS, the Township of Tewksbury (hereby referred to as "Tewksbury") and the Town of Clinton (hereby referred to as "Clinton"), in the County of Hunterdon, State of New Jersey, are desirous of achieving cost savings and efficiencies by having Tewksbury continue to be the lead agency for the office of Joint Municipal Tax Assessor; and

WHEREAS, Section 40:48B-14, et seq. allows for two (2) or more municipalities to enter into an Interlocal Services Agreement ("Agreement") for the establishment of the office of Joint Municipal Tax Assessor; and

WHEREAS, Section 40:8A-1, et seq. allows for two or more municipalities to enter into an Agreement for the purpose of providing for the joint provision of services, and Section 40:8A-5 recognizes the assessment of taxes as an applicable joint service; and

WHEREAS, Tewksbury has a documented history of providing cost effective service through shared services to other municipalities; and

WHEREAS, Tewksbury and Clinton have agreed to continue the office of Joint Municipal Tax Assessor.

NOW THEREFORE BE IT RESOLVED, that the Township of Tewksbury and the Town of Clinton hereby wish to continue the office of Joint Municipal Tax Assessor, which office shall be held by the incumbent Tax Assessor, Ann Marie Obiedzinski, upon agreement by Tewksbury and Clinton effective this 7th day of November, 2011.

BE IT FURTHER RESOLVED, that the Mayor, the Clerk of the Township, the Chief Financial Officer, and any other proper official of the Township, be and each of them is hereby authorized to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary and proper for carrying out the transactions contemplated by this resolution.

Peter Melick
Mayor

RESOLUTION 97-2011

**AUTHORIZING THE ESTABLISHMENT OF AN OFFICE OF
SHARED MUNICIPAL TAX COLLECTOR BETWEEN THE TOWNSHIP
OF TEWKSBURY AND TOWNSHIP OF LEBANON, COUNTY OF
HUNTERDON, STATE OF NEW JERSEY PURSUANT TO
N.J.S.A. 40A:65-1 et seq.**

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WHEREAS, the Township of Tewksbury (hereby referred to as “Tewksbury”) and the Township of Lebanon (hereby referred to as “Lebanon”), in the County of Hunterdon, State of New Jersey, are desirous of achieving cost savings and efficiencies by having Tewksbury be the lead agency for the establishment of an office of Shared Municipal Tax Collector; and

WHEREAS, Section 40A:65-1, et seq. allows for two (2) or more municipalities to enter into an Interlocal Services Agreement (“Agreement”) for the establishment of the office of a Shared Tax Collector ; and

WHEREAS, Tewksbury has a documented history of providing cost effective service through shared services to other municipalities, including Lebanon Township; and

WHEREAS, Tewksbury and Lebanon have agreed upon a form of Agreement, attached hereto as Schedule A, for the creation of the office of Shared Municipal Tax Collector, which Agreement is open to public inspection at the offices of both municipalities.

NOW THEREFORE BE IT RESOLVED, that the Township of Tewksbury and the Township of Lebanon hereby create the office of Shared Municipal Tax Collector, which office shall be held by the tax collector agreed upon by Tewksbury and Lebanon for a term of four years, and enter into an Agreement setting forth the administrative and financial responsibilities of each municipality for this shared service on this day, November 7, 2011 to become effective December 1, 2011; and

BE IT FURTHER RESOLVED, that the Mayor, the Clerk of the Township, the Chief Financial Officer, and any other proper official of the Township, be and each of them is hereby authorized to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary and proper for carrying out the transactions contemplated by this resolution.

Peter Melick
Mayor

MISCELLANEOUS

- Correspondence List
- Claims as submitted by the CFO

Mr. Van Doren moved adoption of the regular and executive session minutes of 10/25/11, seconded by Mayor Melick. The motion was approved. Ayes: Melick, Van Doren. Nays: None. Absent: Desiderio, Voyce. Abstain: DiMare.

Regular and executive session minutes of 10/25/11

5. **Reports**
 - **Township Committee Sub Committees & Township Committee Comments**

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Mr. Van Doren stated that the finance subcommittee met recently to review sewer rates, allocations and fund balances. An increase was recommended for Oldwick and Hunters Glen. There is a sewer main issue at Hunters Glen that needs to be addressed prior to a break occurring. The proposed increase will allow the issue to be paid for with cash as opposed to borrowing money. Mr. Van Doren reiterated that two Committee members will attend a Hunters Glen Homeowners Association meeting to advise the residents of the proposed increase and upcoming maintenance.

Mr. Van Doren noted that there is continued manhole infiltration with the Oldwick system and the rate increase will help to pay for work to be done. The rates will be kept as low as possible so as not to affect users too drastically. It was noted that there are DEP requirements that must be fulfilled to keep the system in compliance.

The municipal budget is on track and under budget for the current year. Department Heads will start to plan their budgets for 2012.

The fuel consumption issue is ongoing and another meeting is planned for December or January. The pricing for the Board of Education needs to be carefully reviewed in order to determine a fair billing price based on when the fuel is delivered.

Mr. DiMare praised the Department of Public Works for their exemplary work during the recent storms in an extremely tough situation. He added that working with JCP&L was difficult and the DPW did a wonderful job in a very difficult situation.

Mayor Melick noted a Resolution from the Mayor of Raritan Township regarding a study on combining the administration of all school districts in the County. He asked that the Committee review the document for possible adoption.

Mayor Melick praised the employees, Police and emergency services, staff and residents for their work during the recent storms. He noted many incidents that occurred due to the heavy snow and trees that still held their leaves.

Mr. Van Doren stated that JCP&L and the BPU need to be advised of the problems that occurred during the most recent storm, adding that little seems to have been learned since the August hurricane. He added that there are residents who do not want their trees cut and this poses a serious problem during violent storms. He noted a Resolution from Robbinsville, which is a Township serviced by both JCP&L and PSE&G requesting that they be allowed to receive power solely from PSE&G.

Discussion followed regarding pre storm maintenance, sending bills for DPW overtime to JCP&L, the possible receipt of reimbursement from the State and various other storm related matters.

Mayor Melick noted a letter that was sent to JCP&L earlier in the year regarding the need to cut more aggressively in the Township. He added that a similar Resolution will be discussed at the upcoming League of Municipalities convention and it should "be a hot topic."

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Mr. Van Doren opined that communication (with JCP&L) was better than with the hurricane and the municipalities were kept better informed. Mayor Melick added that there were daily conference calls.

Mayor Melick added his disappointment that a Monday morning call with JCP&L officials outlining three critical areas (the schools, PAB and County Route 517) was not finally addressed until Wednesday and Thursday afternoon. He added that by Sunday, JCP&L workers in the Township stated that they “were glad to fix anything because they had been riding around all day.”

➤ **Township Administrator**

Mr. Landon made note of the following items listed on his report.

- Potable water is now available on the Bartles site through the agreement with NJ American Water.
- The Committee was questioned as to who would be meeting with Hunters Glen Homeowners Association to discuss possible repairs, upgrades and rate increases to the Hunters Glen system.
- It was noted that the bluestone should be arriving on 11/8/11 for the phase 2 portion of the sidewalk project in Oldwick. It was added that a maintenance bond for the sidewalks is in place.
- General discussion regarding the recent storms followed.
- A letter addressed to Don Broughton from the Hunterdon Hills Kennel Club was noted. It was the consensus of the Committee to refer the letter back to the Parks Committee to see if they have an interest in hosting the event and the contact the Kennel Club accordingly.

The following discussion dealt with an item from the Zoning Officer’s report related to signage at Tewksbury Fine Wines (TFW). It was stated that the Planning Board Resolution is specific to the placement of signs at TFW and the store owner has consistently placed signs in violation of the Resolution.

Additional comments were heard regarding Bedminster Township’s sign Ordinance that allows sign placement only in specific areas of the Township.

Mr. Van Doren stated that the Township needs to review their temporary sign Ordinance as he feels the Township is getting “junked up” with signs.

6. Executive Session

At 8:20 PM Van Doren moved adoption of the following Resolution, seconded by Mr. DiMare. The motion was approved. Ayes: DiMare, Melick, Van Doren. Nays: None. Absent: Desiderio, Voyce.

**RESOLUTION #98-2011
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.

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

Peter Melick
Mayor

7. Reconvened

The meeting reconvened at 8:50 PM.

8. Adjournment

There being no further business, the meeting was adjourned at 8:50 PM.

Roberta A. Brassard
Municipal Clerk