

**TOWNSHIP COMMITTEE  
NOVEMBER 8, 2012 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 Dana Desiderio presided.

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

Committeeman Louis DiMare was absent.

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

There were approximately fifty members of the public in attendance.

**1. Open Public Meetings Statement**

The Open Public Meetings Statement was read by Mayor Desiderio.

**2. Flag Salute**

Those present stood and pledged allegiance to the American flag.

**3. Public Participation**

Mayor Desiderio noted that she invited Senator Michael Doherty and Assemblyman John DeMaio to the meeting for their comments and input.

She explained that, contrary to many rumors, she did not stay in a hotel during the power outage, she was without power for the bulk of the storm and she was not in Florida. She added that she takes her job very seriously and would not walk away from such a serious situation.

She noted that the electrical delivery system in the Township was devastated, the entire network was compromised and much of the Township is still without power. She participated in daily conference calls with the Governor and JCP&L.

With regard to communication matters, she noted that she utilized her personal Facebook account as it was the only way to post updates and information as the Township website was down for a few days and she personally had not means of communication except her personal cell phone.

Mayor Desiderio noted that received information from John Anderson, JCP&L Area Manager that 126,000 additional customers lost power last night and that electrical service in Tewksbury should be fully restored by 11/11/12. She added that Mr. Anderson stated that there is no connection between the amount of time that the restoration is taking and the pending lawsuit related to the Fox Hill substation.

Mayor Desiderio noted that she sent two letters to the Governor regarding the outages and the lost school days.

In closing, Mayor Desiderio noted the following facts.

- This was the third 100 year storm in the past 14 months and this was the worst.
- All Township roads were damaged and seven remain not passable.
- All communications were down for the first week of the storm.
- Rescue calls were not being received.
- Public Works and Police were trapped in the Township by downed wires and trees.

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- The Township was running out of fuel and is continuing to look for unleaded gasoline.
- Emergency management staff was in the Township since the onset of the storm checking on seniors and doing whatever else they could.
- The DPW could not take down trees if there were downed wires in them.

She ended her statements by noting that all of the residents are fighting the same battle, everyone is frustrated, tired and cold and she would continue her conversations with the appropriate officials to effectuate the return of power to the Township.

Senator Michael Doherty stated that residents have the right to be frustrated and angry due to the continued lack of power and incomplete or incorrect information. He noted that this unprecedented NJ storm affected 3 million homes and over 6 million residents. On average, 250,000 homes are being brought back on line daily. He stated that Mayor Desiderio has been in daily contact with his office adding that she is doing all that she can in the face of severe hardship. He added that he is also very frustrated with the imperfect information being disseminated and he that he is on daily conference calls with the Governor, the BPU and JCP&L. He was informed today by the BPU President Bob Hanna that Tewksbury's power should be restored by the end of the weekend and 1200 additional crew members will be working.

In closing, he added that he will do his best to help the residents and to work towards making sure that such an ordeal never happens again.

Nancy Gensch stated that she felt that south Jersey was getting more attention than north Jersey with regard to number of crews and power restoration. She added that she has seen no power trucks on the road and that the roads are dangerous because of downed trees, wires and transformers and she is afraid to drive. She stressed that Tewksbury is being ignored and took offence at the Governor's statement that if power went out in south Jersey because of the current storm, he guaranteed that it would be restored immediately.

In closing, she said that Tewksbury residents should pay less to JCP&L because they do not receive the same level of service as other municipalities in the state.

Sen. Doherty stated that he would like the BPU commissioner to come to a Township meeting to sit with residents and address these concerns. He added that the core mission of supplying reliable power needs to be stressed and once power is restored, major clean up and maintenance has to be performed.

Ms. Gensch opined that having all of Tewksbury's power restored by the end of the weekend is impossible.

Mayor Desiderio stated that she spoke with the Governor and was advised that JCP&L has gotten 115,000 customers back on line daily for the past 6 days. She added that he reported that JCP&L was the most successful utility company during this disaster.

Chris Draper, Old Driftway Lane thanked the Mayor for participating in the numerous telephone calls. He agreed that he did not believe power would be restored by the end of the weekend, adding that it is very disheartening not to see any electric trucks in the area. He stressed the need to stay focused in the coming months in order to effect a change. He suggested that the

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Committee develop an agenda with the help of interested residents to force JCP&L to keep to their core mission of providing reliable power. He challenged the Committee to keep up the energy moving forward and to come up with a long term plan broken down into two month increments. He reminded the audience that JCP&L is a vendor of a service to the residents of Tewksbury.

Sen. Doherty noted that the Governor and the BPU were in the midst of studying and preparing reports to JCP&L regarding the unsatisfactory service from the 2011 storm. He stated his agreement with comments made by Mr. Draper, adding that the BPU needs to be made aware of how the lives of Tewksbury residents are adversely affected by non-service from JCP&L.

Jeannann Morgan-Lipton Glennon Farm Lane noted that she is in the field of communication with various governments and businesses and offered her services to the Township. She opined that safety is of paramount concern and did not feel comfortable that the Township would be fully restored by Sunday because of the serious road, wire and tree conditions. She noted that the information being disseminated by JCP&L is very disconnected and it is "hard to be a believer...going into day 11" of the outage. She noted that the storm is no one's fault, but the lack of action needs to be addressed.

Ms. Morgan-Lipton noted that she has started a blog, e-mail list and Facebook page to get information to as many residents as possible, adding that effective communication will make a person feel connected.

Claudia Bigdelle Hollow Brook Road stated that her road is in terrible condition and there are cables and equipment lying everywhere. She noted that she was trapped in her driveway and had to hire four workers to clear the area. She stated that she calls JCP&L daily since she lost power and is told lies. She has seen no trucks in Tewksbury even though she has been told that workers are in the Township. She added that her family had to move to a hotel in Piscataway and there were out of state crews from power companies staying there who were working as far away as Rumson. Mrs. Bigdelle questioned if a resident could hire their own workers to clear the road as she felt it would be done more efficiently and timely. In closing, Mrs. Bigdelle stated JCP&L was lying to the residents and she felt the government should pay for her inconveniences.

Jessica Huelsbergen, Long View Road noted that communication continues to be a serious problem and she was in favor of a public forum so that residents could freely speak with the BPU and others.

David Weippert, Beacon Light Road agreed that the dissemination of communication was a serious problem during this recent storm. He opined that the parent company of JCP&L, First Energy, sees Tewksbury as a "cash cow" and did not foresee any quick fix to the bad infrastructure problem. He agreed that the upward chain of command for voicing problems to the various layers of government needs to be tightened.

Officer Tim Barlow noted that the Police Department have initiated a Nixle account that sends out information to enrolled residents regarding Township events.

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He noted that the power company crews are around but do not divulge their locations so that they can get the work done with out interruptions. He assured those present that the crews are out and doing what they have been instructed to do.

Brian Nelson, Philhower Road stated that he assisted other residents cutting trees around downed lines so that he could access the roads. He noted that he is a builder/develop in Skillman and the wires for 250 units are all underground. He opined that JCP&L is not going to spend the money burying lines in Tewksbury and everyone needs to “deal with what we have.”

Ann Rotunno, Bissell Road stated that she spent \$500 on hotel accommodations and should have put those funds towards a generator. She noted that she has not seen any JCP&L workers in the Township and questioned where they were and why they were not here. She added that it is tougher for the residents of Tewksbury as many have big properties, it is more difficult to get places and much of the Township is serviced by wells.

Sen. Doherty opined that the power companies are getting away from their core mission or supplying reliable electric power. He noted that coal, nuclear and gas are the most reliable power sources and the money being poured into solar farms and other alternate energy would better be utilized to upgrade the existing system.

Jean Paul Modde Hildebrant Road stated that the issue of crews from Alabama being sent back because of union issues needs to be investigated at the Governor’s level as he felt it was totally inappropriate.

Sen. Doherty stated that he heard this also, but was advised that it is just an “urban legend” and non union crews are permitted to work in NJ. He opined that the matter was misinformation, but would look into it further.

Jackie Modde, Hildebrant Road stated that communication was nonexistent and she has never lived anywhere where accurate information is so difficult to gather. She added that it is very difficult to speak with anyone directly at JCP&L and it is very frustrating.

Kelly Brakewood, Pruner Farm Road noted that over 700 Tewksbury students have not been able to attend school for two weeks and she felt that JCP&L does not give schools a high priority. She noted that she received the bulk of her information from the high school telephone chain and no reliable information from JCP&L.

She added that she calls the Governor’s office on a daily basis and has told them that JCP&L needs to be more pro-active with regard to communication.

She suggested entering into a shared service agreement, hosting the Township web site off site and possibly creating a Township Facebook account.

She reiterated that need for reliable cell service.

Assemblyman John DeMaio echoed the Senator’s statements, adding that pressure needs to be put on the BPU to upgrade the infrastructure in order to provide safe and reliable service. He noted that Mayors around the state are “beating up on (BPU President) Don Lynch” and Mayor Desiderio has been participating in calls both to the Governor and JCP&L.

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He added that his district represents some of the most rugged terrain in NJ and services come to this area last.

In response to a statement from Ms. Gensch, Assemblyman DeMaio stated there is legislation that would penalize a company if power is not in place in a timely fashion. He added that his office will be able to hold JCP&L's "feet to the fire" and have them seriously consider investing for the future.

Dennis McGregor, Jeffrey Court advised those present to get a generator and store water for the next emergency. He added that he helped open many roads in the Township which were closed from downed trees and wires.

Isabelle Weinreich, Fairmount Road West opined that the Township has available talent to create a plan for any disaster that could befall its residents. She noted that residents have to be proactive and create a written plan that will be available to everyone in the Township. She volunteered her services as she served in an administrative position in the schools. She added that if a group want to fight bureaucracy, a united front is needed.

Dave Obszanski, Burrell Road stated that the power goes out at his house when the sun is shining and if the people in his neighborhood helped him to get out of his house by clearing trees. He added that there should be JCP&L vehicles visible in the Township.

Debby Cronin, Fox Hill Road questioned why no workers are in Tewksbury after 12 days, reiterating that Tewksbury is always last.

Dennis Cronin, Fox Hill Road stressed that JCP&L is "a bunch of liars" and Tewksbury should have them disenfranchised from NJ or consider having an independent municipal power company. He stated that they put no money into the system and the additional distribution charge for operation and maintenance serves no purpose. He questioned why the Borough of Rumson had 35 crews and power restored and Tewksbury had nothing. He noted that if JCP&L is considering a rate hike, the amount should be rolled back. In closing, he added that JCP&L need to prove that they can provide safe and reliable power to the Township.

Richard Antonacci, Winterwood Road questioned if the Police have an emergency generator and if a mutual aid agreement is in place. He noted that the in and out of state workers are working 16 hour days and are doing a great job. He stressed that the residents of Tewksbury need to pull together to get through this-nothing will get done by itself. He commended the Police and Public Works for their work during the storm, adding that they helped him get to him home by cutting trees and wires.

Libby Williams, Philhower Road stated that tree maintenance should be the responsibility of the home owner, specifically the old growth trees. She offered to serve on a Township board/committee/commission to lend her expertise with regard to tree and invasive vines. She noted that some Township roads are beginning to look unsightly because of felled trees in the right of way that have not been picked. She stated that residents should invest in generators to help during the frequent power outages Tewksbury encounters.

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Lisa Van Doren, Cedar Ridge Road stated that it is imperative that the children return to school as quickly as possible.

Mr. Melick read from the Township School website that an emergency generator would be installed by 11/12/12.

In response to a question from Ray Povalski, Water Street, Mayor Desiderio stated that the needed utility poles have been ordered and are on the way-there is no shortage of poles. Mr. Povalski suggested that new road signs be purchased for placement on closed/dangerous roads.

In response to a question from Mr. Povalski, Sen. Doherty stated that he would call the Governor's Chief of Staff to reiterate the need to have Tewksbury fully restored by 11/12/12.

Assemblyman DeMaio and Sen. Doherty reiterated that their office is not the Executive Branch but can put pressure on the Governor's office and the BPU. It is necessary to follow the chain of command. Assemblyman DeMaio suggested that when BPU has a planned rate increase, the issue be publicized to all municipalities.

In response to a question from Ms. Morgan-Lipton, Mayor Desiderio stated that she would be in contact with the residents if power was not restored by 11/12/12.

Tara Pfunke, Bissell Road questioned why OTS was scheduled to be open as opposed to TES. It was surmised that OTS was the choice school because of the fact that Route 512 was only recently opened.

Francisco Soto, Fairmount Road West noted that he has two main points of concern-communication and the presence/non presence of JCP&L in the Township. He stressed that JCP&L has not been in the Township at all since the storm, although 15 trucks were in neighboring Califon Borough. He opined that Tewksbury is being treated differently. He stated that the lack of communication from the Township was disgraceful, as is the fact that the schools have been closed for two weeks. He stated that he would like to see monthly reports on the Township website for the next 6 months letting the residents know what is planned for any emergencies in the future and what is being done with regard to having the Legislature and the Governor look into getting rid of JCP&L in Tewksbury.

John Mikruk, Fairmount Road East stated that it was ridiculous that Fairmount Road East was closed for 8 days, adding that it took 90 minutes to clear the road once work commenced. He warned the Committee and audience that JCP&L will do nothing regarding the power outages as they have not done anything for the past 16 years. He urged the Committee to take control and advise JCP&L that their services are no longer needed in the Township. He described a section on Fairmount Road East that has underground wires and there is never a problem with losing power from that line. He urged the Committee to tell JCP&L that every day a customer was without power, payment would be withheld.

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In response to a question from Mr. Mikruk, Mr. Van Doren stated that the State and the BPU grant the franchise with JCP&L.

Howard Weinreich, Fairmount Road West stated that there is a real need for better communication within the Township. He suggested that the Township website be hosted off site and applauded the Nixle account and various e-mail notifications currently in use.

Mayor Desiderio stated that she would like to have an emergency communications committee in place by the end of the week.

Jeff Smith, Lenore Road noted that he and neighbors worked to remove downed trees at the end of Beavers Road. He stated that he would like to see a relaxation of the Tree Ordinance. Mr. Smith noted that the solar panels on the telephone poles were put up by Verizon and feed the cellular grid and aid police and fire.

A resident from Lenore Road referred to the current situation as “the new normal” and hoped that the most recent storm was a wakeup call for residents. He agreed that hosting the web site in house is not the smartest thing to do.

Mr. Soto reiterated his wish for monthly updates on the Township website.

Mr. Van Doren stated that there could be a Resolution on the upcoming Township Committee agenda asking the Governor and BPU President to revoke the JCP&L license.

In response to a question from Mr. Weinreich, Sen. Doherty stated that there would be meetings to discuss the revocation of a franchise.

Mrs. Bigdelle reiterated that the Committee needs to put pressure on JCP&L adding that she would do whatever she can to help.

Mayor Desiderio closed the public participation portion of the meeting and thanked those present for attending the meeting, along with Senator Doherty and Assemblyman DeMaio.

#### **4. Reports**

##### **➤ Township Committee Comments**

Mr. Van Doren agreed that the Committee did not do a good enough job communicating during the storm, but they will do a better job moving forward.

He added that he never called JCP&L to report his outage until today, however he spoke with a live representative and got the truthful answer of “...I can’t tell you when your power will be back on”.

He noted that he has grown tired of looking at JCP&L’s numerous spreadsheets as well hearing the Governor admonish municipalities for not having schools open.

He stressed that the BPU needs to be made to understand that Tewksbury needs help as well as the shore area of NJ.

He stated that he doubted power would be fully restored by Sunday.

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Mr. Melick noted that a recent report showed 59% of Tewksbury customers still out of power. He added that Tewksbury has the largest number of outages in Hunterdon County. He noted that he is bothered by the fact that specific guidelines were given to JCP&L last year regarding priority areas for restoration-County roads, traffic lights, schools, Police, fire and rescue- and all were disregarded.

He noted a Resolution passed in 2008 regarding the need for more aggressive tree clearing. He added that two parcels on County Route 517 located in the "dinner pot" were not trimmed as much as others and the bulk of the trees that fell during this storm were located on those two lots. He opined that the work done to save some trees was not in the best interest of the citizens and public safety and he considered the matter unacceptable.

Additionally, Mr. Melick noted that there are many trees in rivers that could cause extensive flooding, specifically on Rockaway Road. It was the consensus of the Committee that the work should be done to clear the rivers before icing and flooding occurs.

Dr. Voyce thanked the Sen. Doherty, Assemblyman DeMaio, Superintendent of Public Works Hayden Hull and Sergeant Barlow for attending tonight's meeting.

He recounted difficult situations from the past two weeks adding that if residents had been told from the beginning that power would take weeks to be restored, it may have made the situation easier to deal with. He added that it is bad to lose hope and everyone needs to work together to get all of Tewksbury back on line.

He noted that an OEM meeting will be held within the next two weeks, adding that a physical site(s) needs to be created for the dissemination of written information in the event of an emergency.

➤ **Township Administrator**

Mr. Landon noted the following storm related information.

If there is structural damage to a home, residents are instructed to get the work done first and then to contact the Construction Office. Permits will be issued later. Discussion followed regarding a letter from the State Department of Community Affairs regarding waiving of fees.

Dr. Voyce made a motion to waive the fees for emergency repairs for storm related damages through 12/31/12, seconded by Mr. Van Doren. the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

He noted that the first week of the storm was a very busy week with no communication available. He added that he and Police/Fire and Rescue personnel went door to door check on seniors and house bound citizens.

Mr. Melick stressed the importance of checking on neighbors, adding that the Oldwick Fire Company has offered meals and shelter to Township residents. He stressed the seriousness of dehydration and hypothermia.

Officer Barlow noted that water and blankets are being made available to area seniors.

Mr. Landon noted the following additional items.

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- Transportation is available to area shelters
- FEMA has been in the Township to view structural damage to homes
- There is temporary shelter available in Flemington
- It was reiterated that tax payment has been extended through 11/30/12.

➤ **Township Attorney**

Mr. Selvaggi noted that the NJ State Bar Association is offering a relief program to help victims of the hurricane with related legal matters. He added that his firm is handling calls related to the storm at no cost.

**5. Actions to be taken**

➤ **Consent Agenda**

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

**RESOLUTION #85-2012  
CANCELLATION OF TAXES**

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

<u>Block</u>	<u>Lot</u>	<u>Year</u>	<u>Amount</u>
45.01	30	2012	103.92

\_\_\_\_\_  
Dana Desiderio  
Mayor

**RESOLUTION #86-2012**

**RESOLUTION APPROVING TAX REFUND  
FOR BRUCE SHAPIRO, BLOCK 34 LOT 13.04**

**WHEREAS**, Bruce Shapiro is the owner of premises known as 38 Bissell Road, in the Township of Tewksbury, and also known as Block 34, Lot 13.04 as shown on the Tewksbury Township Tax Map; and

**WHEREAS**, Bruce Shapiro has been approved as a permanently-disabled Veteran, pursuant to N.J.S.A. 54:4-3.30, which status was designated on February 3, 2012; and

**WHEREAS**, the effective date of permanent disability was established by the Division of Veterans' Affairs as of February 3, 2012 and

**WHEREAS**, pursuant to said declaration, Bruce Shapiro is entitled to a refund of all taxes paid on the property since the date of designation, to wit February 3, 2012; and

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**WHEREAS**, the Township is obligated to reimburse taxes paid by Bruce Shapiro retroactive to that time on his property, which is his principal residence; and

**WHEREAS**, pursuant to N.J.S.A. 54:4-3.32, the Township has the option of reimbursing all taxes retroactive to the effective date of his disability, to wit February 3, 2012; and

**WHEREAS**, the Township Tax Collector has computed said amount to be \$6,327.06; and

**WHEREAS**, the Township is desirous, pursuant to the aforesaid statute, of reimbursing all of the tax payments made by Mr. Shapiro as of the effective date of his disability.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Tewksbury, County of Hunterdon and State of New Jersey, that the amount of \$6,327.06 shall be reimbursed to Bruce Shapiro with reference to Block 34, Lot 13.04.

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Dana Desiderio  
Mayor

**RESOLUTION #87-2012**

**A RESOLUTION CONCERNING DELINQUENT TAXES**

**WHEREAS** a destructive storm caused severe damage to the Township and delayed essential services to residents.

**BE IT RESOLVED** by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that, pursuant to N.J.S.A. 54:4-67, an interest at the rate of 0% per annum on the first \$1,500 of delinquency, and 0% per annum on any amount of delinquency in excess of \$1,500, shall be charged by the Tax Collector of this Township for non-payment of real estate taxes or assessments due only for the installment payable on or before the November 1, 2012 when they would become delinquent.

**BE IT RESOLVED** by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that On December 1, 2012 , pursuant to N.J.S.A. 54:4-67, an interest at the rate of 8% per annum on the first \$1,500 of delinquency, and 18% per annum on any amount of delinquency in excess of \$1,500, shall be charged by the Tax Collector of this Township for non-payment of real estate taxes or assessments on or before the date when they would become delinquent; provided, however, that no interest shall be charged if payment of any installment is made within ten days after the date upon which the same became payable; and

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that pursuant to N.J.S.A. 54:4-67, a penalty on delinquencies in excess of \$10,000.00 be charged at 6%, if not paid by the end of the calendar

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year. This penalty is in addition to the 8% per annum on the first \$1,500.00 of delinquency and 18% per annum on any amount in excess of \$1,500.00.

**BE IT FINALLY RESOLVED** that a certified copy of this Resolution be forwarded to the Tax Collector.

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Dana Desiderio  
Mayor

**MISCELLANEOUS**

- Claims as submitted by the CFO
- Correspondence List
- Regular and executive session minutes of 10-23-12

**6. Public Participation (continued)**

Ms. Rotunno noted that many area businesses and hotels are offering warming areas, coffee and areas to charge electronic devices.

Mr. Mikruk noted that FEMA is offering a \$300.00 tax credit for lost food for 2013.

**7. Adjournment**

There being no further business, the meeting was adjourned at 9:50 PM.

Roberta A. Brassard  
Municipal Clerk