

**TOWNSHIP COMMITTEE
FEBRUARY 11, 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 7:30 PM, roll call held and a quorum established. Mayor Shaun Van Doren presided.

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

Committee members 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 no members of the public in attendance.

1. Open Public Meetings Statement

The Open Public Meetings Statement was read by Mayor Van Doren.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Actions to be taken

➤ **Appointments**

Dr. Voyce made a motion to approve the following appointments, seconded by Mr. Melick. The motion was approved. Ayes: Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio, DiMare.

Charlie Garrett	Forestry Advisory Board	Parks Committee representative	12-31-15
Martha Wrede	Forestry Advisory Board	Public	12-31-16
Mary Fazzini	Forestry Advisory Board	Scenic Roads & Bridges representative	12-31-14

Mr. Melick made a motion to approve the following appointments, seconded by Dr. Voyce. The motion was approved. Ayes: Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio, DiMare.

Harold Wrede	Scenic Roads & Bridges Commission	Class 1	To complete an unexpired term through 12-31-14
Ulrich von Hollen	Scenic Roads & Bridges Commission	Class 4	12-31-16
Hope Kaufman	Scenic Roads & Bridges Commission	Class 3	12-31-16

Dr. Voyce made a motion to approve the following appointments, seconded by Mr. Melick. The motion was approved. Ayes: Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio, DiMare.

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Charlie Garrett	Parks Committee	Chairman	12-31-14
Doug Schneider	Parks Committee	Regular	12-31-16

➤ **Consent Agenda**

Mr. Melick moved adoption of the Consent Agenda, 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 #35-2014
REFUND OF TAX**

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 refund of tax.

<u>Block</u>	<u>Lot</u>		<u>Year</u>	<u>Amount</u>
16	4	McKirdy & Riskin PA and Dorothy C.A. Von Hollen 136 South St PO Box 2379 Morristown, NJ 07962-2379	2012 2013	2,057.91 <u>3,065.85</u> 5,123.76
51	43	Patrick White Maureen O'Grady 37 Ridge Rd. Lebanon NJ 08833	2013	3,162.01

Shaun Van Doren
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO
- Regular and e/s minutes of 1-28-14
- Correspondence List

➤ **Ordinance Public Hearing**

Dr. Voyce moved to open the Public Hearing on Ordinance #01-2014, seconded by Mr. Melick. The motion was approved. Ayes: Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio, DiMare.

Ms. Brassard provided proof of publication from the 01-23-14 Courier News.

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There being no comments from the public, Dr. Voyce moved to close the Public Hearing on Ordinance #01-2014, seconded by Mr. Melick. The motion was approved. Ayes: Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio, DiMare.

Dr. Voyce moved adoption of Ordinance #01-2014, seconded by Mr. Melick. A roll call vote was taken and the motion was approved. Ayes: Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio, DiMare.

**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)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Tewksbury in the County of Hunterdon finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 0.5% increase in the budget for said year, amounting to \$ 28,140.24 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Township of Tewksbury shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 196,981.65, and that the CY 2014 municipal budget for the Township of Tewksbury be approved and adopted in accordance with this ordinance; and,

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BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Shaun Van Doren
Mayor

5. Reports

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

Mr. Melick noted that the Township received a load of grit recently as road salt has been difficult to obtain.

He noted that the most recently hired DPW employee has resigned, adding that other applicants are being interviewed for the position.

Dr. Voyce noted that residents need to travel safely during the storms, adding that there was a recent accident at Route 78 - exit 24.

Mayor Van Doren noted recent telephone calls he has received praising the work done by the DPW. He also expressed his thanks for their hard work and long hours during the recent series of storms.

Mayor Van Doren noted that the Ordinance to vacate 2400' long Flint Hill Road should be discussed by the full Committee prior to introduction. He noted that the attorney for the Johnson family has requested that the Township owned and maintained road be vacated as it is a dead end street and all properties on the road are owned by the Johnson family.

It was noted that a \$2000.00 escrow fee has been received so that work can be done by the Township Engineer.

Mayor Van Doren expressed concerns that this action could create land locked parcels, thus creating the need for granting LUB variances in the future. He also stated his concern that there may be Hunterdon County maintained bridges and JCP&L easements.

Mr. Selvaggi opined that the action may be "short sighted" if the Johnsons planned to subdivide the property in the future.

Additional discussion followed regarding the need for there to be sufficient access for emergency vehicles as there still are homes situated on Flint Hill Road. Mayor Van Doren requested that the Superintendent of Public Works compile figures for the amount of money spent on maintenance and upkeep of Flint Hill Road for the past five years.

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It was the consensus of the Committee present that the discussion regarding vacating Flint Hill Road be continued to the February work session prior to Ordinance introduction in March.

Mayor Van Doren noted the following items.

- Correspondence from Raritan Headwaters Association related to the Stream Restoration and Protection Plans. The correspondence will be forwarded to the full Committee for review.
- E-mail correspondence from Nancy Held pertaining to the opinion reached by the Appellate Division regarding the Johnson helistop. The stay was refused and no additional information would be allowed to be received.
- It was noted that former Mayors who are not currently serving on a governing body in the State of NJ will be allowed to perform marriages.

➤ **Township Attorney**

Mr. Selvaggi noted that a zoning issue was reported by the LUA regarding 1 Whitenack Road (incorrectly recorded at 17 Laurel Mountain Way). The initial inspection by the Zoning Officer did not reveal any zoning violations, however when a second inspection was done, a shed was discovered in the setback.

The attorney for the homeowner is requesting that the Township waive the application fees related to applying for a bulk variance with the LUB.

Discussion followed regarding the matter and it was the consensus of the Committee present that if the fees were waived, the applicant would still have to submit documents to the LUB for the variance application.

Mr. Melick made a motion to waive the application fees for the property located on 1 Whitenack Road related to a LUB bulk variance application, seconded by Dr. Voyce.

Mayor Van Doren abstained from voting as the attorney for the applicant is his personal attorney.

Mr. Melick noted that he has used the applicant's attorney for his personal use also.

As two abstentions would not allow adequate members to vote, all members voted in favor of the above noted motion.

The motion passed. Ayes: Melick, Van Doren, Voyce. Nays: none. Absent: Desiderio, Dimare.

➤ **Township Administrator**

Mr. Landon noted the following matters from his report.

- Resumes have been received for the Police Special and CFO position.
- Department budgets have been received and will be reviewed with the CFO at the beginning of March.
- Land Use and Finance subcommittee meetings need to be scheduled this month.

Mayor Van Doren requested that the Committee be copied on the letter from the Highlands Council regarding the wastewater management plan.

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6. Executive Session

At 8:05 PM Mr. Melick moved adoption of the following Resolution, seconded by Dr. Voyce. The motion was approved. Ayes: Melick, Van Doren, Voyce. Nays: None.
Absent: Desiderio, DiMare.

**RESOLUTION #36-2014
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

7. Reconvened

The meeting reconvened at 8:15 PM.

It was noted that interviews will need to be conducted at the 02-25-14 meeting.

Mr. Landon noted that the two new vehicles purchased for the Construction Office arrived today. The Police vehicles have not arrived yet.

8. Adjournment

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

Roberta A. Brassard
Municipal Clerk