

**TOWNSHIP COMMITTEE
FEBRUARY 12, 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. Mayor Louis DiMare presided.

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

Jesse Landon, Township Administrator and Michael Selvaggi, Township Attorney were in attendance.

There were approximately twenty five members of the public in attendance.

1. Open Public Meetings Statement

The Open Public Meetings Statement was read by Mayor DiMare.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Actions to be taken

➤ **Proclamation**

Mr. Melick read the following Proclamation.

Mr. Van Doren moved to adopt the following Proclamation, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**PROCLAMATION
TO HONOR HENRY L. SYMANSKI**

WHEREAS, Henry L. Symanski, Boy Scouts of America, Troop 199, has attained the designation of Eagle Scout, Scouting's highest award; and

WHEREAS, Henry L. Symanski has been an active Scout demonstrating outstanding leadership and has contributed many service hours during his years of Scouting; and

WHEREAS, Henry L. Symanski's Eagle Scout project involved the planting and fencing of about ninety White Atlantic Cedars in the swampland near the Passaic River at the Sherman-Hoffman Wildlife Sanctuary in Bernardsville, NJ; and

WHEREAS, Henry L. Symanski's project, which began in the spring of 2011 and was completed in the autumn of 2012, involved extensive planning, organizing and leading a group of Scouts to establish the new White Atlantic Cedar grove; and

WHEREAS, Henry L. Symanski needed to protect the young trees from deer by utilizing both plastic tubing and plastic fencing held in place by two metal posts; and

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WHEREAS, Henry L. Symanski also needed to clear the swampland of garbage to ensure that the trees have optimal health and to improve the aesthetics of the area; and

WHEREAS, Henry L. Symanski hopes that the new White Atlantic Cedar grove will improve the ecosystem and bring new species of animals to the area, will inspire others to plant their own trees and spread an image of a greener planet and will help to restore this cedar swamp to its former glory.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby extends to Henry L. Symanski individually, collectively and with great pride, sincere congratulations for achieving this highest of Scouting awards which symbolizes the American ideal of good citizenship and service to community; and

BE IT FURTHER RESOLVED that the Township Committee wishes Henry L. Symanski much success in all his future endeavors.

Louis DiMare
Mayor

Dr. Voyce read the following Proclamation.

Mr. Van Doren moved to adopt the following Proclamation, seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**PROCLAMATION
TO HONOR JOSEPH R. FERNICOLA**

WHEREAS, Joseph R. Fernicola, Boy Scouts of America, Troop 199, has attained the designation of Eagle Scout, Scouting's highest award; and

WHEREAS, Joseph R. Fernicola has been an active Scout demonstrating outstanding leadership and has contributed many service hours during his years of Scouting; and

WHEREAS, Joseph R. Fernicola's Eagle Scout project included the installation of permanent benches inside the pavilion located at the Brady Life Camp; and

WHEREAS, Joseph R. Fernicola's bench systems included a cut out area for folding table and chair storage as well as covered storage for games and supplies; and

WHEREAS, Joseph R. Fernicola installed screening around the entire pavilion as well as innovative screen doors; and

WHEREAS, Joseph R. Fernicola gave the games pavilion a fresh coat of paint inside and outside; and

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WHEREAS, Joseph R. Fernicola's received generous donations from family, friends and neighbors which allowed him to complete his project, provide all new games for the pavilion and sponsor a scholarship for two campers to enjoy a week of summer fun at the Brady Life Camp.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby extends to Joseph R. Fernicola individually, collectively and with great pride, sincere congratulations for achieving this highest of Scouting awards which symbolizes the American ideal of good citizenship and service to community; and

BE IT FURTHER RESOLVED that the Township Committee wishes Joseph R. Fernicola much success in all his future endeavors.

Louis DiMare
Mayor

➤ **2012 Citizen of the Year**

Ms. Desiderio read the following Proclamation.

**PROCLAMATION TO RECOGNIZE THE
2012 CITIZEN OF THE YEAR FOR THE TOWNSHIP OF TEWKSBURY**

WHEREAS, it is the annual custom for the Mayor of the Township of Tewksbury to proclaim the virtues of an outstanding citizen and to award the title Citizen of the Year through Proclamation; and

WHEREAS, this award is in recognition of the many contributions made by individuals and groups over the years which benefit all Township residents; and

WHEREAS, the Oldwick Fire Company has served the Township and neighboring communities since its inception in 1938; and

WHEREAS, during Super Storm Sandy, members of the Oldwick Fire Company responded to calls starting on October 29, 2012 through November 8, 2012 going above and beyond in serving the community; and

WHEREAS, members of the Oldwick Fire Company answered numerous calls during this period with an average of ten firefighters responding to each call; and

WHEREAS, the Oldwick Fire Company was fully staffed during this period and the building was used as a warming station and a place where residents could receive necessary information for the duration of the storm; and

WHEREAS, the Oldwick Fire Company was utilized as an emergency polling site for the Township for the November 6, 2012 General Election; and

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WHEREAS, the Oldwick Fire Company will be celebrating its 75th Anniversary in the year 2013 with a parade and picnic on June 1, 2013;

NOW, THEREFORE, BE IT RESOLVED, that as the 2012 Mayor of the Township of Tewksbury, County of Hunterdon, State of New Jersey, I do hereby proclaim the 2012 Tewksbury Citizen of the Year to be the Oldwick Fire Company.

BE IT FURTHER RESOLVED that this proclamation shall be presented in its entirety in the minutes of the Tewksbury Township Committee so that all may recognize the contributions that the Oldwick Fire Company has made to the quality of life in the Township of Tewksbury and so that we may honor their contributions now and in the future.

Dana Desiderio
2012 Mayor

➤ **Ordinance Public Hearing
Ordinance #01-2013**

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #01-2013, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mr. Landon provided proof of publication from the 1-14-13 Courier News.

There being no comments from the public, Mr. Van Doren moved to close the Public Hearing on Ordinance #01-2013, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mr. Van Doren moved adoption of Ordinance #01-2013, seconded by Dr. Voyce. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

ORDINANCE #01-2013

CALENDAR YEAR 2013

**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 2.0% 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

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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 2013 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 1.5% increase in the budget for said year, amounting to \$ 85,169.16 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 2013 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 \$ 198,728.04, and that the CY 2013 municipal budget for the Township of Tewksbury be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any 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.

Louis DiMare
Mayor

➤ **Ordinance Introduction**
Ordinance #02-2013
To release and extinguish the public right arising from the right-of-way

It was the consensus of the Committee to hold introduction of the above noted Ordinance until the next meeting.

➤ **Consent Agenda**

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Mr. Van Doren requested that the Executive Session minutes of 01-22-13 be removed from the Consent Agenda and voted on at a subsequent meeting.

Mr. Melick requested that the authorization to have the Mayor sign the Findings & Determinations for the 6-1-13 Oldwick Fire Company (OFC) raffle be removed from the Consent Agenda and voted on separately.

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

RESOLUTION #38-2013

**A RESOLUTION TO APPOINT A TEMPORARY ZONING OFFICER FOR
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 employee is hereby appointed Temporary Zoning Officer effective 02-16-13.

LAND USE	
Shana Goodchild	Temporary Zoning Officer

Louis DiMare
Mayor

**RESOLUTION #39-2013
REFUND OF TAXES**

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 refund of 2012 tax.

Block	Lot		Year	Amount
5	2.13	Dominic DiPaolo Amanda Wohlleber 42 Andrews Way Piscataway, NJ 08854	2012	1690.49
27	145.09	William K. & Bonnie B Jenkins PO Box 122 Oldwick, NJ 08858	2013	3153.35

Louis DiMare
Mayor

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MISCELLANEOUS

- Claims as submitted by the CFO
- Regular minutes of 01-22-13
- Correspondence List

ITEMS REMOVED FROM THE CONSENTA AGENDA

Mr. Van Doren made a motion to authorize the signature of the Findings & Determinations for the 6-1-13 OFC raffle, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Van Doren, Voyce. Nays: None. Abstain: Melick.

- Authorization to have Mayor sign F & D for 6-1-13 OFC raffle

5. Reports

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

Ms. Desiderio noted that the Mayor's ad-hoc committee met on 2-7-13 with 9-10 members in attendance. Discussion items dealt with social media issues, specifically Facebook and Twitter. She noted that the Nixel system seems to be working well for getting information out to the public. Additional comments were made regarding the need to be cautious if creating a Township Facebook account.

Mr. Van Doren agreed that the Nixel program seems to be working well for one way dissemination of information and if residents wish to speak directly with the Administrator or Clerk, they should call the office during normal business hours.

Ms. Desiderio noted that the County utilizes the Everbridge system for emergency communications.

Mr. Melick noted that training to utilize the defibrillators is underway and 20-25 people have already been trained.

Mr. Van Doren noted that he and Ms. Desiderio met with Mr. Landon to discuss funding for the OFC and other local fire companies. The OFC has asked for additional funding specifically for new equipment, maintenance and fuel purchase. The \$44,000.00 allocated annually may not be able to fund the cost of fuel.

Mr. Van Doren noted the LOSAP program and questioned if the program could be bolstered in order to increase the funding amount set aside for the OFC and the TRS. Mr. Landon noted that he would look into the matter.

Capital expenses for the local fire companies were discussed; specifically with regard to the replacement of vehicles.

In response to a question from Mayor DiMare, Mr. Landon stated that a schedule outlining the need for anticipated equipment is being worked on in conjunction with budget preparation.

Mr. Van Doren added that the Governor's budget message is scheduled for 2/26/13 and the Township will wait to introduce their budget until municipal and school aid numbers are determined.

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Dr. Voyce reported that he attended an OEM “post Sandy” meeting at RVCC on 1/24/13. Representatives from the 23rd Legislative District, BPU President Bob Hanna and JCP&L representatives were also present.

The discussion dealt with the severity of recent storms, JCP&L’s poor communication skills and how to correct problems moving forward.

Some of the subject matters discussed were mini power plants, “islands of power”, modernizing the grid, replacing wires underground, vegetation management, dedicated line and tree crews and updating the infrastructure.

Safety issues were discussed and Dr. Voyce noted that first responders should receive additional training in order to be able to accurately identify live, downed power lines.

John Glynn, Director of HC Roads, Bridges and Engineering noted that the matter of County roads being inaccessible for extended periods of time was unacceptable.

In response to a question from Mayor DiMare, Dr. Voyce stated that JCP&L had no comment regarding the related cost of burying existing lines. They also did not comment on the proposed rate increase or when the Tewksbury substation would become activated.

Dr. Voyce noted that JCP&L referred to the system in Tewksbury as “tree friendly”.

Mayor DiMare asked the Administrator to get timely JCP&L information out to the public.

➤ **Township Administrator**

It was noted that the Oldwick Fire Company is asking for support from the Committee for their upcoming celebration and parade on 6-1-13.

Mr. Van Doren made a motion granting the Oldwick Fire Company permission to utilize the Township property adjacent to the firehouse on both sides of Bartles Farm Lane for the picnic site and parking for the 6-1-13 event subject to having proper insurance and receipt of the necessary ABC permits, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Van Doren, Voyce. Nays: None. Abstain: Melick.

Item ‘p’ from the Correspondence List was noted. Mr. Landon stated that he had spoken with the resident from Bedford Chase regarding downed trees. The area in question is a conservation easement and it is Township policy not to clear up storm debris in an easement. Mr. Landon will reaffirm this decision with the homeowner.

➤ **Township Attorney**

Mr. Selvaggi had nothing to report in open session.

6. Executive Session

At 8:25 PM Ms. Desiderio moved adoption of the following Resolution, seconded by Mr. Van Doren. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #40-2013
A RESOLUTION AUTHORIZING AN EXECUTIVE SESSION OF THE TEWKSBURY
TOWNSHIP COMMITTEE**

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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, Contract Negotiations and Advice of Attorney.

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

Louis DiMare
Mayor

7. Reconvened

The meeting reconvened at 9:25 PM.

Andrew and Katheryn Platt of 32 Church Street were present to request permission from the Committee to utilize the existing driveway on the Township owned property for access to their newly purchased property. The Township driveway accesses the Oldwick spray fields located on Church Street.

Mr. Platt noted that the 12.5 acre property is deed restriction and only a small area of the property is available as a building footprint. The Platts wish to retain the agricultural use of the land and would prefer to share the driveway in order to preserve the character of the neighborhood. They wish to construct a 3500 square foot 3 bedroom home with a barn and garage. He added that the building of a new driveway could create a problem with the amount of impervious coverage and could also be a problem with Highlands' regulations.

Mr. Van Doren questioned when the property had been purchased and if the deed documents had been finalized. He further question if the LUB subdivision approval addressed the issue of access or if there was any easement language related to the driveway.

Dr. Voyce noted that the Platt's concerns with the amount of impervious coverage and Highlands' regulations were valid.

Mr. Melick noted that he is open to the idea of sharing the driveway, adding that maintenance and insurance issues need to be addressed.

Comments were made regarding the time of year when the spray fields are normally active. Mr. Platt stated that they intend to transplant the existing cedars to a different area on site to serve as a wind and mist break from the spray fields. He added that they had an environmental study done on the property and he has reviewed the Oldwick sewer facility records.

Mayor DiMare noted that he is not opposed to the idea but has concerns with liability, insurance and maintenance issues. He would like to be certain that the correct protections are in place for the Township, a hold harmless agreement is in place and an escrow account set up.

Ms. Desiderio agreed with comments made by the other Committee members.

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Mr. Melick reminded the Platts that heavy equipment is often used on the driveway and no decorative pavers should be used.

Mayor DiMare reminded the Platts that the Township's use of the driveway would not be restricted as the Platt's use of the driveway is being discussed in addition to Township use.

Mr. Van Doren made a motion authorizing the Township Engineer and Attorney to review the Platt's request and to create a license agreement for shared driveway use that would cover all access, improvement, drainage and maintenance issues for the property located on Block 23 Lot 26. Additionally an escrow account in the amount of \$1000.00 should be created. The motion was seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mayor Dimare appointed David Larsen as the #4 alternate member of the Land Use Board through 12-31-14.

8. Executive Session

At 9:45 PM Mr. Van Doren moved adoption of the following Resolution, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #41-2013
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.

Louis DiMare
Mayor

Mr. Landon left the meeting at this time.

9. Reconvened

The meeting reconvened at 9:54 PM.

Mr. Melick made a motion to deny the grievance as discussed in Executive Session, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

10. Adjournment

There being no further business, the meeting was adjourned at 9:55 PM.

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Roberta A. Brassard
Municipal Clerk