

**TOWNSHIP COMMITTEE
MARCH 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 Peter Melick, Shaun Van Doren and William Voyce.

Committee member Dana Desiderio was absent.

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

There were approximately twelve 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. Public Participation

Robert Lane noted that the area that was used for the collection/chipping site for the FEMA work is in terrible condition. He stated that the field is muddy, full of rocks and debris, gravel, woodchips and manure are being spread on the field, trees were destroyed during the process and the road leading to the site is often impassable. He questioned what the plan of action is to bring the area back to its original condition.

Mayor DiMare noted that the remediation plan is in progress and the area will be farmed in the future. He suggested having replacement trees planted in the area for Arbor Day. It was stated that the Superintendent of Public Works will be contacted to review the matter more closely.

Mary Lane noted that she has seen dirt bikes and ATVs on the three fields on the former Pascale property that are destroying the properties. Discussion followed regarding how to address the matter. It was stated that Police enforcement can only be made when the actions are witnessed.

Further discussion followed regarding the efficacy of signs warning people not to use motorized vehicles.

Nancy Held read the following into the meeting minutes.

In my opinion, the helistop application is not a so-called neighbor dispute as some might like to characterize it. The helistop application affects all of the town's citizens, most of whom – like me – are not located anywhere near the Johnson property. In my view, fighting the helistop application is a matter of preserving our town's character by defending the town's master plan, zoning ordinances and LUB's decisions, and by nipping in the bud what will surely become an ongoing erosion of our town's character through future helistop applications if the DOT approves

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the Johnson's application for a helistop. Additional helistop applications may not be filed right away, but they will come.

As you know, the DOT granted a helistop license to the Trump Golf Club in Colts Neck in December; the DOT granted this license even though Colts Neck's regulations have expressly prohibited helistops since 1999. So I went to Colts Neck in January to see what I could learn about the DOT's granting of a helistop license for Trump's Golf Course there. In speaking with the Director of Planning, I learned that the DOT has a matrix for making its decisions on helistop applications. I obtained a copy of this matrix from the DOT and will give you a copy of it after I am finished speaking; however, I will tell you now that the matrix only permits a maximum of 15 points to be assigned to local land use ordinances out of 105 total maximum points on the form. In my trip to Colts Neck I also learned a lot about Trump's application and Colts Neck Township itself.

Given what I learned, it seems to me that Tewksbury's best chance of preserving its Master Plan and its zoning autonomy and preserving its very way of life in the face of the Johnson's application is to demonstrate to the DOT how the situation in Tewksbury differs from the situation in Colts Neck. This information has not been conveyed to the DOT because, unfortunately, the DOT's decision re Trump in Colts Neck occurred after the public comment period closed re the Johnson's application in Tewksbury.

As a result, we need to seek a way to communicate this important information to the DOT. We believe that the most effective way to accomplish this is for either the Mayor to call the DOT Commissioner or the Township Committee to write the DOT Commissioner with this information. The importance of taking this step is underscored by the assumption that the Johnson's attorney, Jack McNamara, has undoubtedly made one or more calls to the DOT Commissioner telling him why the DOT should approve the application. Failing to take the opportunity to make our own best case surely puts us at a disadvantage.

Tewksbury differs from Colts Neck in the following important ways:

- Trump wanted a helistop at a business location for business use; Johnsons want a helistop at their personal residence primarily for personal use
- There are no designated scenic roads near Trump whereas scenic roads surround the Johnson's property
- There are no designated historic homes near Trump whereas there are historic homes near the Johnson's property
- The Trump golf course is hemmed in by two highways and an Air Force Base whereas the Johnson's property is in a quiet area 3 miles from I-78
- Colts Neck already has an active helistop at the Due Process Stables Golf Course whereas Tewksbury has no active helistops
- Trump wanted no night flights whereas the Johnsons are preparing for night flights with permanent flush-mounted landing lights
- There are no other golf courses in Colts Neck to request a helistop whereas there are a lot of lots owned by the Johnsons that could request a helistop for personal use

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This last point is extremely important because unless the DOT is aware of this information, they may not realize that if they approve the Johnson's current application then it could be difficult for them to deny future applications in Tewksbury without a threat of being sued.

As to when such a communication is needed, the answer is "now." In the case of Colts Neck, the DOT issued approval for Trump's license the day before the case was to be heard in Superior Court. The Superior Court is to meet on the Johnson helistop case on March 26th so if the same pattern is followed then the DOT might issue its decision on March 25th; however, the DOT's thinking and discussing will clearly happen before that date which makes action by the Township critically time sensitive.

In summary, there is one more thing that the Township can do in opposing the Johnson's application for a helistop, and that is to communicate new, relevant and important information directly to the DOT Commissioner, and to do so asap.

Information was distributed to the Committee for their review.

Jon Holt stated his concerns with the FEMA work done relative to the storm damage and how much property damage occurred.

He noted that JCP&L has commenced work on the driveways and many trees have been cut. He opined that the landscaping along the abandoned driveways on Fox Hill Road needs to be augmented to provide additional screening as large ash trees from the Pascale property knocked over the plantings during the recent storms. He stressed the need for a Township official to work alongside JCP&L to insure that the landscaping work is being done properly.

He noted the ongoing problem with the drainage on Fox Hill Road that he feels is due to the damage caused by the storm and JCP&L and FEMA vehicles. He noted that mesh material in the culverts is torn and messed up thus causing the drainage process to be compromised. He stated that the DPW should address this matter.

Root balls were another area of concern and Mr. Holt noted one on the Hernick property that has not been removed and is in the way of the proposed landscaping related to the driveway installation. In response to his question, Mr. Landon stated that there are no additional FEMA funds for clean up.

In closing, Mr. Holt stated that the residents of the area have seen "assaults and insults" starting with the tower, JCP&L's vegetation plan, the cell equipment building covered with graffiti, the substation, Superstorm Sandy and the damage caused by the FEMA work. He stressed the need to repair the drainage system and keep an eye on JCP&L when they are doing the landscaping work.

He added that the Friends still have a pending appeal and are waiting to hear from the courts.

Mayor DiMare reiterated that no additional FEMA funds are available and the clean up around the Township is being done in an organized fashion by the DPW. He added that the Engineer is coming to the 3/26/13 meeting to discuss roadway and drainage projects.

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Mary Kalb noted that work on the driveways has started and the roadway is a “sea of mud”. She stated that the residents of Fox Hill Road have been asked to tolerate too much and have been asked to deal with so much more than anyone else in the Township. She stressed that the road “looks like garbage.”

Mayor DiMare noted that JCP&L has advised that work will be commencing on 3/14/13 for two 24 hour periods.

Debbie Close noted that the American holly plants that were planted are mostly eaten and not serving as efficient landscaping, adding that new landscaping needs to be planted that is not “deer candy”.

She noted that the landscaping company (Dukes) is good to work with, adding that she will need additional help to repair her damaged lawn.

The matter of drainage on Fox Hill/Hollow Brook roads was mentioned with regard to the damage done to the mesh installed in the culverts. She agreed with statements made by Mr. Holt that this needs to be cleaned up in order to provide property drainage.

She added that since the substation was built, there is considerable ponding in the wetlands area: ponding that never was present for 28 years. She added that this needs to be looked at very seriously in order to rectify the problem.

Chris Kennedy questioned if the Committee would consider sending additional information to the DOT with regard to the helistop. He added that some decisions made at the LUB or Township Committee level “may come back to haunt us.”

Mayor DiMare and Mr. Selvaggi explained that because the helistop matter is considered pending litigation, the matter will be discussed in Executive Session.

Mr. Selvaggi explained this matter in further detail to Mr. Kennedy.

Mr. Melick added that if any decision was reached in Executive Session, action could only be made in open session.

Angela Holt stated that the residents of Fox Hill road have suffered severely and living there is worse than any of them thought it could ever be. She stressed the need to have the unsightly root balls cleaned up and the need to preserve the scenic and historic areas of the Township. She added that the Friends have fought for 5 ½ years against the substation utilizing their own funds and they would like some consideration for their problems. She stressed that the DPW should at least clean up the Township property on the roadway.

Mayor DiMare noted that the DPW will work on clearing the Township owned Pascale property.

- 4. Actions to be taken**
 - **Ordinance Introduction**

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Mr. Van Doren made a motion to introduce Ordinance #02-2013 with a change to the title to make the intent clearer, seconded by Dr. Voyce. The motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

The Public Hearing is scheduled for 04-09-13 at 7:30 pm.

ORDINANCE NO. 02-2013

**ORDINANCE VACATING AN EASEMENT FROM ROCKY GLEN WAY
TO OLD MOUNTAIN ROAD
IN THE TOWNSHIP OF TEWKSBURY, COUNTY
OF HUNTERDON AND STATE OF NEW JERSEY**

Mayor DiMare questioned the content of Ordinance #03-2013 and where the decision to amend the DRO originally came from. Mr. Van Doren explained that the Land Use subcommittee discussed the amendments and a detailed report was submitted to the Township Committee by the Land Use Administrator.

Mr. Selvaggi added that the amendment is also a direct result of the periodic reexamination of the Master Plan by the Land Use Board (LUB).

Mr. Van Doren made a motion to introduce Ordinance #03-2013, seconded by Dr. Voyce. The motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

The Public Hearing is scheduled for 04-09-13 at 7:30 pm.

ORDINANCE NO. 03-2013

**AN ORDINANCE TO AMEND ARTICLE VII, SECTION 715 OF THE TOWNSHIP OF
TEWKSBURY DEVELOPMENT REGULATIONS ORDINANCE TO REVISE THE BULK
REQUIREMENTS FOR FRONT, SIDE AND REAR YARD SETBACKS IN THE VR VILLAGE
RESIDENTIAL DISTRICT AND TO ESTABLISH A NEW ZONE DISTRICT TO BE KNOWN AS
THE VR-1 VILLAGE RESIDENTIAL-1 DISTRICT AND TO AMEND ARTICLE IX, SECTION
900 TO MODIFY THE APPLICATION AND ESCROW FEE SCHEDULE TO REFLECT
SPECIFIC CHARGES FOR VARIANCES REQUIRED FOR RESIDENTIAL EMERGENCY
POWER GENERATORS AND AIR CONDITIONING UNITS**

Mr. Selvaggi noted that this Ordinance needs to be forwarded to the LUB for consistency review.

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➤ **Consent Agenda**

Mr. Melick requested that the authorization to have the Clerk sign the SA permit for the 6-1-13 OFC Picnic be removed from the Consent Agenda and voted on separately.

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Mr. Van Doren requested that Resolution #44-2013 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: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

**RESOLUTION 43-2013
REFUND OF A 2012 TAX**

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.

<u>Block</u>	<u>Lot</u>		<u>Year</u>	<u>Amount</u>
6.04	23.25	Blau & Blau Attorney for Brendan & Brandi Harkins 8 Barlow Dr Califon, NJ 07830	2012	3825.04
34	13.04	Navy Federal Credit Union PO Box 3304 Merrifield, VA 22119-9901	2013	1739.01

The CFO is authorized to cancel the following amounts.

6	27.03		2013	15.97
27	71.07		2013	110.84
51	88		2013	18.72

Louis DiMare
Mayor

RESOLUTION 45-2013

**AUTHORIZING THE PURCHASE OF ENERGY GENERATION
SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION
WEBSITE**

WHEREAS, the Township of Tewksbury has determined to move forward with the EMEX reverse auction in order to procure electricity for the Township of Tewksbury; and

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WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001 c. 30) (the "Act") authorizes the purchase of energy generation service for public use through the use of an online auction service; and

WHEREAS, the Township of Tewksbury will utilize the online auction services of EMEX, LLC, an approved vendor, pursuant to the Act, Waiver No. EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, the auction will be conducted pursuant to the Act.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, that the Township of Tewksbury is hereby authorized to engage the services of EMEX, LLC for the procurement of electricity for the Township of Tewksbury.

BE IT FURTHER RESOLVED that the Township Committee of the Township of Tewksbury hereby authorize the Administrator of the Township of Tewksbury and the Municipal Clerk to execute any and all documents, including contracts, in order to procure electricity for the Township of Tewksbury, subject to attorney review of same.

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded by the Municipal Clerk to the following: (1) Department of Community Affairs; and (2) EMEX, LLC.

Louis DiMare
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO
- Regular and e/s minutes of 02-26-13
- Correspondence List
- Authorization to have Mayor sign F&D for 5-18-13 raffle for TEF Barn Dance
- Authorization to have Clerk sign SA permit for 5-18-13 Barn Dance
- Authorization to have Mayor sign Municipal Alliance Sub-grant Agreement

ITEMS REMOVED FROM THE CONSENT AGENDA

Dr. Voyce made a motion authorizing the Clerk to sign the SA permit for the 6-1-13 OFC picnic, seconded by Mr. Van Doren. The motion was approved. Ayes: DiMare, Van Doren, Voyce. Nays: None. Absent: Desiderio. Abstain: Melick.

- Authorization to have Clerk sign SA permit for 6-1-13 OFC Picnic

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Dr. Voyce made a motion to adopt Resolution #44-2013, seconded by Mr. Melick. A roll call vote was taken and the motion was approved. Ayes: DiMare, Melick, Voyce. Nays: None. Absent: Desiderio. Nays: Van Doren.

**RESOLUTION #44-2013
A RESOLUTION SETTING THE 2013 SALARIES AND WAGES FOR OFFICERS AND
EMPLOYEES OF 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 salary and wage for the employee so stated is hereby set for the year 2013.

CONSTRUCTION CODE ENFORCEMENT		
Ralph Price	Building sub-code, fire sub-code, back up electrical, back up construction official, back up plumbing inspector	38.76/hour
Rita Bernstein	Technical Assistant	34,000.00/annually *effective 3-18-13
LAND USE		
Dennis Allen	Zoning Officer-part time	25.00/hour* *effective 3-18-13

Louis DiMare
Mayor

Mayor DiMare noted item “w” from the Correspondence List regarding a request from the LUB to require foundation location surveys for all structures with foundations at the time of a footing inspection. He stated that he felt it would add to the applicants’ cost and time for LUB applications, adding that it should be considered at part of the LUB’s condition of approval of variance.

Discussion followed regarding this suggestion and Mr. Selvaggi advised that the LUB could include this as a condition of approval.

Mr. Van Doren made a motion to have the Administrator notify the Land Use Administrator that the LUB should include the request for a requirement for a foundation location survey to be made part of the condition of approval for a variance, seconded by Dr. Voyce. The motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

5. Reports

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

Mayor DiMare noted that work will be ongoing at the substation starting 3/21 for two days.

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Mr. Melick noted that a meeting was held to discuss the sewer plants and how to streamline the operations and realize cost savings. He added that the mowing contracts are being written.

Mr. Van Doren noted that the finance subcommittee met to look at the budget which will be further discussed at the 3/26/13 meeting with an introduction on 4/9/13. He commended the staff for keeping to the budget and working judiciously to allow monies to be returned to the surplus.

Dr. Voyce noted that he and Mr. Landon met with members of the Bedminster Township Committee to discuss funding for the Pottersville Fire Company. He added that the new Superintendent for Tewksbury has been chosen and will start working on 6/1/13.

Mr. Melick added that Whitehouse Rescue and Police Officer Beam responded to a 911 call recently and saved the life of a Township resident. The wish to come to the next meeting to publically thank those involved.

➤ **Township Administrator**

Mr. Landon noted the following items.

- * A Land Use subcommittee meeting was held to discuss zoning matters.
- * Work on the 2013 budget is going well with introduction scheduled for 4-9-13.
- * The energy auction was held earlier today with the hopes of saving up to \$3500.00 annually.
- * The DPW is looking at hiring summer help.

In response to a question from Mr. Van Doren, Mr. Landon explained that he has not yet received the requested information from Wildwood regarding the hiring of the Police Special Officer.

Mayor DiMare noted that two Girl Scouts will be recognized a the 05-14-14meeting.

6. Executive Session

At 8:40 PM Dr. Voyce moved adoption of the following Resolution, seconded by Mr. Van Doren. The motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

**RESOLUTION #46-2013
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 Advice of Attorney and Litigation.

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

Louis DiMare

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Mayor

7. Reconvened

The meeting reconvened at 9:29 PM.

8. Appointment

Mr. Van Doren made a motion to appoint Hayden Hull as the Right to Know Coordinator through 12/31/13 to complete the unexpired term of Randall Benson, seconded by Dr. Voyce. The motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

- Hayden Hull Right to Know Coordinator through 12-31-13

9. Adjournment

There being no further business, the meeting was adjourned at 9:30 PM.

Roberta A. Brassard
Municipal Clerk