

**TOWNSHIP COMMITTEE  
MARCH 27, 2012 MINUTES**

The Tewksbury Township Committee met in a work 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 Louis DiMare, Peter Melick, Shaun Van Doren and William Voyce.

Jesse Landon, Township Administrator, Roberta Brassard, Municipal Clerk, Michael Selvaggi, Township Attorney and Chuck McGroarty, Township Planner 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 Desiderio.

**2. Flag Salute**

Those present stood and pledged allegiance to the American flag.

**3. Public Participation**

Joe Weber stated that the power outages affecting the Dinner Pot area of the Township are “intolerable” adding that the Committee should ask the BPU to open proceedings to see if the power companies could be compelled to locate the most vulnerable facilities underground. He surmised that the work could be done gradually over a number of years and the cost would be spread out among the rate payers in the Township.

Mayor Desiderio noted that she spoke with John Anderson regarding Mr. Weber’s recommendation to locate wires underground. She added that she met with Dennis Chack, President of Ohio First Energy Operations recently to discuss this and other power issues in the Township.

Jon Holt noted that he had a transcript regarding monies to be spent for solutions to power outages.

He noted that the Friends of the Fairmount Historic District (Friends) have filed an appeal with the State appellate division last week regarding the NJDEP review of the landscaping plans for the substation specifically with regard to the inclusion of a crumbling façade.

He outlined the time line for additional filing of briefs and replies from parties.

Additional comments were made regarding the crumbling façade and how the NJDEP has not reviewed the plans. Mr. Selvaggi noted that he has heard nothing from the NJDEP, adding that he would try and contact a representative at the NJDEP.

In response to a question from Mr. Van Doren, Mr. Selvaggi noted that this discussion is not germane to the Land Use Board application for driveways as that application only affects two separate properties.

**4. Actions to be Taken**

**TOWNSHIP COMMITTEE  
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➤ **Consent Agenda**

Mr. Van Doren requested that the authorization to have the Mayor sign HC Municipal Law Enforcement & Emergency Shared Services Mutual Aid Agreement and the authorization to have the Mayor sign Turn the Towns Teal letter be removed from the Consent Agenda.

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

The Public Hearing for the 2012 Budget is scheduled for 04-24-12.

**RESOLUTION #39-2012  
TAX REFUND**

**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 payment for the refund of tax from a successful appeal.

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
31	24.05	Michael A. Vedpasiano	2010	4867.46
		Attorney Trust Account	2011	<u>4941.41</u>
		31 Main St		9808.87
		Chatham, NJ 07928		

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Dana Desiderio  
Mayor

**RESOLUTION #40-2012**

**A RESOLUTION SETTING THE 2012 SALARIES AND WAGES FOR AN  
EMPLOYEE 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 2012.

<b>PUBLIC WORKS</b>		
Andrew Parke	Public Works Employee Temporary/Seasonal	\$15.00/hour Effective 04/02/12

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Dana Desiderio  
Mayor

**TOWNSHIP OF TEWKSBURY  
COUNTY OF HUNTERDON**

**TOWNSHIP COMMITTEE  
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**STATE OF NEW JERSEY**

**RESOLUTION#41-2012**

**WHEREAS**, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 9th of the fiscal year; and,

**WHEREAS**, the Township of Tewksbury has delayed the introduction of the 2012 Municipal Budget past the statutory deadline; and,

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, that the Township of Tewksbury hereby petitions the Director of the Division of Local Government Services to allow a delayed introduction of the 2012 Tewksbury Township Municipal Budget; and,

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services, 101 South Broad Street, P.O. Box 803, Trenton, New Jersey 08625-0803.

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Dana Desiderio  
Mayor

**TOWNSHIP OF TEWKSBURY  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION #42-2012**

**WHEREAS**, the 2012 Local Municipal Budget was introduced on the 27th day of March, 2012; and,

**WHEREAS**, during the fiscal year 2012 the Township of Tewksbury has been allocated a state grant for various programs in the amount of \$26,571.

**NOW, THEREFORE BE IT RESOLVED**, that petition be made herewith to the Director of the Division of Local Government Services that the 2012 Local Municipal Budget include a special item of revenue under the heading of "**Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations:**"

Clean Communities Program-2012	\$ 21,055.00
Recycling Tonnage Grant-2011	4,442.00
Body Armor Grant-2011	<u>1,074.00</u>
	<u>\$ 26,571.00</u>

**TOWNSHIP COMMITTEE  
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Dana Desiderio  
Mayor

**TOWNSHIP OF TEWKSBURY  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION #43-2012**

**WHEREAS**, the 2012 Local Municipal Budget was introduced on the 27th day of March, 2012; and,

**WHEREAS**, during fiscal year 2012, the Township of Tewksbury will receive revenue for various other special items in the amount of \$887,886.00.

**NOW, THEREFORE BE IT RESOLVED**, that petition be made herewith to the Director of the Division of Local Government Services that the 2012 Local Municipal Budget include a special item of revenue under the heading of "**Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items:**

Hunter's Glen Sewer Utility-Debt Service	<b>\$ 30,000.00</b>
Capital Fund Balance	<b>805,886.00</b>
Lease of Municipal Facilities	<b>40,000.00</b>
Fire Safety Fees	<b>12,000.00</b>
	<b><u>\$887,886.00</u></b>

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Dana Desiderio  
Mayor

**TOWNSHIP OF TEWKSBURY  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION# 44-2012**

**WHEREAS**, the Township of Tewksbury is holding a meeting on March 27, 2012, for the purpose of introducing the 2012 Municipal Budget and conducting other matters; and,

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, that the Township of Tewksbury hereby petitions the Director of the Division of Local Government Services that the 2012 Local Municipal Budget be introduced and approved on March 27, 2012.

**2012 TEWKSBURY TOWNSHIP MUNICIPAL BUDGET**

**TOWNSHIP COMMITTEE  
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Surplus anticipated general revenues	\$ 2,368,000.00
Total Miscellaneous revenue	1,958,948.00
Receipts from Delinquent Taxes	300,000.00
Local Property Taxes	<u>4,670,060.00</u>
Total General Revenues	<u>\$9,297,008.00</u>
Total Operations	\$5,313,014.00
Capital Improvements	600,000.00
Debt Service	1,649,416.00
Statutory Expenditures	719,638.00
Reserve for Delinquent Taxes	<u>1,014,940.00</u>
Total 2012 Municipal Budget	<u>\$9,297,008.00</u>
2012 Municipal Tax Rate	\$0.34509

**2012 TEWKSBURY TOWNSHIP MUNICIPAL SEWER UTILITY BUDGET**

Surplus anticipated general revenues	\$ 28,884.00
Total Miscellaneous revenue	<u>174,316.00</u>
Total General Revenues	<u>\$203,200.00</u>
Total Operations	<u>\$203,200.00</u>
Total 2012 Municipal Budget	<u>\$203,200.00</u>

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Dana Desiderio  
Mayor

**MISCELLANEOUS**

- Claims as submitted by the CFO
- Regular minutes of 3-13-12

**ITEMS REMOVED FROM THE CONSENT AGENDA**

Mr. Van Doren stated that he was not in favor of signing the Municipal Law Enforcement & Emergency Shared Services Mutual Aid Agreement as he felt the work was already being done and the codification of the agreement was unnecessary and he considered "overkill". Discussion followed regarding the matter and it was the consensus of the Committee that signing the Agreement should be authorized.

Mr. Melick made a motion authorizing the Mayor to sign the HC Municipal Law Enforcement & Emergency Shared Services Mutual Aid Agreement, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: Van Doren.

- Authorization to have Mayor sign HC Municipal Law Enforcement & Emergency Shared Services Mutual Aid Agreement

**TOWNSHIP COMMITTEE  
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Mr. Van Doren stated that he was not in favor of the having the Turn the Towns Teal ribbons in the Township as he felt they were unsightly and would cause a proliferation of signs. Discussion followed regarding Mr. Van Doren's concerns and it was the consensus of the Committee that signing the letter should be authorized.

Dr. Voyce made a motion authorizing the Mayor to sign the Turn the Towns Teal letter, seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: Van Doren.

- Authorization to have Mayor sign Turn the Towns Teal letter

**5. Work Session Topics**

➤ **Highlands**

Chuck McGroarty and Joanna Slagle from Banisch Associates were present to discuss the procedure for implementing Highlands Ordinances. Mr. McGroarty noted that the Environmental Resource Inventory (ERI) has been received and reviewed by the Township Environmental Commission, submitted to the Highlands Commission and is deemed complete. The first Ordinance to be addressed by the Committee is the petition for plan conformance in the planning area ("opting in") and the second is the check list Ordinance which is required by the Highlands Council and outlines the rules for submission. Going forward, a draft re-examination report of the Master Plan has been given to the Land Use Board (LUB) for discussion at an upcoming meeting in April. The next item to be reviewed and finally adopted is the Highlands Development Ordinance which is a lengthy document and will be part of the Township DRO.

It was stressed that the Master Plan reexamination report must be done prior to adoption of the Highlands Development Ordinance.

Mr. McGroarty stated that whatever decision the Committee makes with regard to compliance, the process starts with the adoption of the Ordinances.

Discussion followed regarding the 03-22-12 memo from Mr. McGroarty regarding conformance in and a build out analysis for the Planning Area. Matters regarding densities, septic densities, zoning and the changes that will affect the administrative process followed.

Mr. McGroarty noted that the acreage in the Planning Area is 6860 acres and referred to two maps that were created by Banisch Associates. He added that there are 10 preserved farms in the Planning Area, which comprises 20%, of which 1300 acres are deed restricted.

Regarding the build out analysis, Mr. McGroarty stated that if the Township opts in to the Planning Area, the requisite number of residential units would be 259, if the Township does not opt in, the number would be 405 units.

Mr. Van Doren questioned if a longer review period would be necessary with regard to Highlands Council review of the proposed Ordinances. Mr. McGroarty explained that the Highlands Council reviews the Ordinances in advance, adding that he speaks with Highlands staff regarding the language for the Ordinance (s).

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In response to a question from Mr. Van Doren, Mr. McGroarty stated that it would be possible to color code or italicize policy changes that can be done in the Highlands Development Ordinance.

Dr. Voyce questioned the difference in residential units compared with the most recent COAH requirements. Mr. McGroarty stressed that the numbers previously stated are ultimate build-out numbers as opposed to COAH third round numbers which only apply through 2018. It was added that the work at the Bartles site will not be affected as the property is currently in the Wastewater Management Plan.

Mayor Desiderio reiterated the sequence for introduction/adoption of Ordinances in conjunction with the LUB Master Plan re-examination report. It was added that if the Township opts in, the Highlands Council will be responsible for the Wastewater Management Plan.

Discussion followed regarding Dr. Voyce's concern with a sewer service area that does not currently have existing lines in the ground.

Mr. McGroarty noted that the State Strategic Plan which replaces the State Development and Redevelopment Plan serves to be a guide to infrastructure improvements/investments in a municipality, but will allow regional planning entities (Highlands) to work in concert with the State.

Mr. Melick questioned what the procedure would be if an existing wastewater treatment plant needed improvements or modifications for the health and safety of the residents.

Mr. Van Doren noted that the Check List Ordinance needs to go to the LUB for a consistency review and the Conformance Ordinance should go to the LUB for informational purposes.

Mr. Selvaggi noted that the LUB has a requisite 45 days to review an Ordinance submitted by the Committee and if any grave changes needed to be made to the Ordinance, it would have to reintroduced.

Mr. McGroarty stressed that the changes done to the Ordinances are all carefully tracked and there will be ample discussion prior to introduction of the Highlands Development Ordinance with regard to elements that can be omitted or changed.

Mr. Van Doren suggested that the Land Use subcommittee meet with two members of the LUB to review the Highlands Development Ordinance along with Mr. McGroarty prior to the May Township Committee work session.

Mr. Melick questioned if the decision as to what needs to be included and/or omitted from the final Ordinance is a Legislative decision or one made by Highlands staff.

Mr. Van Doren noted that the Township has an historic preservation element in the Township Master Plan and the DRO and he would like it also to appear in the Highlands Development Ordinance.

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Ms. Slagle noted that creating a build out analysis is a process of elimination. She stated that there are approximately 797 parcels in the planning area - parcels that are deed restricted, have a conservation easement, are subdivided are initially removed from the acreage. The remaining lands number 138 parcels which have additional development build out capability. Discussion followed regarding specific parcels in the Township and the mapping that was created by Banisch Associates.

In closing, Mr. McGroarty stated that the Committee is on schedule with the implementation plan, adding that Tewksbury has already received plan conformance approval from the Highlands Council.

Further discussion followed regarding restrictions that will be in place for the preservation and planning areas.

Robin Love questioned the order for introducing the Planning Area Petition Ordinance and the checklist ordinance and which documents need to go the LUB for consistency review. It was the consensus of the Committee to send the DRO revision (checklist Ordinance) to the LUB for review and the Planning Area Petition Ordinance to the LUB for informational purposes upon introduction.

George Cassa noted a memo from the DEP regarding exemptions for construction of a structure and questioned if the memo should be included in the proposed Ordinance. Discussion followed regarding the memo. It was the consensus of the Committee and the professionals that the content of the memo did not have to be included in the proposed Ordinances as the language would be part of the Highlands Development Ordinance.

**6. Ordinance Introduction**

Mr. Van Doren made a motion to introduce Ordinance #02-2012, seconded by Mr. DiMare. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Van Doren, Voyce. Nays: Melick.

This Ordinance will be forwarded to the LUB for Master Plan consistency review. The Public Hearing will be held on 04-24-12 at 7:30 pm.

**TOWNSHIP OF TEWKSBURY  
HUNTERDON COUNTY, NEW JERSEY**

**ORDINANCE #02-2012**

**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  
BY INCLUDING A NEW SECTION 519 ENTITLED  
APPLICATIONS FOR DEVELOPMENT IN THE HIGHLANDS**

**TOWNSHIP COMMITTEE  
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Mr. Van Doren made a motion to introduce Ordinance #03-2012, seconded by Mr. DiMare. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Van Doren, Voyce. Nays: Melick.

This Ordinance will be forwarded to the LUB for informational purposes.  
The Public Hearing will be held on 04-24-12 at 7:30 pm.

**TOWNSHIP OF TEWKSBURY  
COUNTY OF HUNTERDON  
ORDINANCE #03-2012**

**ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN CONFORMANCE FOR  
THE PLANNING AREA**

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**7. Township Committee Comments**

Mr. Van Doren stated that he would have a letter drafted for review at the 04-10-12 meeting regarding objections to the proposed changes to OPRA and OPMA.

In response to a question from Mr. Melick, it was stated that the Township will go out to bid for work to be done at Hunter's Glen next month.

Dr. Voyce noted the following items.

- ✓ Upcoming OEM meetings need to be scheduled with fire and rescue groups.
- ✓ Hackettstown had a recent lock down because of an alleged individual with a weapon.
- ✓ A house fire occurred in Readington on 03-25-12.

Mayor Desiderio noted the following items.

- ✓ A recent conversation with JCP&L/First Energy representatives regarding power issues in the Township.
- ✓ A recent press conference at Veterans North in Glen Gardner.
- ✓ The need for a property maintenance ordinance.

Discussion followed regarding the property maintenance ordinance and difficulty with enforcement. She stated that she would gather ordinances from other municipalities in order to review their content.

**8. Adjournment**

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

Roberta A. Brassard  
Municipal Clerk