

TOWNSHIP COMMITTEE
April 23, 2013 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 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 Roberta Brassard, Municipal Clerk were in attendance.

There were approximately six 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

Betsy Baird read the attached document into the minutes.

Mr. Van Doren noted that the Land Use subcommittee is meeting on 4/30/13 where this and other items will be discussed.

Mr. Melick stated that he would like to see any amendments to existing Ordinances in draft format prior to introduction.

William Carver, of 168 Old Turnpike Road invited the members of the Committee to walk his property and see the damage done by what he claims was work done by the Township and the County. In response to his statement that he filed a tort claim and did not hear any response, Mr. Landon stated that it was denied by the insurance company and his attorney was advised. Mr. Carver stated that the Committee states that they "care about land" but are doing nothing to help him. He added that the soil on his property will not support trees and he has had to remove two because of compromised soil conditions and erosion.

Additional comments were made regarding a permit needed for a recently constructed patio and the survey work that was done. He stressed that he wants his property fixed, adding that there should be a detention basin on the Township owned property so that water does not drain across the County road and onto his property. He opined that the problem began when Route 517 was realigned and Laurel Mountain Road was built, adding that he will build a berm in front of his property to shield his home from traffic and noise.

Mr. Van Doren suggested that Suburban Consulting and the County Engineering Department be involved to review the matter.

Further discussion followed regarding putting rocks in the area for stabilization.

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Mayor DiMare noted that he would be in contact with the Township and County Engineers to address the problem and would attempt to have an answer for Mr. Carver at the 5/14/13 meeting.

4. Work Session Topics

Marcia Karrow and Cindy Yard were present to discuss the upcoming 300th Anniversary of Hunterdon County and the many planned activities. Ms. Karrow described the events, budget, meeting schedule and the need for additional volunteers. She stated that there will be more than 150 events throughout the year including parades and a lecture series. Each municipality is being asked to participate and to designate a liaison from their governing body. The following is a listing of some of the events and items that will be for sale for the year long celebration.

Lapel pins, blankets, magnets, note cards, bricks, a coffee table book entitled Hunterdon in My Heart, Blue Skies a painting of the courthouse in Flemington, a chili cook off on 9/28/14, wine tasting, pig roast, parade on 3/22/14, calendars, lecture series, costumed Freeholder meetings, house tours

Ms. Yard explained how the schools are getting involved in the celebration by having the history of the County be made part of their core curriculum.

In closing, Ms. Karrow and Ms. Yard stated their enthusiasm for the project, reiterating that they would like to have involvement from all the municipalities.

5. Actions to be taken

➤ **Consent Agenda**

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

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

RESOLUTION-#52-2013

WHEREAS, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 15th of the fiscal year; and,

WHEREAS, the Township of Tewksbury has delayed the introduction of the 2013 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 2013 Tewksbury Township Municipal Budget; and,

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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.

Louis DiMare
Mayor

TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION #53-2013

WHEREAS, the 2013 Local Municipal Budget was introduced on the 23rd day of April, 2013; and,

WHEREAS, during the fiscal year 2013 the Township of Tewksbury has been allocated a state grant for various programs in the amount of \$27,069.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2013 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-2013	\$ 20,548.00
Recycling Tonnage Grant-2012	5,846.00
Body Armor Grant-2012	<u>675.00</u>
	<u>\$ 27,069.00</u>

Louis DiMare
Mayor

TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION #54-2013

WHEREAS, the 2013 Local Municipal Budget was introduced on the 23rd day of April, 2013; and,

WHEREAS, during fiscal year 2013, the Township of Tewksbury will receive revenue for various other special items in the amount of \$1,100,805.00.

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NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2013 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	\$ 27,805.00
Capital Fund Balance	300,000.00
Capital Fund-Reserve for Debt Service	50,000.00
Reserve for Open Space-Debt Service	675,000.00
Lease of Municipal Facilities	36,000.00
Fire Safety Fees	<u>12,000.00</u>
	<u>\$1,100,805.00</u>

Louis DiMare
Mayor

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

RESOLUTION#55-2013

WHEREAS, the Township of Tewksbury is holding a meeting on April 23, 2013, for the purpose of introducing the 2013 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 2013 Local Municipal Budget be introduced and approved on April 23, 2013.

2013 TEWKSBURY TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 2,196,795.00
Total Miscellaneous revenue	2,155,017.00
Receipts from Delinquent Taxes	300,000.00
Local Property Taxes	<u>4,667,181.00</u>
Total General Revenues	<u>\$9,318,993.00</u>
Total Operations	\$5,245,103.00
Capital Improvements	400,000.00
Debt Service	1,930,398.00
Statutory Expenditures	712,520.00
Reserve for Delinquent Taxes	<u>1,030,972.00</u>
Total 2013 Municipal Budget	<u>\$9,318,993.00</u>

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2013 Municipal Tax Rate \$0.345

2013 TEWKSBURY TOWNSHIP MUNICIPAL SEWER UTILITY BUDGET

Surplus anticipated general revenues	\$ 52,150.00
Total Miscellaneous revenue	<u>198,150.00</u>
Total General Revenues	<u>\$250,300.00</u>
Total Operations	\$226,200.00
Capital Improvement	<u>24,100.00</u>
Total 2013 Municipal Budget	<u>\$250,300.00</u>

Louis DiMare
Mayor

**RESOLUTION #59-2013
2013 EMERGENCY TEMPORARY BUDGET**

WHEREAS, 40A:4-20 Local Budget Law provides that an emergency temporary budget be made for lawful purposes for the period between the beginning of the budget year and the date of the adoption of the budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the following emergency temporary budget be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer and the Director of the Division of Local Government Services for their records.

2013 Emergency Temporary Current Fund Budget

Revenue

Tax Collector 911,050.00

Appropriation

<i>A& E S&W</i>	27,021.00
<i>A& E OE</i>	2,000.00
<i>Township Committee S&W</i>	2,625.00
<i>Township Committee OE</i>	1,200.00
<i>Finance S&W</i>	17,422.00
<i>Finance OE</i>	300.00
<i>Tax Assessment S&W</i>	4,038.00
<i>Bartles OE</i>	7,000.00
<i>Tax Collector S&W</i>	5,598.00
<i>Tax Collector OE</i>	500.00
<i>Municipal Prosecutor</i>	2,046.00
<i>Public Bldg & Grounds</i>	10,000.00
<i>Land Use S&W</i>	12,510.00

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<i>Land Use OE</i>	3,000.00
<i>Land Use Special Projects</i>	500.00
<i>Group Ins. Health Plan</i>	6,000.00
<i>Police S&W</i>	102,805.00
<i>Police OE</i>	1,500.00
<i>PBA Contract Benefits</i>	35,000.00
<i>Uniformed Fire Safety S&W</i>	750.00
<i>Public Works S&W</i>	101,250.00
<i>Public Works OE</i>	50,000.00
<i>Board of Health S&W</i>	400.00
<i>Board of Health OE</i>	1,000.00
<i>Computerized Data Processing</i>	10,000.00
<i>Fleet Maintenance</i>	5,000.00
<i>Electricity</i>	2,000.00
<i>Garbage & Trash Pick Up</i>	2,000.00
<i>Natural Gas</i>	10,000.00
<i>Heating Fuel</i>	600.00
<i>Telecommunications</i>	3,000.00
<i>Telephone</i>	2,500.00
<i>Municipal Court S&W</i>	4,500.00
<i>Code Enforcement S&W</i>	20,768.00
<i>Code Enforcement OE</i>	2,500.00
<i>Lease of Equipment</i>	1,000.00
<i>Affordable Housing S&W</i>	510.00
<i>ER SS & Medicare</i>	110,000.00
<i>PERS & PFRS Contribution</i>	342,207.00
	911,050.00

Louis DiMare
Mayor

**RESOLUTION #60-2013
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 refund of tax.

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<u>Block</u>	<u>Lot</u>		<u>Year</u>	<u>Amount</u>
19	17.04	Jeffrey & Jennifer Leopold 46 Homestead Rd Califon, NJ 07830	2012	644.64
36	3.12	Porzio, Bromberg, Newman PC For Steven J. Mitnick and Jane Wolff Mitnick PO 1997 Morristown, NJ 07962-1997	2012	4550.83

Louis DiMare
Mayor

RESOLUTION #61-2013

ARBOR DAY 2013

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, 2013 marks the 141 st Anniversary of Arbor Day, which is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource providing paper, wood for homes, fuel for fires and countless other products; and

WHEREAS, trees in our township increase property values, enhance the economic vitality of our business area and beautify our community; and

WHEREAS, wherever they are planted, trees are a source of joy and spiritual renewal; and

WHEREAS, the Township Committee of the Township of Tewksbury and the Tewksbury Township Forestry Advisory Board will hold a public celebration and tree planting at the Tewksbury Elementary School at 10:00 AM on April 26, 2013, to mark this occasion.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby proclaims Friday, April 23, 2013, as the 140th Anniversary Celebration of Arbor Day, in the Township of Tewksbury, and urge all

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Township residents to celebrate Arbor Day and support the efforts to protect the trees and woodlands; and

BE IT FURTHER RESOLVED, that all citizens are urged to plant trees to gladden the heart and promote the well-being of this and future generations.

Louis DiMare
Mayor

RESOLUTION #62-2013

**A RESOLUTION SETTING THE 2013 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 2013.

<u>PUBLIC WORKS</u>		
Christopher Ponzio	Public Works Employee Temporary/Seasonal	\$12.00/hour effective upon receipt of all paperwork not to exceed 29 hours per week

Louis DiMare
Mayor

**RESOLUTION #63-2013
TONNAGE GRANT APPLICATION RESOLUTION**

WHEREAS, the Mandatory Source Separation and Recycling Act, PL 1987, c 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

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WHEREAS, a Resolution authorizing this municipality to apply for the 2012 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Alan Dilley, Certified Recycling Professional to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Louis DiMare
Mayor

5. Reports

➤ **Township Committee Comments**

Dr. Voyce noted the Eagle Scout ceremony held on 4/20 at the Zion Lutheran Church. The five Scouts and two Girl Scouts will be in attendance at the upcoming Township Committee meeting.

Mayor DiMare noted that he is in favor of having summer hours for Township employees for the months of June July and August. He added that it worked well in the past and the employees seemed to appreciate it.

Mr. Landon noted that he was neutral regarding the matter and had no preference.

Mr. Melick stated the reasons why he continued not to be in favor of summer hours.

Discussion followed regarding the matter and if summer hours were to be effective in June, the need to get the information out to the public as soon as possible.

Ms. Desiderio made a motion to have the Township offices operate on a summer schedule for the months of June, July and August following the same parameters as were in effect in 2012, seconded by Dr. Voyce. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mayor DiMare noted an e-mail message he received from a Township resident regarding a matter with the Zoning Office. He stated that the behavior is similar to that of the former Officer with regard to giving incorrect advice and "shooting from the hip".

Mr. Landon stated that he and Shana Goodchild spoke with the Zoning Officer and hope to correct the problem so that it will not occur again.

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➤ **Township Administrator**

6. Adjournment

There being no further business, the meeting was adjourned at 8:50 PM.

Roberta A. Brassard
Municipal Clerk

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As you know, the Land Use Board recently made several recommendations for possible DRO changes. One of those recommendations was to allow residential generators and A/C condenser pads (gravel or concrete) not exceeding 100 sq. ft. to be exempt from imperious coverage requirements. I believe the Township Committee referred this particular item back to the Land Use Subcommittee for further review and recommendation.

While gather my own information for generator permits, I discovered that Section 706 of the DRO which addresses Exemptions, appears to penalize some pre-existing undersized lots, specifically lots located on the bulb of a cul-de-sac that have unique and unusual shapes due to having reduced frontage requirements, reductions that were allowed under the zoning in place at the time of subdivision approval. Described in subsections (F)(3), lots of at least 3 acres and less that 5 acres, and (F)(4), lots of at least 5 acres, these parcels meet all the required exceptions for reduced bulk area standards barring that of being able to meet the 225' required lot width measured at the minimum building line, a requirement spelled out in Section706 subsection (F)(2). However, it should be noted this requirement is not listed for lots with an area of less than 3 acres, subsection (F)(1), nor is it listed for lots with an area of at least 3 acres, subsection (F)(2); in fact, it is specifically noted that lot width for these two parcel descriptions does not need to be met as long as the existing lot width will not be further reduced by the proposed improvement. Therefore, fairness would dictate no extraordinary measures be imposed for inadequate lot width on previously conforming parcels as described in subsections (F)(3) and (F)(4) if these lots meet all the other Exception requirements.

In addition, it seems that lots not meeting the requirement of having 225' lot width at the minimum building line do not qualify as an exception under this Section and will have to comply with the more stringent standards for the zone in which it is now located, standards that could place existing improvements in setback areas and cause undo hardship for present and future owners because improvements would most likely further exacerbate setback violations.

I am asking the Township Committee to refer this matter to the Land Use Subcommittee as well and sincerely hope their review will result in a recommendation that the requirement in subsections (F)(3) and (F)(4) regarding the 225' lot width at the building line be eliminated.