

**TOWNSHIP COMMITTEE
APRIL 9, 2013 MINUTES**

The Tewksbury Township Committee met in a regular/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. Deputy Mayor Dana Desiderio presided.

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

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

There were approximately twenty members of the public in attendance.

1. Open Public Meetings Statement

The Open Public Meetings Statement was read by Deputy Mayor Desiderio.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

Dana Desiderio left the meeting at this time.

In response to a question from Chris Kennedy, Mr. Van Doren stated that the Mayor advised the Committee that he had a conversation with the DOT Commissioner, but did not have specifics of the conversations.

Nancy Held suggested that further conversation related to the helistop be deferred until the Mayor arrived at the meeting.

Dana Desiderio returned to the meeting at this time.

4. Actions to be taken

➤ **Ordinance Public Hearing**

Mr. Van Doren made a motion to open the public hearing on Ordinance #02-2013, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

Ms. Brassard provided proof of publication from the 3/18/13 Courier News.

There being no comments from the public, Mr. Melick made a motion to close the public hearing on Ordinance #02-2013, seconded by Mr. Van Doren. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

Mr. Van Doren made a motion to adopt Ordinance #02-2013, seconded by Dr. Voyce. A roll call vote was taken and the motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

ORDINANCE NO. 02-2013

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**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**

WHEREAS, there exists in the Township of Tewksbury ("Township") a fifty foot (50') wide municipal easement located on Lot 106.04 in Block 51, that was created in connection with a subdivision approved in 1987 by the Township's Planning Board; and

WHEREAS, the easement was imposed by the Board with the understanding that the Township would retain the ability to determine its future use; and

WHEREAS, the easement has never been used by the Township and the Township has no intention of ever so using said easement; and

WHEREAS, the Tewksbury Township Committee does hereby further determine that the aforementioned Easement as set forth in the description attached hereto as Schedule "A" is no longer needed for public purposes; and

WHEREAS, the Township would now prefer to vacate the easement as described in Schedule "A" attached hereto; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the municipality to release and extinguish the public's rights arising from the granting of an easement.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, as follows:

SECTION A

1. The rights of the public and the Township of Tewksbury in and to the Easement as listed above and as more particularly described in Schedule "A" attached hereto are hereby extinguished and vacated.

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2. At least one week prior to the time fixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

3. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Hunterdon in accordance with the provisions of N.J.S.A. 40:67-21.

SECTION B

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION C

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION D

This Ordinance shall take effect immediately upon final publication as provided by law.

Louis DiMare
Mayor

Mayor DiMare arrived at 7:45 pm.

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Mr. Van Doren made a motion to open the public hearing on Ordinance #03-2013, seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ms. Brassard provided proof of publication from the 3/18/13 Courier News and a letter from the LUB noting their review of the Ordinance and finding it not inconsistent with the Master Plan..

There being no comments from the public, Mr. Van Doren made a motion to close the public hearing on Ordinance #03-2013, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mr. Van Doren made a motion to adopt Ordinance #03-2013, 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 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

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-62a) requires substantial consistency of the regulations governing zoning and land use development with the adopted Master Plan; and

WHEREAS, the Township of Tewksbury has established residential and nonresidential zone districts and a comprehensive set of land use regulations as set forth in the Tewksbury Township Development Regulations Ordinance; and

WHEREAS, the Tewksbury Land Use Board did adopt on February 20, 2013 a Periodic Reexamination Report of the Master Plan and Development Regulations and an Amendment to the Master Plan Land Use Plan Element to the September 2003 Master Plan; and

WHEREAS, it is the recommendation of the Land Use Board, as set forth in the current Reexamination Report and Land Use Plan amendment to modify the front, side, and rear yard setbacks in the Village Residential District to better reflect the existing developed conditions and the historic characteristics associated with this District; and

WHEREAS, the Land Use Board does further recommend that a section of the existing Village Residential District within the Pottersville section of the Township be reclassified to a new zone district to be known as the Village Residential-1 District for the reasons articulated in the Reexamination Report and Land Use Plan amendment, in order to distinguish the residential

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neighborhood in question from the remaining areas within the Village Residential District, and to retain the existing range of permitted uses, lot area requirements, and bulk standards for the new zone as presently apply except for the front yard setback which is recommended to be reduced from 75 feet to 65 feet; and

WHEREAS, the Land Use Board did also discuss and recommends a specific fee schedule for applicants in need of variance relief to install emergency power generators and air conditioning units on residential properties within the Township.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, County of Hunterdon and State of New Jersey that the Tewksbury Township Development Regulations Ordinance is hereby amended to modify the front, side and rear yard bulk standards for the VR Village Residential District, to establish a new VR Village Residential-1 District and to set specific application and escrow fees for emergency power generators and air conditioning units for residential properties.

Section 1.

Article VII, "Zoning Provisions" shall be revised as follows:

- (i) §700, "Zoning Districts" to add a new zone district to be known as the VR Village Residential-1 District.
- (ii) §701, "Zoning Boundaries" shall be revised to reflect the new VR Village Residential-1 District on the Township's Zoning Map to incorporate the area located south of Hollow Brook Road and Fairmount Road (County Route 512) and west of McCans Mill Road as depicted on Township Tax Map 6, revised through November 19, 1976 and Tax Map 6.01, last revised January 1, 2001 incorporating the following parcels: Block 23, Lots 8.01 through 8.40 and Lots 9, 10, 10.01 and 11; Block 2301, Lots 8.01 through 8.17; and Block 23.02, Lots 8.01 through 8.07.
- (iii) §715, "VR Village Residential District" shall be revised to modify subsections E1d "Minimum Front Yard" from 75 feet to 5 feet; E1e "Minimum Rear Yard" from 50 feet to 25 feet; and E1f "Minimum Side Yard (each)" from 30 feet to 15 feet.
- (iv) New §715.1 shall be added to be entitled "VR Village Residential-1 District" as follows:
 - A. Purpose. The Village/Residential-1 District has been created to recognize the residential neighborhood established by the Glenbrook Final Major Subdivision of 1966 and a number of other residential properties in the immediate vicinity that reflect a general uniformity in size and layout in contrast to the historic development patterns which characterize the Village/Residential District.
 - B. Permitted Principal Uses.
 - 1. Detached single-family dwellings.
 - 2. Township buildings and services.
 - 3. Houses of worship.
 - 4. Public and private, non-profit schools.

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- C. Accessory Buildings and Uses.
 - 1. Residential garages/private garages/swimming pools.
 - 2. A building, (other than a building used for agricultural purposes) to house domesticated animals which are kept solely for the use or pleasure of the residents of the dwelling.
 - 3. Storage sheds/tool sheds.

- D. Conditional Uses. In addition to the standards set forth in this Section, all conditional uses shall meet other applicable design standards as set forth in Article VIII of this Ordinance.
 - 1. Public utility facilities, except communication towers.

- E. Area, Yard and Bulk Regulations
 - 1. For residential uses:

a. Minimum Lot Area	1.5 acres
b. Minimum Lot Width	175 feet
c. Minimum Lot Depth	250 feet
d. Minimum Front Yard	65 feet
e. Minimum Rear Yard	50 feet
f. Minimum Side Yard (each)	30 feet
g. Maximum Building Height	35 feet
h. Maximum Lot Coverage	15%

- 2. For Township buildings, public utility facilities, houses of worship and schools:

a. Minimum Lot Area	1.5 acres
b. Minimum Lot Width	200 feet
c. Minimum Lot Depth	250 feet
d. Minimum Front Yard	75 feet
e. Minimum Rear Yard	75 feet
f. Minimum Side Yard (each)	50 feet
g. Maximum Building Height	30 feet
h. Maximum Lot Coverage	40%

Section 2.

Article IX, "Fees, Guarantees, Inspections, Off-Tract Improvements and General Enforcement" shall be revised as follows:

- (i) Amend §900, "Application and Escrow Fees", subsection A "Fee Schedule" to add the following in "Other Application and Escrow Fees"

Application Type	Application Fee	Escrow Fee
Variances for emergency power generators and air conditioning units (residential properties)	\$50	\$100

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Section 3.

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 5.

This ordinance shall take effect upon final adoption, publication, and publication of a notice for final adoption and the filing of same with the Hunterdon County Planning Board.

Louis Di Mare
Mayor

➤ **Consent Agenda**

Mr. Van Doren requested that Resolutions 52-2013 through 55-2013 be removed from the Consent Agenda.

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: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #51-2013
OPPOSING S2364/A3553**

WHEREAS, Senate Bill S-2364 and Assembly Bill A3553 propose to create a system of early voting in the State of New Jersey; and

WHEREAS, the goal of accommodating voters in pursuit of greater participation in the democratic process is a worthy goal; and

WHEREAS, these bills would in reality increase workloads, add more costs to the election process, and ultimately serve to confuse voters more than it would accommodate their needs; and

WHEREAS, these bills would require for each primary and general election a public facility, except a public school, located in each municipality in an area of a high concentration of

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population to be open and available to registered voters starting 15 days before an election for early polling, possibly conflicting with if not pushing out other important uses for these buildings, causing inconvenience to residents; and

WHEREAS, these bills require retraining of poll workers and dramatically increased hours, as well as chain of custody requirements to protect the voting process, despite the fact that recruiting and training polls workers is already a difficult process; and

WHEREAS, these bills would increase costs to municipalities, including overtime pay for workers; and

WHEREAS, although these bills allow municipalities to request reimbursement for extra costs and provide an appropriation, the appropriation does not outline a specific amount nor dedicated funding, only that which the State Treasurer and the Director of the Division of Budget and Accounting deem necessary, and they do not outline the procedure for a municipality whose reimbursement request is denied; and

WHEREAS, the opportunity for "Early Voting" already exists in the State of New Jersey through the Vote by Mail ballot process.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Tewksbury in the County of Hunterdon does hereby oppose S2364 and A3553; and

BE IT FURTHER RESOLVED, the Township Committee of the Township of Tewksbury does hereby call upon its representatives in the State Legislature to oppose the adoption of this bill; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be sent to the Office of the Governor, Senate President Sweeney, Senators Gill and Whelan, sponsors of S2364, Speaker Oliver, Assemblymen Wisniewski, Diegnan, Benson, Conaway, and Coughlin, sponsors of A3553, our State Senator and Assembly representatives, the County Board of Elections, and the New Jersey League of Municipalities.

Louis DiMare
Mayor

RESOLUTION #56-2013

A RESOLUTION OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES, PURSUANT TO N.J.S.A. 40A:12-13 ET SEQ.

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WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a) authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements;

WHEREAS, the Township of Tewksbury is the owner of Block 40, Lot 2, more commonly known as 5 James Street which is not needed for public use and the Township Committee has determined that it is in the best interest of the Township to sell the property in an effort to put it back on the active tax rolls; and

WHEREAS, there shall be a minimum bid for this property of \$175,000.00 regardless of the minimum bid the Township reserves the right to reject all bids.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, that Block 40, Lot 2, the property known as 5 James Street within the Township of Tewksbury shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-12(a). Said public auction shall be conducted on June 19, 2013 at 1:00 PM at 5 James Street.

BE IT FURTHER RESOLVED that the subject property shall be offered for public bidding as set forth below and shall be sold pursuant to the further expressed conditions enumerated below:

1. The Township reserves the right to cancel the action at any time prior to the auction, for any reason. Bidders may wish to contact the Township Clerk the day before the auction to ensure that the property is still being offered for auction.
2. Each bid is subject to the rejection or acceptance by the Township Committee which shall occur no later than at its second regular meeting following the auction sale. The Township Committee reserves the right to reject all bids. If no action is taken by the Township Committee by the second regular meeting, then the bid shall be deemed to be rejected.
3. The successful bidder, as indicated by the highest bid, shall be required to deposit 10 percent (10%) of his or her bid with the Township at the time of the auction. This deposit shall be made by either certified check, money order or cash in an amount equal to at least 10 percent (10%) of the winning bid payable to "Courter, Kobert & Cohen Attorney Trust Account". All monies so received will be credited toward the total sale price. The deposit made by the purchaser is non-refundable. The risk of loss is on the purchaser.
4. The successful bidder, as indicated by the highest bid, shall be required to execute a Contract for Sale of Real Estate at the time of the auction. A copy of the contract for each property is on file with the Township Clerk.

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5. Bidders are required to register for the auction by completing the form in Schedule "A". All bidders must appear in person at the auction and upon becoming the successful bidder must present identifying credentials in compliance with the auction rules stated below:
 - a. The Township Clerk will start with the auction by reading these auction rules.
 - b. Each registered bidder will receive a bidder number. In order to make a bid, a bidder raises their number in the air. The Township Clerk will record each bidder's number and bid amount. A bid indication is considered a contractual obligation.
 - c. Bidders may not communicate with each other in any manner.
 - d. The minimum bid increment is one thousand (\$1000.00) in U.S. Dollars.
 - e. A person bidding on behalf of a corporation, upon becoming the successful bidder, must present a copy of the Certificate of Incorporation and a resolution authorizing that person to bid on behalf of the corporation.
 - f. A person bidding on behalf of a partnership or using a trade name upon becoming the successful bidder, must submit a copy of the Certificate of Trade Name (partnership) and a letter of authorization from the other partner(s).
 - g. No other bidder may submit a bid on behalf of another, except that a husband or wife may bid on behalf of both.
 - h. The winning bid will be decided when the highest bid has no counter bids made after three (3) requests.
6. The fire horn for the Township's fire department is currently housed on this property and will be removed by the Township prior to closing.
7. The successful bidder(s) shall be required to pay at time of closing of title the cost of legal advertising of the sale of this property which is the subject of this auction plus the Township's attorneys' fees of \$1,000.
8. The successful bidder(s) shall bear the cost of recording the deed(s) and agree that the deed(s) shall be recorded on behalf of the purchaser by the Township Attorney. The successful bidder, prior to closing of title, will not be permitted to assign his or her bid nor any right, title or interest in the property on which the bid was made.
9. The burden is on all successful bidders to obtain any and all variances and/or approvals from the Land Use and Development Ordinance of the Township of Tewksbury from the appropriate municipal agency.

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10. Title is to close within ninety (90) calendar days of confirmation of the bid by the Township Committee at the Township Attorney's office, unless otherwise extended in the sole discretion of the Township Committee, but if the last day for closing of title falls on a Saturday/Sunday, or legal holiday, then title shall close on the following day. Time is of the essence.
11. All conveyances shall be by Quitclaim Deed from the Township of Tewksbury to the successful bidder, to be dated on the date of closing of title.
12. The sale price, as may result from this auction sale, may not be used before any County Board of Taxation, State Tax Court or in any other court of this State to challenge the assessment with respect to the subject property nor may same be used as a comparable sale to challenge assessment with regard to other properties.
13. All successful bidders are required to conduct all desired title searches at their expense prior to the date of closing. If the title to this property shall prove to be unmarketable, the liability of the Township shall be limited to the repayment to the purchaser of the amount of his or her deposit and any portion of the purchase price paid without any further cost, expense, damage or claim. Notice of any alleged defect in title or claim of unmarketability shall be given to the Township in writing no later than thirty (30) calendar days after the date of confirmation of the sale by the governing body of the Township of Tewksbury. Failure to give such notice shall be deemed conclusive evidence that the purchaser accepts title in its then present condition.
14. All prospective purchasers are put on notice that no employee, agent or officer of the Township of Tewksbury has authority to waive, modify or amend any of the conditions of sale.
15. If the successful bidder was the sole or part owner of the property to be sold at the time the Township acquired title by a tax foreclosure, said bidder may not reacquire the property directly or indirectly without complying with the following condition: The successful bidder of any property at this auction, by making such bid, thereby agrees to pay the Township at closing of title the difference, if any, between the total amount of taxes, plus interest and penalties due at the time of the judgment of foreclosure was entered and the amount of the successful bid.
16. It is conclusively presumed that a bidder prior to taking his or her bid has done the following:
 - a. Checked the exact location, including the correct street address and lot size of the property on the Official Tax Maps that are available at the Assessor's Office.
 - b. Checked the zoning restrictions to ascertain the legal use of the property. The successful bidder shall be afforded the ninety (90) days prior to closing, as set forth in Paragraph 10, to apply for all necessary municipal or government approvals to allow for the successful bidders' intended use including, but not limited to, approval permits for potable water and the sanitary sewer system;

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building permits and certificates of occupancy; approval required from any outside agency.

- c. Made a personal inspection of the property prior to the bidding on a piece of property by contacting the Township Clerk, Monday – Friday, between 9:00 am to 4:00 pm, telephone number (908) 439-0022.
 - d. Responsibility for failure to comply with the above-mentioned conditions and guidelines will be fully assumed by the purchaser.
17. A failure by the purchaser to fully comply with the terms, conditions, requirements and regulations of sale as herein contained shall be considered, at the option of the Township of Tewksbury, as a material breach of the conditions of sale whereupon the Township of Tewksbury may declare said contract or purchase terminated and at an end. All monies paid on behalf of the purchase price, by way of deposit or otherwise, may be retained by the Township as its liquidated damages and it may thereafter resell the said property and/or pursue such other and further legal and/or equitable remedies as it may have and the defaulting purchaser shall continue to remain liable for all damages and losses sustained by the Township of Tewksbury by reason of any such default.
18. Any descriptions of the properties published by the Township are intended as a general guide only and may not be accurate. No representations of any kind are made by the Township of Tewksbury as to the conditions of the property, said premises are being sold in their present conditions “as is”.
19. The sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants, restrictions and any other encumbrances of title.
20. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Township of Tewksbury.
21. Successful bidders agree to the following conditions:
- a. To pay prorated property taxes for the balance of the current year as of the date of closing.
 - b. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.
 - c. That the failure to close title as agreed shall forfeit to the Township of Tewksbury any and all money deposited with the Township.

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22. If any section or provision of this Resolution shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Resolution, except so far as the section of the provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Louis DiMare
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO
- Correspondence List
- Regular and e/s minutes of 03-26-13
- Authorization to have Mayor sign F&D for raffle license for Allbrook School event on 5-03-13
- Authorization to have Clerk sign SA Permit Allbrook School event on 5-03-13
- Authorization to have Clerk sign SA Permit Life Camp event on 4-26-13

5. Reports

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

Mr. Van Doren noted that introduction of the 2013 Budget will be delayed until the 4/23 meeting as the Committee wished the tax rate to remain flat.

Dr. Voyce noted that he had received a call regarding the raptor box being located in the pavilion at the Christie Hoffman Park. The caller stated their concern with the activity at the pavilion and suggested locating the box at the barn instead.

Joe Kosakowski of Wildlife Control Specialists LLC stated his agreement with this suggestion.

Mr. Melick noted that the Land Use subcommittee needs to look into the matter of generators and impervious coverage. He suggested that a “quick waiver” be available for residents who wish to install emergency generators, adding that the bigger issue of coverage also needs to be discussed.

Mr. Van Doren stated that an Ordinance amendment should be prepared for an upcoming meeting to address the matter of exempting impervious coverage requirements with regard to the installation of residential generators and A/C condensers on pads not exceeding 100 square feet.

Mr. Van Doren noted the number of tax appeals and a memo from the Land Use Administrator regarding alternative energy facilities.

Township Administrator

Mr. Landon noted that the Special Officer who was hired has taken a full time position elsewhere and Officer Mankowski will be back from deployment in June or July.

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It was the consensus of the Committee that the applicants for Special Police Officer be contacted to see if they are still interested and available.

It was noted that the AED's are in place and training has been completed.

Dana Desiderio left the meeting at this time.

6. Public Participation (continued)

Mayor DiMare stated that he had spoken with the DOT Commissioner to explain the Township's position related to the helistop application and the Committee's displeasure with the lack of communication between all parties.

A return call from the Commissioner dealt with the following conditions.

- Size of permitted helicopters. The Commissioner stated that the AW 139 is the vehicle used as medivacs by the NJ State Police and the DOT's position is that a helistop must be able to handle a vehicle of this size.
- Hours of operation. The Commissioner stated that the hours of 7:00 am – 10:00 pm are considered restrictive.
- Allowable number of flights per month. The Commissioner stated that the number of allowable flights is considered restrictive as there is a set number attached and is not an unrestricted number.
- Discussion followed regarding the check list and associated allotted points given to an applicant with regard to their submission to the DOT for a license. The Commissioner advised that the applicant did not receive any favorable points in one category as the Township objected to the matter.

Chris Kennedy thanked the Mayor for speaking with the Commissioner, adding that the answers received were a disappointment and the Friends may take "alternative action."

Jay Rhatican of Wolff and Samson, attorney for the Friends of Cold Brook Historic District (Friends) noted that his client is concerned with the lack of communication between all parties and that the entire process is not open and transparent. He stated that his clients feel that the conditions attached to the issued permit are not onerous enough and they are evaluating options regarding the right to appeal the conditions of the permit.

Mr. Rhatican noted that he has not been able to get a copy of the Johnson's matrix from the DOT Commissioner as he was informed that the document is considered deliberative in nature and thus not available to the public.

Mr. Rhatican noted that the rescheduling of conferences and adjournments is of importance, adding that he is concerned that all parties are not being represented entirely accurately.

Mayor Dimare agreed with Mr. Rhatican's concern adding that there has been no settlement discussion from the Committee.

Nancy Held stated that she understood that North Star has permission from the State to land anywhere in case of emergency and she did not agree that a helicopter of their size should be allowed to land at the Johnsons helistop.

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Mr. Melick noted that a helistop has an approved safety zone and an emergency helicopter can land there without aid from local fire companies. He noted that if the Oldwick Fire Company receives a call from an accident on Route 78, the helistop at Merck is utilized and the fire company does not need to be there to set up the area for safe landing.

Mayor DiMare agreed that the primary reason given by the DOT Commissioner for allowing aircraft up to an AW 139 to land at the Johnson site is for safety reasons.

Ms. Held asked if the Township has to issue zoning permit for the Johnson project or if a waiting period could apply.

Ms. Held surmised that the extension that the Johnson's attorney requested may be a tactic for the applicants so they could avoid a hearing and save lawyer costs.

She stated that the Friends are considering their options and she personally is in favor of filing to appeal the DOT decision.

She added that she spoke with a representative from Colts Neck and was advised that \$21,000 was spent for the appeal.

In response to a question from Mayor Dimare, Mr. Rhatican stated that the strengths of the Friends' case are that the conditions are arbitrary and capricious and without the matrix, the Friends are in the dark. He added that some of the testimony is inconsistent with that from the LUB hearings. It was added that an appeal has been made to the Government Records Council for a copy of the matrix document.

In response to a question from Nancy Hance, Mayor DiMare stated that he would be comfortable asking the DOT Commissioner for a copy of the matrix.

Floyd Wheat questioned on what basis the DOT was issuing an approval to construct the helistop, and specifically what the rush was. He stated that the LUB took a lot of time in their deliberations and the will of the citizens of the community is best expressed through its local elected officials. He urged the need for a transparent process, stating that the current process "doesn't feel right" and there is a need to "shine a light into what's going on".

Larry Ross thanked the Mayor for his efforts in speaking with the DOT Commissioner. He opined that the Johnsons are negotiating with the DOT and are ignoring the residents and the work done by the LUB and Township Committee. He stated that the Committee should carefully consider accepting the terms as he felt "more demands will follow." He noted that roads and drainage have been installed on the property, forests have been cleared and the Johnsons want to build a road to Route 517 all the way to Oldwick crossing easements owned by the Raritan Headwaters Association. He added that he has heard that a hunting club complete with overnight accommodations is being planned on the property.

He opined that if all this development occurs, land values will drop and the tax basis will be diluted.

He stated that "apathy is a terrible price to pay" and the Committee needs to look closely at what the Johnson really want to do and do what is right for the Township.

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George Cassa stated that the more he hears, the less he understands about land use. Discussion followed regarding statements as reported in the newspapers regarding possible settlement and the legality of the Johnsons speaking with the DOT. Mayor DiMare assured everyone that neither the Township Committee nor any of its professionals have engaged in any settlement discussions.

Mr. Cassa stated that he is offended with allegations being made by the Johnson's attorney, adding that the Township officials are "being too much of a gentleman" in this matter and need to make a statement before the next scheduled conference.

He added that he has heard that the Johnsons have retained the architect (Peter Kellogg) who designed the hunting/shooting preserve in Warren County and understands that the plan is to have a house for overnight stays. He questioned if this is an allowable use of the property, adding that he feels it is disingenuous to the LUB testimony.

Colleen Carolonza questioned who would monitor the area and report any inconsistencies, and what the repercussions would be.

Discussion followed as to who would contact the correct agency. Mr. Selvaggi stated that the DOT would use their discretion with regard to penalizing the licensee. He added that he did not know of anything in writing that assigns a penalty to a violation.

Further comments were heard regarding keeping flight logs and if this information would be available to the general public.

Cheryl Coldbeck stated that she initially thought having a helistop in Tewksbury was a joke and could not believe that the matter had progressed so far. She stated that the matter has become very emotional and has pitted the neighbors against the Johnsons. She stated that she feels railroaded and left out of the loop because she does not personally have the funds or the time to do anything to fight the matter.

She added that she lives in Tewksbury by choice and is not at all sure what is happening as there is no real communication with the Johnson family. She opined that when the matter was denied by the LUB, the Johnsons immediately tried a different avenue to "get what they want." She lamented that the matter is now being handled solely by lawyers, adding that the Johnsons have a hidden agenda and that the involvement in her life is "offensive."

Mayor DiMare suggested that Ms. Coldbeck should speak directly with the Johnsons or to one of the local newspaper reporters.

Ms. Coldbeck stated that she is a suspicious person and has had no direct contact with the Johnsons. She added that it is not her business what the Johnsons do, but she felt it was bad for them to "put themselves in my life."

Hilary Prouty stated her agreement with comments made, adding her frustration and being flabbergasted at the impasse and the overriding feeling of entitlement and secrecy by the

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Johnsons. She questioned “what happened to democracy” adding that she is “hoping for the best” even though it is “all is about deep pockets.”

In response to a question from Nancy Held, Mr. Landon stated that the Township has to issue the requested permits once prior approvals have been received and other requirements are met. Mr. Van Doren added that the Township has the legal obligation to act within 10 days, or if no action is taken, permits are automatically granted.

Ms. Held presented the following opinions.

- She speculated that some Township residents may not be opposed to a tax increase if it would mean that there would be sufficient funds to fight the DOT decision.
- She understood from a letter submitted to the DOT, that the Johnsons wish to have a hunting club modeled after a club in Allamuchy complete with a helistop, overnight accommodations and meals.
- She spoke with the planning head from Colts Neck who informed her that the restrictions (of the helistop) are routinely violated. The DOT told them to maintain a flight log as they were not doing so previously.
- Testimony from the Trump aviation consultant noted that the DOT does not like to enforce restrictions. She suggested calling the DOT so that the Johnsons do not have “free reign.”
- She expressed her curiosity as to whether the DOT considered local zoning ordinances when they imposed their restrictions.
- She urged everyone to write letters and call appropriate offices to voice their opinions related to the license and restrictions.
- Comments were made regarding the information received by the DOT from the LUB hearings and the fact that no public hearings were held although there was a great amount of public testimony.
- In closing, Ms. Held stated that the public needs to be aware of all that is involved with the matter and to stay current.

Robert Becker noted that the North Hunterdon Voorhees tax rate is scheduled to increase by 4.9%.

Dana Desiderio returned to the meeting.

7. Executive Session

At 8:50 PM Mr. Melick moved adoption of the following Resolution, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #57-2013
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 Personnel.

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

Louis DiMare
Mayor

8. Reconvened

The meeting reconvened at 9:30 PM.

Mr. Van Doren made a motion to incorporate corrections to Resolution #56-2013 as noted in Executive Session, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

9. Executive Session

At 9:34 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 #57-2013
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
Mayor

Ms. Desiderio left the meeting at this time.

10. Adjournment

There being no further business, the meeting was adjourned at 10:00 PM.

Roberta A. Brassard
Municipal Clerk