

**TOWNSHIP COMMITTEE
MAY 10, 2011 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 Peter Melick presided.

Other officials in attendance were Township Committee members Dana Desiderio, Louis DiMare, 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 four members of the public in attendance.

1. Open Public Meetings Statement

The Open Public Meetings Statement was read by Mayor Melick.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

Debbie Close commended the Committee for continuing to identify historic landmarks and to apply for a grant with SHPO to fund this endeavor. She questioned to what end this was being done, noting that her house was designated as an historic structure in the 1980s and is listed on the State and National registers.

She noted that during a Land Use Board meeting, JCP&L testified that they did not know that the proposed area (for the substation) was in an historic district.

She opined that the Committee should take care of the historic sites that are currently listed instead of adding additional sites. She added that there are other historic homes in the lower Fairmount Historic District.

Mrs. Close requested that the Committee write to SHPO advising them that Governor Christie and Commissioner Martin are not upholding the principles of the State with regard to Highlands and environmental rulings.

Mrs. Close noted that Committeeman Van Doren agreed to work with the Historic Preservation Commission to have signs erected in the lower Fairmount Historic District. She surmised that if the signs had been in place, JCP&L might have been aware of the historic designation of the property. To date, the only sign in the district is one erected by a property owner.

Mark Eskind agreed with comments make by Mrs. Close.

4. Actions to be Taken

- **Ordinance Public Hearing** **06-2011** **Capital Ordinance**

Dr. Voyce made a motion to open the Public Hearing on Ordinance #06-2011, seconded by Mr. Van Doren. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**TOWNSHIP COMMITTEE
MAY 10, 2011 MINUTES**

Ms. Brassard provided proof of publication from the 04/29/11 Courier News and a letter from the Land Use Board noting their review of the Ordinance and finding it not inconsistent with the Master Plan.

Mrs. Close stated that the drainage problem related to the road condition on Hollow Brook Road was discussed at the 2010 budget meeting. She added that Dr. Voyce acknowledged her comments and gave a directive to see if Hollow Brook Road could be looked at sooner in the rotation schedule. She noted that the top soil on her property is being eroded and underground storage tanks are being exposed due to excessive water runoff from the road. She noted that the drainage problem started when the road was resurfaced.

She added that she spoke with Hayden Hull in the spring of 2010 and it was suggested (by the DPW) that a lip be built along the frontage to keep excessive water off of the property. This was deemed unworkable as it would make the driveway unusable. It was also determined that any major work could not be done in the spring of 2010 because the ground was still frozen.

Mr. Eskind noted that a rain will flood his backyard and continue flooding 4-5 days after the rain stops, adding that this situation never occurred until the road was resurfaced. He noted that he contacted the Township and an individual came to his property without getting out of his vehicle and advised Mr. Eskind that his front yard would have to be built up. Mr. Eskind noted that the roadway is lifting up and the work done three years ago is not holding up well.

Mrs. Close opined that the road needs to be milled and resurfaced in order to alleviate the drainage problems.

Arnold Shapack noted that a similar issue exists on Beavers Road due to springs popping up and causing water and ice across the road. He added that he spoke with Mr. Hull and was advised that it would be years before a new drainage system was installed on Beavers Road.

Mr. Shapack suggested that the County utilize the labor assistance program to help clean up Township roads.

Mrs. Close questioned the process for getting work done on Hollow Brook Road as quickly as possible.

Mayor Melick noted that Hollow Brook Road was discussed at the 2011 budget work session and is on the 5 year plan.

Mr. Landon noted that Hollow Brook Road is on the schedule for 2012 for drainage improvements and if the JCP&L substation goes in, JCP&L will pay for any and all road repair.

Mrs. Close stated that Mr. Landon's statement to hinge the repair of a Township road on the promise of a substation being built is unacceptable and insulting.

Mr. Landon countered that the Township has limited funds for road repair and to repair a road with public funds and then have it damaged would be irresponsible.

**TOWNSHIP COMMITTEE
MAY 10, 2011 MINUTES**

Mrs. Close stated that she wants the decision regarding road repair independent of anything related to the JCP&L substation-anything else would be an affront to the Township tax payers. She added that if any damage were done to the roadway, JCP&L should be made to fix it even if work was already done by the Township.

Discussion followed regarding what Ordinance #06-2011 would fund.

Mr. Selvaggi noted that the drainage improvements are scheduled for 2012 and are in no way tied to the possibility of the substation being constructed. He added that if the substation were constructed, a pre construction meeting would be held to determine the condition of the roadway(s) prior to any work commencing.

Further discussion followed regarding the timing of the road improvement project and the pending litigation.

Mrs. Close reiterated that the matter was initially addressed in 2010 and is now on the 2012 schedule for repair, adding that the Township had been given notice for the dangerous road condition.

Discussion followed regarding how difficult it is to fix roads unless a schedule is strictly followed. Mr. Landon noted that Potterstown Road was the "hot" road to repair recently and Mr. Selvaggi agreed that in rural communities, it is the "nature of the beast" for residents to think that "theirs is the worst" with regard to road conditions.

Mrs. Close reiterated that the discussion of the roadway commenced in 2007, a DPW worker came to the site in 2009 and Mrs. Close went to the DPW Superintendent and a Budget workshop meeting in 2010. She stressed that she wishes to have clarification regarding when the work will commence adding that she did not want the resurfacing of Hollow Brook Road in any way linked to the construction of the proposed JCP&L substation.

Dr. Voyce stated that he would like the Administrator to speak with Mr. Holt to see if the schedule could be amended for drainage work to be done on Hollow Brook Road in a more timely fashion.

Ms. Desiderio questioned if Mrs. Close would be amenable to the idea of a temporary fix to avoid flooding onto her property.

Mrs. Close stated that something acceptable and agreeable that would not further damage her property value could be considered if she were assured that the work would commence early in 2012.

Mr. Selvaggi recommended that this could not be guaranteed due to weather and financial constraints.

There being no additional comments from the public, Mr. Van Doren made a motion to close the Public Hearing on Ordinance #06-2011, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**TOWNSHIP COMMITTEE
MAY 10, 2011 MINUTES**

Mr. Van Doren moved adoption of Ordinance #-6-2011, 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
ORDINANCE # 06-2011**

**AN ORDINANCE TO FUND ROAD IMPROVEMENTS, STORMWATER IMPROVEMENTS
AND PUBLIC BUILDING AND GROUNDS IMPROVEMENTS**

BE IT ORDAINED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, road improvements, stormwater improvements and public building and grounds improvements:

	FOR	FROM	AMOUNT
1	road improvements stormwater improvements	Capital Improvement Fund	\$400,000.00
2	public building and grounds improvements	Capital Improvement Fund	\$50,000.00

3. There being no debt incurred for this purpose, the total sum of four hundred and fifty thousand dollars and no cents is hereby appropriated.
4. That this Ordinance shall take effect after final passage, adoption and publication according to law.

Peter Melick
Mayor

➤ **Ordinance Introduction 07-2011 Lease for James Street Garage**

Dr. Voyce made a motion to introduce Ordinance #07-2011, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, Melick, Voyce. Nays: None. Recused: DiMare, Van Doren.

Mr. Landon noted that the term of the lease is 50 years with a 40 year extension, which is normal for this type of agreement. Comments were made regarding roof repair and matters related to the existing compressor and phone line.

The Public Hearing for Ordinance #07-2011 is scheduled for 6/14/10 at 8:00 PM.

ORDINANCE NO. 07-2011

**TOWNSHIP COMMITTEE
MAY 10, 2011 MINUTES**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, TO LEASE TOWNSHIP PROPERTY TO A NON-PROFIT
CORPORATION.**

➤ **Consent Agenda**

Mr. DiMare requested that Resolution #59-2011 be removed from the Consent Agenda.

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

RESOLUTION #58-2011

A RESOLUTION CONCERNING THE TOWNSHIP'S 2010 ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated NJAC 5:30-6.5, a regulation requiring that the governing body of each municipality shall by Resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled

“Schedule of Findings and Recommendations – General Findings”; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Schedule of Findings and Recommendations – General Findings” as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such Resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to NJAC 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after

**TOWNSHIP COMMITTEE
MAY 10, 2011 MINUTES**

a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Township Committee the Township of Tewksbury, hereby states that it has complied with NJAC 5:30-6.5 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said compliance.

Peter Melick.
Mayor

RESOLUTION #60-2011

AWARDING A CONTRACT FOR THE OLDWICK VILLAGE SIDEWALK IMPROVEMENT PROJECT

WHEREAS, the following six bids were received on April 14, 2011 for the Oldwick Village Sidewalk Improvement Project; and

PA Contractors Inc.	\$44,712.50	Withdrawn
A. Takton Concrete Corp.	\$61,700.00	
Cedar Contracting Company, Inc.	\$67,448.75	
Kalogridis Contracting LLC	\$72,258.75	
Covino & Sons Construction Co. Inc.	\$73,748.75	
A & A Curbing, Inc.	\$90,723.85	

WHEREAS, the attached bid tabulation and letter from the Engineer dated 05/04/11 outline the parameters of the bid award; and

WHEREAS, the Township Committee has reviewed the recommendations made by the Township Administrator and Township Engineer on said bids; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the following contract be awarded based on the recommendation of the Township Administrator and Township Engineer.

A. Takton Concrete Corp.	
South River, NJ	
TOTAL	\$61,700.00

BE IT FURTHER RESOLVED that the Mayor and the Township Administrator are hereby authorized and directed to execute the contracts for same.

**TOWNSHIP COMMITTEE
MAY 10, 2011 MINUTES**

BE IT FINALLY RESOLVED, that additional funds up to 20% of the base bid may be used with prior Township Engineer approval of a proper change order and with authorization of the Township Administrator.

Peter Melick.
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO
- Regular and executive session minutes of 04/26/11
- Authorization to contact SADC re: Right of Way for Hill and Dale Road
- Authorization to have Mayor sign Settlement Agreement and Release between Township and Selective Insurance Company (Combe Landfill)

ITEMS REMOVED FROM THE CONSENT AGENDA

Mr. DiMare questioned the credentials of Mr. Price.
Mr. Landon and Mr. Selvaggi praised Mr. Price for his professionalism, number of licenses held and knowledge of the UCC.
Dr. Voyce moved adoption of Resolution #59-2011, seconded by Ms. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

RESOLUTION #59-2011

A RESOLUTION APPOINTING A FIRE SUB CODE OFFICIAL FOR THE TOWNSHIP OF TEWKSBURY

BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the following appointment for the employee so stated is hereby set for the year 2011 effective 05/17/2011.

CONSTRUCTION CODE ENFORCEMENT		
Ralph Price	Building sub-code, fire sub-code, back up electrical, back up construction official	38.00/hour

Peter Melick.
Mayor

- 5. **Reports**
 - **Township Committee Sub Committees & Township Committee Comments**

**TOWNSHIP COMMITTEE
MAY 10, 2011 MINUTES**

Dr. Voyce requested that Mr. Holt look at the schedule for work to be done on Hollow Brook Road. Specifically he requested that a temporary solution be discussed for the area as outlined by Mrs. Close.

Ms. Desiderio noted that the Hunterdon County Planning Board is reviewing two solar parks, one of which is 127 acres.

Mr. DiMare agreed that the Hollow Brook Road issue be looked at to see if work can be moved up on the schedule. He added that he is looking at the website and hopes to put an article in the Times of Tewksbury soliciting input and suggestions from the residents with regard to updating/improving the site. The matter will be further discussed at the June work session meeting.

Mr. Van Doren noted that the time of decision matter needs to be further discussed relative to an amendment to the DRO.

Mayor Melick noted that new Board of Education members have been elected and the Tewksbury School Superintendent, William Petrick has retired effective 09/01/11. It was noted that the Voorhees Principal is also retiring.

Dr. Voyce questioned if the letter to the SHPO as requested by Mrs. Close should be sent. Mr. Van Doren stated that the process has made its way through the various State departments and the letter would do nothing. He added that a public utility does not trigger section review by the SHPO. He suggested contacting our Legislators requesting that the statute be revised to include SHPO review for public utilities in the future.

➤ **Township Administrator**

Mr. Landon noted the following items.

- The SHPO grant for designating additional historic sites in the Township is a minimum of \$8000.00. The Township does not require that amount of funding and the deadline for applying has passed. A letter was sent to the 18+ property owners and to John Glynn of the HC Roads, Bridges and Engineering Department regarding County culverts. Some contact has been made with the property owners. Preliminary work is being done with regard to the Rockaway Railroad and information regarding the designation of cemeteries is being studied. Mr. Landon stated that getting a cemetery listed as an historic site is difficult to achieve. Further discussion followed regarding the Rockaway Railroad and its delineation on existing tax maps.
- The PIG application for Kneser is past the deadline for funding.
- The PIG application for Koebel has a 06/30/11 deadline. It was noted that the State and County agencies have stated that there is insufficient time to make the closing by the imposed deadline.
- The senior group met at The Meadows for their recent meeting. The County Human Services is also discussing meeting there in the future.
- The Senior picnic is scheduled for 6-1-11 at the Whittemore Wildlife Sanctuary.

**TOWNSHIP COMMITTEE
MAY 10, 2011 MINUTES**

- The discussion regarding removal of the Farmersville Road property from the ROSI is on the table for discussion at Green Acres.
- The contract for sidewalk work has been awarded and plans to move forward with phase 2 are being discussed. Notification has been sent to property owners on the west side of Route 517 and the library staff and members are excited about the possibility of sidewalk construction.
- It was reiterated that the SHPO grant will not be applied for with regard to historic designation.

6. Executive Session

At 8:35 PM Mr. Van Doren moved adoption of the following Resolution, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #61-2011
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 Contract Negotiations, Advice of Attorney and Personnel.

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

Peter Melick.
Mayor

7. Adjournment

There being no further business, the meeting was adjourned at 9:12 PM.

Roberta A. Brassard
Municipal Clerk