

**TOWNSHIP COMMITTEE
MAY 8, 2012 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 Dana Desiderio presided.

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

Committeeman William Voyce was not present.

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 Desiderio.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

Discussion followed regarding Amy Scalara's request to place recycling containers in Township parks. It was noted that the parks have a carry in/carry out policy and having trash and/or recycling bins at the parks often attracts insects and wildlife and is a cause for unwanted litter.

4. Actions to be Taken

➤ **Ordinance Public Hearing**

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #04-2012, seconded by Mr. Dimare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: None. Absent: Voyce.

Ms. Brassard provided proof of publication from the 4-16-12 Courier News.

There being no comments from the public, Mr. Van Doren moved to close the Public Hearing on Ordinance #04-2012, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: None. Absent: Voyce.

Mr. Van Doren moved adoption of Ordinance #04-2012, seconded by Mr. DiMare. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: None. Absent: Voyce.

**ORDINANCE NO. 04-2012
TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

**AN ORDINANCE FOR PROTECTIVE CUSTODY OF INDIVIDUALS ARRESTED FOR
DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS**

WHEREAS, pursuant to NJSA 39:4-50.22, commonly known as “John’s Law”, a law enforcement agency arresting a person for a violation of NJSA 39:4-50, driving under the influence of alcohol or drugs, may release said person to an individual summoned by the arrestee to transport or accompany the arrestee from the premises of a law enforcement agency; and

WHEREAS , in situations where the arrestee is unable to summon an individual to transport or accompany the arrestee from the premises of a law enforcement agency pursuant to NJSA 39:4-50.22, that the arrestee may present a danger to self or other if provisions are not made for the arrestee’s protective custody; and

WHEREAS, pursuant to NJSA 40:48-1.3, a municipality may enact an Ordinance providing that person arrested for a violation of the provisions of NJSA 39:4-50, driving under the influence of alcohol or drugs shall be held in protective custody at an appropriate police or other facility where the arrestee’s condition may be monitored until the arrestee is no longer a danger to himself or others, and that municipalities have additional authority under NJSA 40:48-1 (34) to provide protective custody for persons arrested for operating a motor vehicle in violation of NJSA 39:4-50, driving under the influence of alcohol or drugs; and

WHEREAS, it is recognized that it is an inefficient use of police resources to require that protective custody be held at the police station, and that the Hunterdon County Jail, among other places, could be a more appropriate facility within which to monitor the arrestee’s condition until the arrestee is no longer a danger to himself or others.

IT IS THEREFORE, ENACTED AS FOLLOWS:

When an individual is arrested within this jurisdiction for operating a motor vehicle while under the influence of alcohol or drugs pursuant to NJSA 39:4-50, and where the arrestee is unable to summon an individual to transport or accompany the arrestee from the premises of a law enforcement agency pursuant to NJSA 39:4-50.22, the arresting officer or other designated police officer shall:

1. Make arrangements for the arrestee to be held in protective custody at an appropriate police or other appropriate facility as defined further herein until such time that the arrestee is no longer a danger to himself or other as defined in paragraph 2 of this Ordinance.
2. The officer or other individual holding the arrestee shall release the arrestee from protective custody when he is no longer a danger to himself or others, which is defined as when the arrestee’s blood alcohol level is less than .05% and that person is no longer under the influence of any intoxicating liquor or narcotic or hallucinogenic or habit-forming drug to the extent that the person’s faculties are impaired.

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

3. The period of protective custody shall not exceed eight hours without providing the arrestee an appropriate hearing before the municipal court to determine if a protective custody period longer than eight hours is required in order to prevent the arrestee from being a danger to himself or others as defined in paragraph 2 of this Ordinance.
4. For the purposes of this Ordinance, an appropriate facility shall include a police station, the Hunterdon County Jail or if the arresting officer deems appropriate, a school or hospital that has supervisory measures in place to ensure that the arrestee will not be released until such time that the arrestee is no longer a danger to himself or others as defined in paragraph 2 of this Ordinance

BE IT ORDAINED, that this Ordinance shall take effect immediately upon final passage and adoption and publication according to law.

Dana Desiderio
Mayor

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #05-2012, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: None. Absent: Voyce.

Ms. Brassard provided proof of publication from the 4-16-12 Courier News.

There being no comments from the public, Mr. Van Doren moved to close the Public Hearing on Ordinance #05-2012, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: None. Absent: Voyce.

Mr. Van Doren moved adoption of Ordinance #05-2012, seconded by Mr. DiMare. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: None. Absent: Voyce.

**ORDINANCE NO. 05-2012
TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING CHAPTER 15.08, ENTITLED "CONSTRUCTION CODE FEES
AND ENFORCEMENT," OF THE CODE OF THE TOWNSHIP OF TEWKSBURY**

BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, and State of New Jersey that Chapter 15.08, entitled "Construction Code Fees and Enforcement" of the Code of the Township of Tewksbury is hereby amended as follows and all other sections will remain unchanged:

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

15.08.020 Fees.

- A. The building subcode fee shall be:
 - 1. New Construction.
 - a. For new construction: five cents (\$.05) per cubic foot of building or structure volume for buildings and structures of all use groups and types of construction as classified and defined in Articles 3 and 4 of the building subcode provided that the minimum fee shall be fifty dollars (\$50.00).
 - 2. Renovations, Alterations, Repairs. For renovations, alterations and repairs or for site construction associated with premanufactured construction and the external utility connection for premanufactured construction, the fee shall be based upon the estimated cost of the work, at the rate of thirty dollars (\$30.00) per one thousand dollars (\$1,000.00) of estimated cost of the work.
 - 5. Pools. Fee for an in-ground pool shall be a flat fee of three hundred dollars (\$300.00).
 - 6. Demolition. Fee for a permit for demolition of a building structure shall be one hundred and fifty dollars (\$150.00) per structure.
 - 8. Signs. Fee for a permit to construct a sign shall be three dollars and fifty cents (\$3.50) per square foot of the surface area of the sign, provided that the minimum fee shall be five dollars (\$5.00). In the case of double-faced signs, the area of the surface of only one side of the sign shall be used for the purposes of the fee computation.
 - 9. Roofing and Siding. Fees for a permit will be a flat fee of two hundred dollars (\$200.00).
- B. Plumbing Subcode Fees.
 - 1. Plumbing Fixtures and Equipment. Fee for each plumbing fixture, piece of equipment or appliance connected to the plumbing system and for each appliance connected to the gas piping or oil piping system, nineteen dollars (\$19.00) provided that the minimum shall be sixty-five dollars (\$65.00).
 - 2. Special Plumbing Devices. Fee for the following special plumbing devices shall be ninety dollars (\$90.00) each:
 - a. Grease trap;
 - b. Oil separator;

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

- c. Water-cooled air-conditioning units;
- d. Refrigeration units;
- e. Utility service connections;
- f. Back-flow preventors;
- g. Steam boilers;
- h. Hot water boilers (excluding those for domestic water heating);
- i. Active solar systems;
- j. Sewer pumps;
- k. Interceptors;
- l. Fuel oil piping.

There shall be inspection fee charged for gas service entrances.

Replacement of furnaces, air conditioners and water heaters shall be a flat fee of one hundred and fifty dollars (\$150.00).

C. Electrical Subcode Fees.

1. Electrical Fixtures and Devices.

From 1 to 50 receptacles, fixtures or switches	\$55.00
Increments of 25 additional items	\$15.00

For the purpose of computing this fee, the term receptacles, fixtures or switches shall include lighting outlets, smoke detectors, heat detectors, fluorescent fixtures, pool bonding, burglar alarm devices, intercom devices, thermostats, CRT outlets, light standards, wall switches and convenience receptacles.

2. Motors.

Greater than 1 hp or less than or equal to 10 hp	\$ 20.00
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**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

Greater than 10 hp or less than or equal to 50 hp	\$65.00
Greater than 50 hp or less than or equal to 100 hp	\$150.00
Greater than 100 hp	\$600.00

3. Electrical Devices (Include Transformers and Generators).

Greater than 1 KW or less than or equal to 10 KW	\$ 20.00
Greater than 10 KW or less than or equal to 45 KW	\$65.00
Greater than 45 KW or less than or equal to 112.5 KW	\$150.00
Greater than 112.5 KW	\$600.00

Service Equipment. Term includes service panel, service entrance and subpanels.

Greater than 0 amp or less than or equal to 200 amp	\$ 65.00
Greater than 200 amp or less than or equal to 1000 amp	\$150.00
Greater than 1000 amp	\$600.00

The minimum charge for an electrical inspection is seventy- five dollars (\$75.00).

Annual inspections on public swimming pools are one hundred and fifty dollars (\$150.00).

D. Fire Protection Subcode Fee and Other Hazardous Equipment. Sprinklers, standpipes, detectors, smoke and heat pre-engineered suppression systems, gas and oil-fired appliances not connected to the plumbing system, kitchen exhaust system, incinerators and crematoriums:

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

1. Sprinkler Heads/Detectors:

20 or fewer heads or detectors	\$ 65.00
21 to and including 100 heads or detectors	\$160.00
101 to and including 200 heads or detectors	\$300.00
201 to and including 400 heads or detectors	\$800.00
401 to and including 1,000 heads or detectors	\$1,100.00
Over 1,000 heads or detectors	\$1,400.00

In computing fees for heads and detectors, the number of each shall be counted separately and two fees, one for heads and one for detectors, shall be charged.

2. The fee for each standpipe shall be three hundred twenty-five dollars (\$325.00).
3. The fee for each independent pre-engineered system shall be two hundred and twenty dollars (\$220.00).
6. The fee for each kitchen exhaust system shall be one hundred and fifty dollars (\$150.00).
7. The fee for each incinerator shall be five hundred dollars (\$500.00).
8. The fee for each crematorium shall be five hundred dollars (\$500.00).
9. The fee for a permit for the installation of fire protection devices shall be:
 - a. For an automatically controlled fire system, one hundred seventy five dollars (\$175.00).
 - b. For a manual system, sixty-five dollars (\$65.00).
10. The fee for the permit of an automatic smoke detector for a one and two-family dwelling shall be:

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

First smoke detector, sixty-five dollars (\$65.00).

Each additional smoke detector, twenty-five dollars (\$25.00).

11. The fee for an oil or gasoline storage tank shall be:

Up to 550 gallons	\$ 65.00
551 to 1,000 gallons	\$70.00
1,001 to 2,999 gallons	\$75.00
Over 2,999 gallons	\$125.00

12. The fee for a permit for the installation of a sprinkler system shall be:

1 to 20 heads	\$ 85.00
21 to 100 heads	\$165.00
101 to 200 heads	\$300.00
201 to 400 heads	\$800.00
401 to 1,000 heads	\$1,200.00
Over 1,000 heads	\$1,400.00

The minimum charge for a fire inspection is \$50.00.

E. Elevator Subcode Fees.

Section E is deleted in its entirety and replaced with the following language.

State Fees Apply, see section 5:23-4.20-6 of the UCC.

I. Lead Abatement. The fee for lead hazard abatement work shall be one hundred fifty dollars (\$150.00). The fee for a lead abatement clearance certificate shall be twenty-eight dollars (\$28.00).

J. Certificate of Occupancy.

1. The fee for certificate of occupancy for new construction shall be sixty-five dollars (\$65.00).
2. The fee for certificate of continued occupancy shall be two hundred dollars (\$200.00).
3. The fee for a temporary certificate of occupancy shall be one hundred dollars (\$100.00).

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and adoption and publication according to law.

Dana Desiderio
Mayor

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #06-2012, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: None. Absent: Voyce.

Ms. Brassard provided proof of publication from the 4-16-12 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.

There being no comments from the public, Mr. Van Doren moved to close the Public Hearing on Ordinance #06-2012, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: None. Absent: Voyce.

Mr. Van Doren moved adoption of Ordinance #06-2012, seconded by Mr. DiMare. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Van Doren. Nays: Melick. Absent: Voyce.

ORDINANCE No. 06-2012

**AN ORDINANCE AMENDING SECTION 907 OF THE TOWNSHIP OF TEWKSBURY
DEVELOPMENT REGULATIONS ORDINANCE ENTITLED FEES, GUARANTEES,
INSPECTIONS, OFF-TRACT IMPROVEMENTS AND GENERAL ENFORCEMENT**

WHEREAS, the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, desires to amend Article IX Section 907 of the Tewksbury Township Development Regulations Ordinance entitled Violations and Penalties; and

All sections not amended below are to remain in their current form:

§ 907 VIOLATIONS AND PENALTIES

B. If, before any final subdivision approval has been granted, any person transfers or sells or agrees to transfer any land which forms a part of a subdivision for which municipal approval is required by this Ordinance, such person shall be subject to a penalty not to exceed two thousand dollars (\$2,000.00) and each lot disposition so made may be deemed a separate violation.

C. Any person convicted of a violation of any portion of this Ordinance (other than subsection B of this section) shall be punishable by a fine not exceeding two thousand dollars (\$2,000.00), by imprisonment for a term not exceeding ninety (90) days, or by a period of

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

community service not exceeding ninety (90) days, or by both such fine and imprisonment or community service.

BE IT ORDAINED, that this Ordinance shall take effect immediately upon final passage and adoption and publication according to law.

Dana Desiderio
Mayor

➤ **Consent Agenda**

Mr. Melick noted a correction to the spelling of John Runnells on page 3 of the minutes.

Mr. Melick 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. Nays: None. Absent: Voyce.

RESOLUTION #53-2012

A RESOLUTION CONCERNING THE TOWNSHIP'S 2011 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 2011 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

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

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 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.

Dana Desiderio
Mayor

RESOLUTION #54-2012

**COMBINING BONDS AGGREGATING THE PRINCIPAL SUM
OF \$9,998,000 AUTHORIZED BY TWELVE BOND
ORDINANCES HERETOFORE ADOPTED TO FINANCE PART
OF THE COST OF VARIOUS GENERAL IMPROVEMENTS IN
THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,
NEW JERSEY INTO ONE CONSOLIDATED ISSUE OF BONDS
AND PROVIDING FOR THE FORM, MATURITIES AND OTHER
DETAILS OF SAID CONSOLIDATED ISSUE.**

May 8, 2012

WHEREAS, the Township Committee of the Township of Tewksbury, in the County of Hunterdon, New Jersey (the "Township"), has heretofore adopted twelve ordinances authorizing bonds to finance part of the cost of various general improvements in said Township; and

WHEREAS, it is necessary to issue bonds pursuant to said ordinances in an aggregate principal amount of \$9,998,000 and it is deemed advisable and in the best interests of the Township, for the purpose of the orderly marketing of said bonds and for other financial reasons, to combine the bonds authorized under said twelve ordinances into one consolidated issue in the aggregate principal amount of \$9,998,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey; **NOW, THEREFORE**,

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF TEWKSBURY IN THE COUNTY OF HUNTERDON, NEW JERSEY that:

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

Section 1. There shall be issued bonds of the Township in the following principal amounts pursuant to the following bond ordinances:

A. \$1,187,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 19-2001)

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,400,000 FOR VARIOUS IMPROVEMENTS IN AND BY THE TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,330,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION”

which was subsequently amended by an ordinance entitled (Ord. No. 19-2005)

“BOND ORDINANCE AMENDING BOND ORDINANCE NO 19-2001 FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW JERSEY ON JULY 11, 2001”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15.75 years.

B. \$602,443 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 16-2003)

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$2,310,000 FOR THE ACQUISITION OF AN EASEMENT IN REAL PROPERTY BY AND FOR THE TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$2,200,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION”

heretofore finally adopted. The period of usefulness stated in said ordinance is 40 years.

C. \$1,411,399 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 22-2003)

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$4,000,000 FOR THE PURCHASE OF PARCELS OF REAL ESTATE IN AND BY THE TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

D. \$93,031 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 23-2003)

"BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$217,000 FOR THE CONSTRUCTION OF A FIRST AID SQUAD BUILDING IN AND BY THE TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$206,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION"

heretofore finally adopted. The average period of usefulness stated in said ordinance is 30 years.

E. \$439,449 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 15-2005)

"BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$853,000 FOR VARIOUS IMPROVEMENTS IN AND BY THE TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$810,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION"

heretofore finally adopted. The average period of usefulness stated in said ordinance is 13.79 years.

F. \$207,125 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 17-2005)

"BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$450,000 FOR THE ACQUISITION OF AN INTEREST IN AN EASEMENT IN REAL ESTATE IN AND BY THE TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$427,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION"

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

G. \$513,190 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 05-2006)

"BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$900,000 FOR THE ACQUISITION OF EASEMENTS IN REAL ESTATE IN AND BY THE TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$855,000"

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

**BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF
THE APPROPRIATION”**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

H. \$677,226 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 07-2006)

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,284,000 FOR VARIOUS IMPROVEMENTS IN AND BY THE TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,029,800 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 16.54 years.

I. \$1,285,198 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 14-2006)

“BOND ORDINANCE PROVIDING FOR THE APPROPRIATION OF \$1,500,000 FOR THE ACQUISITION OF EASEMENTS IN REAL ESTATE IN AND BY THE TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,425,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

J. \$304,275 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 05-2006)

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$900,000 FOR THE ACQUISITION OF EASEMENTS IN REAL ESTATE IN AND BY THE TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$855,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION”

which was subsequently amended by an ordinance entitled (Ord. No. 03-2007)

“BOND ORDINANCE AMENDING BOND ORDINANCE NO 05-2006 FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW
JERSEY ON APRIL 11, 2006”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

K. \$658,370 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 06-2007)

“BOND ORDINANCE PROVIDING FOR THE APPROPRIATION OF
\$806,350 FOR THE ACQUISITION OF AN INTEREST IN EASEMENTS IN
VARIOUS PARCELS OF REAL ESTATE IN AND BY THE TOWNSHIP OF
TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND
AUTHORIZING THE ISSUANCE OF \$766,030 BONDS OR NOTES OF
THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

L. \$2,619,294 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 07-2007)

“BOND ORDINANCE PROVIDING FOR THE APPROPRIATION OF
\$3,085,000 FOR VARIOUS IMPROVEMENTS IN AND BY THE
TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW
JERSEY AND AUTHORIZING THE ISSUANCE OF \$2,645,750 BONDS
OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE
APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 14.56 years.

Section 2. The bonds referred to in Section 1 hereof are hereby combined into one consolidated issue of bonds in the aggregate principal amount of \$9,998,000 and are sometimes hereinafter collectively referred to as the “Bonds.” The bonds referred to in Section 1 shall each be designated “General Obligation Bonds, Series 2012” and shall be numbered with the prefix G from one consecutively upward. The bonds of said consolidated issue shall be dated the date of delivery and will be issued in fully registered form. When issued, the Bonds will be registered in the name of and held by Cede & Co., as the owner thereof and nominee for The Depository Trust Company, New York, New York (“DTC”), an automated depository for securities and clearinghouse for securities transactions.

Upon issuance, the Bonds will be delivered to DTC in single denominations for each maturity of the General Obligation Bonds, Series 2012. Individual purchases of beneficial interests in the Bonds will be made in book-entry form (without certificates) in the denomination of \$1,000 each or any integral multiple thereof (with a minimum purchase of \$5,000).

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

Principal of the Bonds will be paid annually, subject to prior optional redemption, on the fifteenth day of February in the following years and in the following aggregate amounts:

General Obligation Bonds, Series 2012

Year	Principal Amount	Year	Principal Amount
2013	\$250,000	2027	\$370,000
2014	255,000	2028	390,000
2015	260,000	2029	405,000
2016	265,000	2030	435,000
2017	270,000	2031	455,000
2018	275,000	2032	460,000
2019	280,000	2033	470,000
2020	285,000	2034	490,000
2021	290,000	2035	490,000
2022	295,000	2036	495,000
2023	300,000	2037	495,000
2024	320,000	2038	495,000
2025	345,000	2039	498,000
2026	360,000		

The Bonds maturing on or prior to February 15, 2022 shall not be subject to redemption prior to their respective maturity dates. The Bonds maturing on or after February 15, 2023 shall be subject to redemption prior to their respective maturity dates, on or after February 15, 2022 at the option of the Township, either in whole or in part at any time in any order of maturity at one hundred percent (100%) of the principal amount of the Bonds being redeemed (the "Redemption Price"), plus in each case accrued interest thereon to the date fixed for redemption.

Notice of Redemption shall be given by publishing such notice once a week for two (2) successive weeks in a newspaper of general circulation that carries financial news, is printed in the English language and is customarily published on each business day in the State of New York, the first of such publications to be at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. A Notice of Redemption shall also be mailed by first class mail in a sealed envelope with postage prepaid to the registered owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township. However, so long as DTC (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds, nor shall the notice be published as provided herein. Any

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the Bonds of a maturity, such Bonds shall be selected by the Township by lot. If Notice of Redemption has been given as described herein, the Bonds, or the portion thereof called for redemption, shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the Bonds redeemed.

Section 3. It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the said General Obligation Bonds, Series 2012 are to be issued, taking into consideration the amount of such Bonds to be issued for said improvements or purposes, is 27.62 years.

Section 4. The Bonds shall bear interest from their date based on their outstanding principal amount at a rate to be determined as hereinafter set forth in Section 6 of this Resolution, shall be payable as to principal in lawful money of the United States of America at the administration office of the Township in Tewksbury, New Jersey, payable semi-annually on the fifteenth day of February and August in each year until maturity, commencing on February 15, 2013, by check or draft mailed on such interest payment date to the owners thereof registered as such as of each next preceding February 1 and August 1. Interest on the Bonds shall be calculated on the basis of a 360-day year of twelve 30-day calendar months.

Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Letter of Representations to be executed by the Township and DTC. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the bonds is the responsibility of the DTC participants.

Section 5. The Bonds shall be signed by the Mayor and the Township Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Township shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Township.

Section 6. The Township Chief Financial Officer is hereby authorized and directed to take all actions necessary to offer the Bonds for public sale upon the submission of electronic proposals in accordance with all applicable statutes and to determine in his discretion the date for receipt for such proposals, all in accordance with the terms set forth in the Notice of Sale. The Township Chief Financial Officer is further hereby authorized and delegated the authority to sell and award the Bonds in accordance with the terms of the Notice of Sale and directed to report in writing to the Township Committee at the next meeting succeeding the date when any sale or delivery of the Bonds pursuant to this resolution is made, such report to include the principal amount, description, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser. The "Notice of Sale" shall comply in all respects with the applicable statutes relating thereto and shall be substantially in the form attached hereto as Exhibit A, with such additions, modifications or deletions as determined by the Township Chief

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

Financial Officer. The Notice of Sale shall be published in a newspaper published and circulated in the Township as the Township Chief Financial Officer may select and a summary of the Notice of Sale shall be published in The Bond Buyer at least once at least seven (7) days prior to the date of public sale. The Township Chief Financial Officer is authorized and delegated the authority to postpone a public sale without readvertisement in accordance with all applicable statutes relating thereto.

Section 7. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form:

Dana Desiderio
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO
- Correspondence List
- Regular and executive session minutes of 04-24-12 and E/S minutes of 04-10-12
- Authorization to have Mayor sign Blue Light Permit for Jeffrey Anderson and Jane Anderson

ADDITIONAL ITEMS ON THE CONSENT AGENDA

Mr. Van Doren made a motion authorizing the Clerk to sign the OFC Application for Michael Sipos, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Van Doren. Nays: None. Absent: Voyce. Abstain: Melick.

5. Reports

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

Mr. Van Doren explained the combining Bond Resolution that was adopted via the Consent Agenda, noting that the Township is hoping for good rates.

Discussion followed regarding Mr. Van Doren's statement that there was no response from the PBA regarding participation in National Night Out on 8-7-12. Mayor Desiderio stated that she would attend the upcoming Parks Committee meeting to see if they have any interest in coordinating the event.

Mr. Van Doren made a motion authorizing the Mayor to send a revised letter to Senator Weinburg regarding S 1451, seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: None. Absent: Voyce.

Mr. Van Doren noted that the Land Use subcommittee met recently to discuss Highlands Ordinances, however the meeting was not totally productive as the documents that the Planner and the attendees had to review were not the same and were outdated. He noted that the SADC never approved the farmland preservation plan from three years ago, the Historic Preservation element should be left in the Master Plan and the TDR should come out of the Master Plan per the direction given to the Township Administrator.

TOWNSHIP COMMITTEE MAY 8, 2012 MINUTES

Discussion followed regarding the timeline for Ordinance review, public hearing and adoption by both the Township Committee and the Land Use Board.

Mr. Van Doren noted that a decision needs to be made as to whether Township staff will be able to handle exemptions relative to the Highlands rules or if will need to be handled by the Highlands Council or the DEP.

Mr. Van Doren noted that he heard that the Council is pleased with the work product from Tewksbury as it is correct and appropriate.

Mayor Desiderio noted how difficult it is to coordinate schedules and get everyone together, and that fact that the meeting agenda was not clear was very disheartening.

Mr. Melick congratulated Dr. Voyce who is celebrating his 30th wedding anniversary. He noted that he received complaints last week regarding ball fields being closed due to field conditions. He opined that the fields should have been opened as it was an inconvenience to the residents of the Township. Mr. Landon stated that he would look into the procedure for closing fields.

He noted that the recent Barn Dance was a great success and the event raised over \$50,000.00 for the Tewksbury Education Foundation.

Mr. DiMare noted that he and Dr. Voyce met with Mr. Landon and Mr. Benson to discuss the sign ordinance. He stated that he would like to go over the notes and recommendations at an upcoming work session meeting.

Mayor Desiderio noted the following items.

- A recent New Jersey Planning Officials meeting was held on 5-4-12 and Shaun Van Doren received an achievement award.
- A Blue Ribbon Ceremony was held at TES on 5-4-12 and was well attended. The Cub Scouts led the flag raising ceremony.
- A piece of steel from the World Trade Center was dedicated at a ceremony at the Pottersville Fire Company on 5-4-12. This event was also very emotional and well attended by guests, the Mayor of Bedminster and Bill Baroni, Deputy Executive Director of the NY/NJ Port Authority.
- John Boehner, Speaker of the House of Representatives, was recently in Tewksbury and the Mayor met him at the Tewksbury Inn.
- Tom Dillon, a long time Township resident and Land Use Board member recently passed away. A service was held for him in Gladstone, NJ.
- A letter from the Girl Scouts Council was noted as there is a Township resident receiving her Gold Award. A Proclamation will be written and the family invited to the upcoming Committee meeting.
- Mayor Desiderio is in the running to sit on the Highlands Council as she was appointed by former Governor Christine Whitman and Senator Doherty.

➤ **Township Administrator**

Mr. Landon noted the following items.

- He recently met with Andrew Holt to discuss the Grading and Surface Water

**TOWNSHIP COMMITTEE
MAY 8, 2012 MINUTES**

Management Ordinance and will have information to distribute at the upcoming Committee meeting. He noted that the Ordinance will clarify and incorporate a check list and will include a new fee structure.

- Bids and quotes are out for various DPW projects.
- The closing of the bond sale is scheduled 6/19 and advertising will commence on 5/24.
- The Senior Picnic is scheduled for 6-1-12 at the Meadows at Oldwick.
- A Public Safety meeting is scheduled for 5/10/12 with the captains of the rescue squads. A separate meeting will be held later with the fire chiefs.

6. Executive Session

At 8:10 PM Mr. Van Doren moved adoption of the following Resolution, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: None. Absent: Voyce.

**RESOLUTION #55-2012
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 Litigation, Advice of Attorney and Contract Negotiations.

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

Dana Desiderio
Mayor

7. Reconvened

The meeting reconvened at 8:45 PM.

8. Adjournment

There being no further business, the meeting was adjourned at 8:45 PM.

Roberta A. Brassard
Municipal Clerk