

**TOWNSHIP COMMITTEE  
JUNE 14, 2011 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 8:00 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**

Mayor Melick stated that the lease agreement for the James Street garage needs to be worked out and the Public Hearing on Ordinance 07-2011 would be adjourned until the agreement is finalized. Dr. Voyce and Ms. Desiderio were named as the subcommittee members to work on finalizing the wording of the agreement.

Wendy Bastille stated that she would hold her comments regarding the lease of the James Street garage until the Ordinance Public Hearing.

**4. Actions to be Taken**

➤ **Ordinance Public Hearing                      07-2011                      Lease for James Street Garage**

Ms. Desiderio made a motion to open the Public Hearing on Ordinance #07-2011, seconded by Mr. Van Doren. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mr. Van Doren made a motion to adjourn the Public Hearing on Ordinance #07-2011 until the Township Committee meeting scheduled for 07/12/11, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

No additional notice is required regarding the rescheduling of the Public Hearing on Ordinance #07-2011.

➤ **Consent Agenda**

Mayor Melick requested that the authorization to have the Clerk sign applications for the OFC be removed from the Consent Agenda.

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Mr. Van Doren requested that Resolution #67-2011 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 #64-2011  
CANCELATION OF TAXES**

**BE IT RESOLVED**, by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the Chief Financial Officer is hereby authorized to make the following cancellation of taxes.

<u>Block</u>	<u>Lot</u>	<u>Year</u>	<u>Amount</u>
6.04	23.17	2011	28.50

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Peter Melick  
Mayor

**RESOLUTION #65-2011**

**AUTHORIZING THE RENEWAL OF A LIQUOR LICENSE FOR THE TEWKSBURY INN, INC.**

**WHEREAS**, Tewksbury Inn, Inc. has filed a renewal application with the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, for a Plenary Retail Consumption License, carrying Broad Package Privilege, to sell alcoholic beverages for premises situated at 55 Old Turnpike Road and King Street, Oldwick, in the Township of Tewksbury, Hunterdon County, State of New Jersey; and

**WHEREAS**, they have filed with the said application the required fee of \$2000.00; and

**WHEREAS**, a copy of the renewal application, together with a filing fee of \$200.00 has been submitted for filing with the Division of Alcoholic Beverage Control; and

**WHEREAS**, no objections have been filed with the Township Clerk regarding the issuance of said license; and

**WHEREAS**, said application appears to be in proper order.

**NOW, THEREFORE, BE IT RESOLVED**, that said application is hereby granted to Tewksbury Inn, Inc. and the Clerk of the Township of Tewksbury is hereby directed to issue a Plenary Retail Consumption License with Broad Package Privilege #1024-32-002-004, for the period from July 1, 2011 to June 30, 2012, effective July 1, 2011, subject to compliance with Township Ordinance No. 4-65 and amendments; and the Clerk is

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hereby designated to sign and deliver the License Certificate on behalf of the Township.

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Peter Melick  
Mayor

**RESOLUTION #66-2011  
AUTHORIZING THE RENEWAL OF A LIQUOR LICENSE FOR TEWKSBURY FINE WINE  
AND SPIRITS, INC.**

**WHEREAS**, Tewksbury Fine Wine and Spirits, Inc., has filed a renewal application with the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, for a Plenary Retail Distribution License; and

**WHEREAS**, they have filed with the said application the required fee of \$2000.00; and

**WHEREAS**, a copy of the renewal application, together with a filing fee of \$200.00 has been submitted for filing with the Division of Alcoholic Beverage Control; and

**WHEREAS**, no objections have been filed with the Township Clerk regarding the issuance of said license; and

**WHEREAS**, said application appears to be in proper order.

**NOW, THEREFORE, BE IT RESOLVED**, that said application is hereby granted to Tewksbury Fine Wine and Spirits, Inc and the Clerk of the Township of Tewksbury is hereby directed to issue a Plenary Retail Distribution License #1024-44-001-008, for the period from July 1, 2011 to June 30, 2012, effective July 1, 2011, and the Clerk is hereby designated to sign and deliver the License Certificate on behalf of the Township.

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Peter Melick  
Mayor

**RESOLUTION #68-2011  
AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

**WHEREAS**, the Township Committee is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Township Committee is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

**NOW THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Tewksbury, County of Hunterdon, as follows:

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(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Municipal Clerk.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is as follows: 1988 International S-1900 dump Truck, VIN 1HTLDTVR5JH576408 with odometer reading of 79,106 and one 11' snow plow.

(5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Township Committee reserves the right to accept or reject any bid submitted.

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Peter Melick  
Mayor

**RESOLUTION #69-2011**

**AUTHORIZING FIFTH AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR THE CROSSROADS AT OLDWICK COMMUNITY  
ASSOCIATION, INC.**

**WHEREAS**, the Declaration of Covenants, Conditions and Restrictions for the Crossroads at Oldwick Community Association, Inc. ("Declaration") was recorded in the Office of the Clerk of Hunterdon County, New Jersey, on September 26, 2002, in Deed Book 2048, page 735, which said Declaration subjected the property owned and maintained by the Association to certain terms, conditions and provisions; and

**WHEREAS**, the Association wishes to amend Section 5 of the Declaration in accordance with the proposed Fifth Amendment to Declaration of Covenants, Conditions and Restrictions attached hereto as Schedule "A"; and

**WHEREAS**, by virtue of a prior Tewksbury Township Resolution 2000-29, Tewksbury Township must approve any amendment to the Association's Declaration; and

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**WHEREAS**, the Association respectfully requests the Township to approve and authorize the proposed changes to Section 5 of the Declaration; and

**WHEREAS**, the Township consents and agrees to the amendment of the Declaration.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Tewksbury, County of Hunterdon, New Jersey, that the proposed Fifth Amendment to the Declaration of Covenants, Conditions and Restrictions as set forth in Schedule "A" attached hereto, be and is hereby approved and accepted by the Township, subject to the Association executing and recording the Fifth Amendment in the Office of the Clerk of Hunterdon County, and providing proof to the Township of same.

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Peter Melick  
Mayor

**MISCELLANEOUS**

- Claims as submitted by the CFO
- Regular minutes of 05/10/11 and 05/24/11
- Correspondence List

**ITEMS REMOVED FROM THE CONSENT AGENDA**

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

- Authorization to have Municipal Clerk sign application for OFC Benjamin Parker and Christopher Barrett

Discussion followed regarding Mr. Van Doren's concern that only one bid was received for the Roadway and Resurfacing Program. Mr. Landon explained that there was only one bid received in 2010 (from the same contractor) and there are fewer contractors doing chip and seal work now.

The Committee requested that a listing of roads scheduled for road work this summer be submitted for their review.

Mr. Van Doren made a motion to adopt Resolution #67-2011, seconded by Ms. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: DiMare.

**RESOLUTION #67-2011  
AWARDING A CONTRACT - 2011 ROADWAY AND SURFACING PROGRAM**

**WHEREAS**, one bid was received on June 3, 2011 for 2011 Roadway & Surfacing Program; and

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

**WHEREAS**, the Chief Financial Officer has determined sufficient funds are available; and

**WHEREAS**, the total is contingent on Lebanon Borough passing a certificate of availability of funds.

**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, Township Engineer and Chief Financial Officer.

<b>COMPANY</b>	<b>ITEM</b>	<b>PRICE</b>
Asphalt Paving	2011 Roadway & Surfacing Program	\$291,673.45 – chip & seal Tewksbury \$ 14,322.85 – Lebanon
<b>TOTAL</b>		<b>\$305,996.30</b>

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

**BE IT FURTHER 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.

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Peter Melick  
Mayor

**5. Reports**

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

Mr. DiMare noted that he had compiled a listing of corrections/enhancements for the Township website. Discussion followed regarding his memo and discussions held with Township residents, specifically with regard to the need for information to be made available in a timely fashion.

It was suggested that the Township code of ordinances and DRO be made available on line.

Mr. Van Doren noted that the finance subcommittee met recently to discuss the 2011 Budget and to review the utility funds. It was noted that a rate increase for the utilities may be necessary in 2012-2013. It was requested that the CFO create a table outlining rates and fund balances for the past ten years and update the debt service projections.

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The ongoing situation regarding fuel oil pricing/collection process was discussed. The finance department is monitoring the situation and will continue through 2011 with the same process and review a possible new computerized system.

Dr. Voyce stated that meetings will have to be scheduled to discuss the James Street garage lease and the annual OEM meeting. Additionally noted was a Cub Scout flag retirement ceremony held at Fairmount North.

Ms. Desiderio noted discussion held by the HC Planning Board regarding the proposed Flemington circle bypass. Further comments were made regarding Assembly Bill 3992 regarding wind energy generation facilities.

Regarding Land Use Board activities, Mr. Van Doren added that the Rothpletz application is close to being approved as a preserved farm. The next Land Use Board hearing of the Johnson helistop is scheduled for 08-03-11 at the Tewksbury Elementary School.

Mayor Melick noted that the above mentioned flag retirement ceremony was attended by Tom Zbinden-Brassard who is in NJ on a two week leave from Afghanistan: he is the son of the Municipal Clerk.

It was noted that Senator Doherty wishes to have "town hall" type meetings to discuss the school budgets.

A letter from the Hunterdon County Prosecutor was noted regarding creating an Ordinance regarding underage drinking. This matter will be further discussed at the 07/12/11 meeting after comments from the Police Chief and Municipal Prosecutor are received. Discussion followed regarding the proposed Ordinance and what other municipalities in the County are doing.

Ms. Desiderio made further comment on the matter of wind turbines as being discussed at the County Planning Board. Further comments were made regarding community gardens. Ms. Desiderio stated that she would look into the matter further to see if the idea would work in Tewksbury for 2012.

### ➤ **Township Attorney**

Mr. Selvaggi noted the following items from his report.

- An application has been filed with the court for Mr. Saloman with regard to the pool fence.
- The PIG application for Kneser has been paid and the case dismissed.
- The JCP&L application is "languishing" through the court process. Mr. Selvaggi stated that he did not think work would commence until September or October of this year.
- A complaint against the Township was received from Richard Steinberg's lawyer. The matter will be further discussed in Executive Session.
- Comments were made regarding a recent court case in Spotswood regarding salary increases and health care benefits for municipal employees

### ➤ **Township Administrator**

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Mr. Landon noted the Police negotiations continue and another meeting is in the process of being scheduled.

It was decided that a holiday party be held in December of this year at the TRS building.

Mayor Melick made note of the memo from the Pascale Advisory Committee. It was agreed that the group is doing a good job and should be allowed to continue without Township Committee intervention.

**6. Executive Session**

At 8:56 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 #70-2011  
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 Advice of Attorney and Pending Litigation.

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

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Peter Melick  
Mayor

**7. Reconvened**

The meeting reconvened at 9:30 PM.

**8. Adjournment**

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

Roberta A. Brassard  
Municipal Clerk