

**TOWNSHIP COMMITTEE
JULY 10, 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 Peter Melick, Shaun Van Doren and William Voyce.

Committeeman Louis DiMare was absent.

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

There were no comments heard from the public at this time.

4. Actions to be taken

➤ **Ordinance Public Hearing**

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #11-2012, 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 June 18, 2012 Courier News.

There being no comments from the public, Mr. Van Doren moved to close the Public Hearing on Ordinance #11-2012, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

Mr. Melick stated that he felt that the language in the following section should be changed to a figure of 1000 square feet.

A. The creation of any new impervious surfaces that *exceed 500 square* feet in area, including but not limited to a new dwelling on a vacant lot, an addition to an existing dwelling, an accessory building, swimming pools, patios, driveway alterations and driveway additions. Unless constructed a minimum of 3 years apart, all new impervious surfaces shall be considered cumulatively towards the 500 square foot threshold.

He opined that a 500 square foot area would be too restrictive and could be cost prohibitive to the applicant as an engineer would be necessary.

**TOWNSHIP COMMITTEE
JULY 10, 2012 MINUTES**

Mr. Van Doren noted that the square footage amount is the same as in the existing Ordinance and the amendment is being proposed as a means of clarifying the parameters.

Mr. Landon stated that the Ordinance amendment is also driven by Highlands protocol and the number was not come up with arbitrarily.

Further discussion followed regarding Mr. Melick's concerns with regard to possible additional Land Use Board (LUB) involvement. Mr. Van Doren stated that he did not remember there being any issue with LUB involvement with the existing ordinance and square footage parameters.

In response to a question from Mr. Landon, Mr. Selvaggi noted that changing the square footage in the afore mentioned section would be considered a substantive change and the public hearing would have to be tabled until further research was done regarding Mr. Melick's request.

Mr. Van Doren made a motion to defer action on Ordinance #11-2012 and move the public hearing to 07-24-12 at 7:30 pm., seconded by Mr. Melick. A roll call vote was taken and the motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

Mr. Landon stated that he would contact the Engineer and request that the files be reviewed from the past eighteen months to see if the proposed square footage change would be a warranted change.

ORDINANCE #11-2012

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF TEWKSBURY BY
REVISING CHAPTER 13.12, ENTITLED "GRADING AND SURFACE WATER
MANAGEMENT"**

➤ **Consent Agenda**

Dr. Voyce requested that the regular and executive session minutes of 6/26/12 be removed from the Consent Agenda and voted upon separately.

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

**RESOLUTION #66-2012
TAX REFUND**

BE IT RESOLVED, by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the Chief Financial Officer is hereby authorized to make the following payment for the refund of a duplicate tax payment..

**TOWNSHIP COMMITTEE
JULY 10, 2012 MINUTES**

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
12	49	Robin & Glenn Morton 17 Sutton Rd Lebanon NJ 08833	2012	1,797.63

Dana Desiderio
Mayor

RESOLUTION #67-2012

**REJECTING BIDS RECEIVED ON JUNE 21, 2012 FOR “HUNTER’S GLEN FORCE MAIN
REHABILITATION”**

WHEREAS, five bids were received on June 21, 2012 for the Hunter’s Glen Force Main Rehabilitation project; and

WHEREAS, the bids received were rejected because of non compliance with the bid specifications; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the bids received on June 21, 2012 for the Hunter’s Glen Force Main Rehabilitation project be and the same are hereby rejected pursuant to NJSA 40A:11-13.2.".

Dana Desiderio
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO
- Correspondence List

ITEMS REMOVED FROM THE CONSENT AGENDA

Mr. Van Doren made a motion to adopt the regular and executive session minutes of 6/26/12, seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: None. Absent: DiMare. Abstain: Voyce.

- Regular and executive session minutes of 06-26-12

5. Reports

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

Dr. Voyce noted that a fire chiefs meeting will be held shortly.

TOWNSHIP COMMITTEE JULY 10, 2012 MINUTES

Mr. Melick noted that he has heard resident concerns that defibrillators should be located at the three Township athletic fields.

Discussion followed regarding the matter related to the cost, maintenance, training, upkeep and security. Mr. Landon stated that he would research the matter to determine cost and possibility.

Mr. Van Doren noted that the budget figures are below projected numbers for the first six months of the year.

He noted that the recent bond sale resulted in an upgrade from AA2 to AA1 and the Township is in excellent fiscal condition.

The finance subcommittee will meet shortly to discuss fuel, expenditures and salary increases for Township employees.

He noted that he recently heard from a resident regarding graffiti on Route 78 abutments. He contacted the DOT regarding clean up and will stay in touch to make sure the task is completed.

Mayor Desiderio noted a letter from the Forestry Advisory Board (FAB) chair Miriam Murphy regarding terms and youth participation.

It was agreed that student members may be brought onto the Board but not as full voting members.

It was further noted that members of the FAB are appointed annually and this justifies the groups' existence. Although a Resolution or Ordinance creating the FAB was never adopted, the existence of the FAB is justified so that the Forestry Management Plan can be completed.

Mayor Desiderio noted that she would send a note to Mrs. Murphy stating that the Township Committee reaffirms the FAB's existence in their appointments and their responsibility and oversight of the Forestry Management Plan.

Mayor Desiderio noted that she and Mr. Landon met recently with the owner of the Oldwick Spa concerning complaints from a resident on Route 517 regarding parking. Discussion followed regarding painting the corner to create a no parking area and removing existing No Parking signs on James Street in order to create additional parking spaces for the village.

It was stated that the existing Parking Ordinance will have to be amended if the decision to remove the No Parking signs is authorized.

Mr. Landon stated that he and the Police Chief will look at the area on 7/12/12 to determine the best course of action.

Mr. Van Doren opined that removing the No Parking signs on James Street will resolve the parking issue and painting the corner will not be necessary.

Mayor Desiderio stated that she met with the owner of the Tewksbury Inn who is interested in installing a covered patio at the restaurant. The owner has met with the Zoning Officer to discuss the matter.

➤ **Township Attorney**

In response to a question from Mr. Melick, Mr. Selvaggi noted that he spoke with the Prosecutor regarding the matter of the recent bond sale.

6. Public Participation

TOWNSHIP COMMITTEE JULY 10, 2012 MINUTES

Ezio Columbro questioned the language in Ordinance #11-2012 specifically with regard to needing a stormwater management plan for a principle structure with an area being reduced from 1000 square feet to 500 square feet.

He questioned what is driving the more restrictive figure, asking if there have been any complaints from the general public regarding run off. He noted that he hears complaints from the residents regarding the many Township imposed restrictions, adding that this might be an unnecessary additional restriction.

He opined that a 500 square foot structure is very small and comparable to a family room bump out, adding that the need for a storm water management plan often times costs thousands of dollars and could add months of time with regard to receiving the necessary permits.

He noted that if there are problems that resulted from not having a storm water management plan, such an amendment would be warranted, but if it is just another layer of bureaucracy, the matter should be carefully considered. He added that he considers himself a sounding board for Township residents.

Mr. Melick noted that the Ordinance public hearing was adjourned until the next meeting. He added that he hopes the additional restrictions are not indicative of more Highlands restrictions, adding that the Township can always make a decision to opt out.

Wilma Frey stated that she felt the Ordinance was good to have in affect in the Township, but added concern with three main points.

1. There is little mention in the Ordinance about water volume and she felt this is the real issue related to grading and surface water management.
2. She felt the reference to *least possible expense* listed in the Policy portion (“...administer the provisions of this Chapter, in such manner as to cause the least possible expense to applicants in complying therewith...”) would tie the hands of the Township and nothing would be accomplished. She felt there should be wording expressing the need for judicious balancing.
3. She stated that a licensed landscape architect should also be listed under General Standards as an individual able to prepare a plan. She noted that landscape architects are trained to use the natural aspects of the land and should be listed in the Ordinance.

Debbie Close questioned where the Township “fits in to the Ordinance” noting that various Township land use and road projects caused hardships to landowners. She noted the resurfacing of Hollow Brook Road, the runoff from Pascale Park and the issues related to the new JCP&L substation. She stated that the Township also needs to be responsible for their actions with regard to grading and surface water management.

Mr. Van Doren noted that some exemptions do not require a licensed engineer, adding that the new check list was created to make it easier for the applicant and/or homeowner. He reiterated that the public hearing will be moved to the next meeting where additional comments can be heard and considered.

Mr. Melick noted that volume cannot truly be addressed as the amount is based on rainfall.

7. Executive Session

**TOWNSHIP COMMITTEE
JULY 10, 2012 MINUTES**

At 8:17 PM Mr. Van Doren moved adoption of the following Resolution, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

**RESOLUTION #68-2012
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 Personnel, 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.

Dana Desiderio
Mayor

8. Reconvened

The meeting reconvened at 8:46 PM.

9. Adjournment

There being no further business, the meeting was adjourned at 8:47 PM.

Roberta A. Brassard
Municipal Clerk