

**TOWNSHIP COMMITTEE
AUGUST 12, 2014 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 Shaun Van Doren presided.

Other officials in attendance were Township Committee members Dana Desiderio, Louis DiMare, Peter Melick and William Voyce.

Jesse Landon, Township Administrator, Roberta Brassard, Municipal Clerk, Michael Selvaggi, Township Attorney and Chuck McGroarty, Township Planner 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 Van Doren.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

No comments were heard from the members of the public.

4. Actions to be taken

➤ **Ordinance Introduction**

Mr. Landon explained the reason for introducing Ordinance #05-2014 with regard to the refinancing of old debt. It was explained that adoption of the Ordinance did not impose any time limitation for the refinancing, but having it in place would allow for the process to be done.

Dr. Voyce made a motion to introduce Ordinance #05-2014, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

The public hearing is scheduled for 09-09-14 at 7:30 pm.

ORDINANCE #05-2014

**REFUNDING BOND ORDINANCE PROVIDING FOR THE
REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS
OF THE TOWNSHIP OF TEWKSBURY, STATE OF NEW
JERSEY, APPROPRIATING \$4,800,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$4,800,000 BONDS OR
NOTES OF THE TOWNSHIP FOR FINANCING THE COST
THEREOF.**

➤ **Consent Agenda**

Mr. Melick requested that Resolution #94-2014 and the authorization to have the Clerk sign the two applications for the Oldwick Fire Company be removed from the Consent Agenda and voted on separately.

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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 #93-2014
REDEMPTION OF A TAX SALE CERTIFICATE**

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 redemption of a tax sale certificate.

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>CERT #</u>	<u>Amount</u>
11	34	US BANK CUSTODIAN FOR Crestar Capital LLC 50 S 16 TH St Suite 1950 Philadelphia, PA 19102	2013-03 PREMIUM	2,630.04 <u>4,700.00</u> 7,330.04

Shaun Van Doren
Mayor

RESOLUTION #95-2014

THANKING ANN ROTUNNO FOR HER SERVICE TO TEWKSBURY

WHEREAS, Ann Rotunno has devoted countless hours of service to the citizens of the Township of Tewksbury, in the County of Hunterdon, State of New Jersey by serving on the Equestrian Committee; and

WHEREAS, Ann Rotunno has always availed herself to counsel, guide and assist anyone seeking her valuable time, expertise and assistance in a manner characterized by honesty, integrity and intelligence.

NOW, THEREFORE BE IT RESOLVED on this twelfth day of August in the year two thousand and fourteen that the Township Committee wishes to thank Ann Rotunno for her years of service by way of this Resolution.

BE IT FURTHER RESOLVED that a copy of this Resolution be entered into the official minutes of the Township Committee of the Township of Tewksbury.

Shaun Van Doren
Mayor

MISCELLANEOUS

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- Claims as submitted by the CFO
- Regular and e/s minutes of 07-08-14
- Correspondence List
- Authorization to have Mayor sign Access Agreement – Block 23 Lot 26.03 (Platt)

ITEMS REMOVED FROM THE CONSENT AGENDA

Dr. Voyce made a motion to adopt Resolution #94-2014, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Van Doren, Voyce. Nays: none. Abstain: Melick.

RESOLUTION #94-2014

**AUTHORIZING SIXTH 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 4 (d) of the Declaration in accordance with the proposed Sixth Amendment to Declaration of Covenants, Conditions and Restrictions attached hereto as Schedule “A”; and

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

WHEREAS, the Association respectfully requests the Township to approve and authorize the proposed changes to Section 4 (d) 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 Sixth 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 Sixth Amendment in the Office of the Clerk of Hunterdon County, and providing proof to the Township of same.

SCHEDULE A

Declaration of Covenants, Conditions and Restrictions (“Declaration”) Section 4 (d) currently reads:

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Subject to the provisions of applicable law, this Declaration and the By-Laws, the Executive Board shall have the power to act on behalf of the Association. The Board shall consist of three (3) Directors. The initial Directors shall be appointed, removed and replaced from time to time by the Declarant without the necessity of obtaining resignations. The Declarant appointed Directors shall be replaced with Directors elected by the Owners in accordance with the provisions of this section.

The replacement to this section once amended will read:

Section 4 (d)

Subject to the provisions of applicable law, this Declaration and the Bylaws, the Executive Board shall have the power to act on behalf of the Association. The Board shall consist of five (5) Directors.

Shaun Van Doren
Mayor

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

- Authorization to have Clerk sign OFC application for Oryan White
- Authorization to have Clerk sign OFC application for Harrison Laverty

ADDITIONAL RESOLUTION

Dr. Voyce made a motion to adopt Resolution #96-2014, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Voyce. Nays: none. Abstain: Melick. Recused: Van Doren.

RESOLUTION #96-2014

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, AUTHORIZING PRIVATE SALE OF
TOWNSHIP PROPERTY TO THE TEWKSBURY
HISTORICAL SOCIETY**

WHEREAS, Tewksbury Township, a municipal corporation of the State of New Jersey, owns certain real property located at 5 James Street and otherwise designated on the Township Tax Map as Lot 2 in Block 40 ("Property"); and

WHEREAS, the governing body for the Township has determined that the Property is not needed for municipal purposes; and

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WHEREAS, the Township sought to authorize a private sale and conveyance of the property, for a nominal consideration, to the Tewksbury Historical Society ("THS") in accordance with N.J.S.A. 40A:12-2(f); and

WHEREAS, the Township offered, in writing, to the THS the conveyance of the Property subject to certain terms and conditions; and

WHEREAS, at a duly called and lawful meeting held on August 7, 2014, the THS voted to accept the Township's offer and adopted the appropriate corporate resolution memorializing its decision; and

WHEREAS, the Township is prepared to now convey the Property to THS.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Tewksbury, County of Hunterdon, New Jersey, hereby authorizes the private sale and conveyance of the Property located at 5 James Street and otherwise known as Lot 2 in Block 40 to the Tewksbury Historical Society for nominal consideration.

BE IT FURTHER RESOLVED that the conveyance is subject to the statutory requirements set forth in N.J.S.A. 40A:12-21(f) and that the THS continue to use the land and structure thereon for research into and the preservation and dissemination of the history of Tewksbury Township.

BE IT FURTHER RESOLVED that the Township may re-enter and take title to the Property if the THS loses its status as a recognized charity under Internal Revenue Service Code 500(c)(3), or should it fail to engage in the continued research, preservation and dissemination of the history of Tewksbury Township.

BE IT FURTHER RESOLVED that the Township's conveyance is subject to an easement, license and right of way across the Property for the benefit of the Oldwick Fire Company to use for the repair, testing, maintenance and upgrading of a fire siren presently located in the structure on the Property.

BE IT FURTHER RESOLVED that the Township agrees to indemnify the THS for any environmental contamination caused by the Township's actions or inactions during its period of ownership. Conversely, the THS shall indemnify the Township for any environmental contamination resulting from the acts or inactions of the THS subsequent to closing.

BE IT FURTHER RESOLVED that the Deputy Mayor for the Township is hereby authorized to sign a Quit Claim Deed, a copy of which is attached hereto, conveying the Property subject to the conditions set forth above and to execute any and all other documents necessary to perfect this private sale and conveyance.

William Voyce
Deputy Mayor

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5. Reports

➤ **Township Planner – proposed Wind & Solar Ordinances**

Mr. McGroarty explained the proposed DRO amendment regarding Small Wind Energy Systems, adding that he did not feel any applications would come to the Township because of the topography of the Township and the cost that would be involved installing such devices.

Ms. Desiderio opined that it is important to have such an Ordinance in place as it follows the MLUL and helps with the Township’s sustainability.

Mr. McGroarty added that if an applicant were to come in for a system, they would have to come before the Land Use Board for a use variance.

Ms. Desiderio made a motion to introduce Ordinance #06-2014, seconded by Dr. Voyce.

It was noted that the title and format of the submitted Ordinance would have to be corrected as it is an amendment to the existing DRO.

A roll call vote was taken and the above motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: none.

It was noted that the Ordinance will need to go to the Land Use Board for consistency review. The Public Hearing is scheduled for 09-09-14 at 7:30 PM in the Mountainville Meeting Hall.

**TOWNSHIP OF TEWKSBURY
ORDINANCE 06- 2014**

AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT ARTICLE VII, SECTION 726 WITH NEW SUBSECTION ‘B’ TO BE ENTITLED “SMALL WIND ENERGY SYSTEMS” OF THE TOWNSHIP OF TEWKSBURY DEVELOPMENT REGULATIONS ORDINANCE ESTABLISHING SMALL WIND ENERGY SYSTEMS AS A PERMITTED ACCESSORY USE WITHIN CERTAIN DISTRICTS OF THE TOWNSHIP

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Mr. McGroarty explained the proposed DRO amendment regarding Solar or Photovoltaic Energy Facilities and how the proposed Ordinance would only be for home facilities as opposed to commercial usage. Discussion followed regarding how and where to site the structures, how to structure the Ordinance to address decommissioning, and related safety issues.

Mr. Selvaggi noted that the BPU would be involved in the regulating process and an applicant would need their approval prior to appearing before the local Land Use Board.

Ms. Desiderio made a motion to introduce Ordinance #07-2014, seconded by Dr. Voyce. A roll call vote was taken and the above motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: none.

It was noted that the title and format of the submitted Ordinance would have to be corrected as it is an amendment to the existing DRO.

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It was noted that the Ordinance will need to go to the Land Use Board for consistency review. The Public Hearing is scheduled for 09-09-14 at 7:30 PM in the Mountainville Meeting Hall.

**TOWNSHIP OF TEWKSBURY
ORDINANCE NO. 07-2014**

AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE TOWNSHIP OF TEWKSBURY DEVELOPMENT REGULATIONS ORDINANCE, SPECIFICALLY ARTICLE II, "PURPOSES" TO ADD NEW SUBSECTION 'U'; ARTICLE III, "DEFINITIONS" TO ADD NEW DEFINITIONS TO SECTION 301, "WORDS AND TERMS DEFINED"; AND ARTICLE VII, "ZONING PROVISIONS" TO ADD "SOLAR OR PHOTOVOLTAIC ENERGY FACILITIES AND STRUCTURES" AS A NEW CATEGORY IN THE PERMITTED ACCESSORY USES FOR THE LAMINGTON DISTRICT, FARMLAND PRESERVATION DISTRICT, PIEDMONT DISTRICT, R-1.5 RESIDENTIAL DISTRICT, SOUTH OLDWICK RESIDENTIAL DISTRICT, VILLAGE RESIDENTIAL DISTRICT, VILLAGE RESIDENTIAL-1 DISTRICT, VILLAGE BUSINESS DISTRICT, VILLAGE OFFICE DISTRICT, RESEARCH OFFICE/MIXED USE DISTRICT, AND MINING DISTRICT; AND TO SUPPLEMENT § 725 "PROHIBITED USES" WITH A NEW CATEGORY TO PROHIBIT SOLAR OR PHOTOVOLTAIC ENERGY SYSTEMS DESIGNED TO PRODUCE FOR OFF-SITE ENERGY POWER CONSUMPTION; AND TO MODIFY SECTION 726, "ADDITIONAL ACCESSORY USE PROVISIONS" WITH NEW SUBSECTION 'C' TO BE ENTITLED "SOLAR OR PHOTOVOLTAIC ENERGY SYSTEMS" SETTING FORTH SPECIFIC ZONING AND REGULATORY STANDARDS FOR SAID ACCESSORY USES.

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

Mayor Van Doren stated that he met with a representative from the Highlands Council recently to discuss the Township's status of submitting information to be in compliance with the Act. The Land Use Board will hold a public hearing in September regarding the draft element of the Master Plan. The check list, stream corridor restoration, habitat conservation plan and historic/farmland issues were noted.

Mayor Van Doren mentioned the Bellemead NJPDES permit adding that he brought this to the attention of Highlands personnel who were not aware of the matter.

Mr. McGroarty stated that he spoke with James Humphries from the Council and was advised that many of the documents have been updated and changes highlighted. The information pertaining to the wellhead protection area has been condensed down to make the document more user friendly.

It was noted that comments were submitted to COAH prior to the deadline and rules may be adopted with changes forthcoming. It was added that a thorough listing of accessory apartments and preserved lands has been compiled.

Mr. Melick commented on the condition of the roads in the Township and questioned if the four day work week was working well for the DPW.

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Dr. Voyce noted a motor vehicle incident on Route 512 that involved a mail truck.

In response to a question from Mayor Van Doren, Mr. Landon stated that all FEMA monies have been received.

There are two openings on the Equestrian Committee.

The Tewksbury Historical Society's Auto Tour is scheduled for 8/17/14.

➤ **Township Attorney**

Mr. Selvaggi noted that the Johnson appeal continues to move forward, but a final decision may not be reached until 2015.

In response to a question from Mr. DiMare, Mr. Selvaggi noted that if there are deviations from the flight path (Johnson helistop), the DOT should be advised.

➤ **Township Administrator**

Mr. Landon distributed the draft Tree Ordinance to the committee for their review. Discussion followed regarding Mr. DiMare's request for a "red lined" copy of the Ordinance and the fact that there is not one because the existing Ordinance was completely amended to make it less bureaucratic and more user friendly.

The draft Ordinance will be further discussed at the 9/9/14 meeting.

It was noted that the 9/23/14 meeting will commence with a tour of Township roads accompanied with the Superintendent of Public Works and the Township Engineer.

Mr. Landon noted that the Special Police Officer should be able to start in September pending receipt of documents and background checks.

It was noted that there is a one bedroom COAH apartment available for rent and State inspections will be done in September.

Mayor Van Doren noted that he has heard comments from the public regarding the highlands designation in the Township Master Plan versus the Highlands Council terminology. It was noted that changing the "highlands" designation back to "rural" designation in the Master Plan would not be "a quick fix".

6. Executive Session

At 8:28 PM Ms. Desiderio moved adoption of the following Resolution, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**. RESOLUTION #97-2014
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 Land Acquisition.

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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Shaun Van Doren
Mayor

7. Reconvened

The meeting reconvened at 8:39 PM.

Dr. Voyce made a motion to move forward with partnering with the NJ Conservation Foundation pertaining to the matching grant for \$500,000.00 for the property located at Block 42, Lots 9 and 27 as discussed in Executive Session, seconded by Mr. DiMare. The motion was approved. Ayes: DiMare, Van Doren, Voyce. Nays: None. Abstain: Desiderio, Melick.

Mr. Melick made a motion to cancel the meeting scheduled for 08-26-14, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

8. Adjournment

There being no further business, the meeting was adjourned at 8:42 PM.

Roberta A. Brassard
Municipal Clerk