

**TOWNSHIP COMMITTEE
SEPTEMBER 13, 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 and William Voyce.

Shaun Van Doren was not in attendance.

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. Actions to be Taken

➤ **Ordinance Public Hearing**

Ordinance #07-2011

Lease James Street Garage

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

The Public Hearing was continued from 07/12/11.

Kurt Rahenkamp, speaking for the Tewksbury Historic Society (THS) stated that he met with Ms. Desiderio and Dr. Voyce to discuss the THS's use and/or purchase of the James Street. He added that the THS does not currently have a need for the garage if it can only be used for storage. He noted that the membership does not have sufficient funds to put a new roof on the building and/or maintain and repair the structure. Mr. Rahenkamp noted that the initial offer to lease the building for \$1/annually would have been an option, but providing repair and maintenance would not be possible.

Dr. Voyce moved to close the Public Hearing on Ordinance #07-2011, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

It was noted that if the Ordinance were to be discussed at a later time, it would have to be completely different. Mr. Selvaggi recommended that a motion be made to not adopt the Ordinance if the Committee did not wish to take any action.

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Ms. Desiderio made a motion to not approve Ordinance #07-2011, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, Melick, Voyce. Nays: DiMare. Absent: Van Doren.

ORDINANCE NO. 07-2011

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

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➤ **Ordinance Introduction**

Dr. Voyce made a motion to introduce Ordinance #09-2011, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

The Public Hearing is scheduled for 10/11/11 at 7:30 PM.

ORDINANCE NO. 09-2011

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, TO AMEND, REVISE AND SUPPLEMENT TITLE 12 "STREETS,
SIDEWALKS AND PUBLIC PLACES" TO ADD
CHAPTER 12.26 "SIDEWALKS" TO REGULATE SNOW AND ICE REMOVAL.**

#

➤ **Consent Agenda**

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

RESOLUTION #80-2011

**TO RENEW MEMBERSHIP IN THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL
AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY
COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE
PERIOD OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016**

WHEREAS, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations and other public bodies located in the County of Morris and adjoining counties; and
WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and
WHEREAS, the Township of Tewksbury desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to **renew** its membership in the MCCPC for the period of October 1, 2011 through September 30, 2016.

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BE IT RESOLVED by the Township of Tewksbury, County of Hunterdon, State of New Jersey as follows:

1. The Township Committee of eth Township of Tewksbury hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to NJSA 40A:11-11 (5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.
2. The Township of Tewksbury's Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Township of Tewksbury officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

Peter Melick
Mayor

**RESOLUTION #81-2011
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 payments for the refund of 2011 tax.

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
33	5	Joseph M. and Kathleen M. O'Neil 89 Bissell Rd Lebanon NJ 08833	2011	2,084.14

Peter Melick
Mayor

**RESOLUTION #82-2011
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 payments for the redemption of a tax sale certificate.

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>CERT #</u>	<u>Amount</u>
31	26	Tad J. Dabrowski	07-05	22,733.56

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329 Durham Ave.
South Plainfield, NJ 07080

PREMIUM	<u>700.00</u>
TOTAL	23,433.56

Peter Melick
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO 8/23/11 & 9/13/11
- Regular minutes of 08/09/11
- Authorization to have Mayor sign subordination of mortgage Block 14 Lot 2
- Authorization to have Mayor sign Performance Guarantee Agreement B 46 L 2.01, 5, 6
- Authorization to have Clerk sign Permit for Social Affair – 10/14/11 Boys & Girls Club of Newark @ Brady Life Camp
- Authorization to have Clerk sign Permit for Social Affair – 10/01/11 Woman’s Club of Tewksbury Township @ the LaMarca residence

5. Reports

➤ **Pascale Advisory Committee (PAC)**

Webster Todd, Chairman of the PAC was present to discuss their plans regarding the Pascale property. The Committee wishes to establish a 501c3 in order to raise funds and accept contributions for projects for the park. Mr. Todd noted that the incorporation letter for the organizational structure could include specific parameters such as an end date, the amount of monies to be raised, how it would be spent and renewal terms. He added that the PAC June 2011 memo listed many items, some of which could be done with little or no money.

Mr. Landon noted that the proposed charity could be similar to the Whittemore Wildlife Sanctuary (WWS) group and that the 501c3 members would have to be separate from the PAC. He will get a copy of the WWS document to Mr. Todd.

Mr. Selvaggi noted that many schools have a similar arrangement, such as the Tewksbury Education Foundation and the Board of Education. Discussion followed regarding how the PAC is advisory to the Township Committee and the need for clear parameters with regard to what the PAC has authority to do as opposed to the proposed 501c3.

Mr. DiMare raised a concern that the creation of a 5013c may run far afield from the original intent of the PAC. It was reiterated that the two entities must be totally separate from each other and the PAC mission statement must remain intact.

Mr. Todd stated that the PAC is looking for ways to improve the Pascale trails, to address safety issues and to provide a vehicle to fund various projects.

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Mayor Melick opined that the idea is an excellent one, but cautioned that he has seen groups in the past where problems arose over a period of time.

Mr. Todd stated that the needed funds (\$3000 - \$5000) were available to apply for a 501c3. He added that the PAC is reviewing the points as outlined in the June memo and will be conscious of what is happening in other parks as they do not want to run into any conflicting situations. He added that the first priority for the Pascale property is safety. The need to clean up the trails and overgrowth and to create a handicapped area(s) and a forestry inventory plan should also be addressed. He stated his concern with the permitted hunting on the property.

Ms. Desiderio requested additional information regarding the hunting regulations on the Pascale property. Mr. Landon noted that a designated buffer of over 1000 feet is in place, the area is patrolled, and the Police are familiar with the hunting procedures. A map will be made available to the PAC.

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

Ms. Desiderio noted that the following items.

- The Wood application was approved with conditions at the recent Land Use Board meeting.
- The amount of acres preserved through the County farmland preservation program was noted.
- The County fair was rained out.
- Frank Bell spoke recently regarding the use of solar devices at the County complex and the amount of money that will be saved.
- Applications for the 2012 Planning and Design awards are being accepted.
- The Time of Decision matter needs to be discussed.

Dr. Voyce noted the many issues related to the recent hurricane and rains. He praised the DPW for their work clearing the roads from fallen trees. He added that JCP&L was not as effective.

Mr. DiMare stated that he met recently with several of the DPW men and will put his meeting notes in memo form for the Committee. He noted that there were two specific issues of concern. The men felt that the Personnel Policy that has been in force since 2003 has not been updated with regard to health care costs and other matters.

They also stated that their resources, equipment and supplies are being stretched to the limit. They felt they were on the edge of what they could do and that no more shared services should be entered into.

Mr. Landon was tasked to provide a Personnel Policy to the Committee and the Attorney prior to the upcoming meeting. He will also coordinate a subcommittee meeting with Mr. DiMare, Dr. Voyce and Mr. Hull.

Mayor Melick noted the following items.

- An upcoming shared services seminar is scheduled for 9/29/11 with Rob Walton to discuss fire services, water supplies and insurance ratings.
- A 10/04/11 meeting with the Legislators is scheduled in Mount Olive.

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- School started a week early and then had to be delayed because of the storm. Construction at OTS finished on time.
- Mayor Melick met with the new Superintendent and principal and felt they were a good addition to the staff.
- A celebration hosted by the NJ Conservation Foundation will be held at the Hill and Dale site on 09/18/11 from 4-6 PM.
- He received many calls from residents regarding the storm and prolonged power outages. He added that he spoke directly with JCP&L employees and took some around the Township as they were unfamiliar with the area. He opined that the issue of coordination was very poor. Meetings are being scheduled in the areas most affected by the power outages to discuss the problems and concerns.
- The State DOT is replacing the bridge on Cokesbury Road over Route 78. A preconstruction meeting is scheduled for later this month to discuss the detour.
- The fire horn in Oldwick did not go off during the storms because the station was fully manned.

➤ **Township Attorney**

Discussion followed regarding a memo from Dan Bernstein pertaining to amending the DRO with regard to the Time of Decision ruling. Upon reviewing the memo, Mr. Selvaggi noted that many of the points are already being addressed by the Land Use Board and specifically by the Land Use Administrator during the review process.

He stated that he would review the existing language of the DRO to see if an amendment is needed. He surmised that it may have less to do with an amendment and more to do with enforcement. An amendment (if warranted) will be prepared for the 10/11/11 meeting.

➤ **Township Administrator**

Mr. Landon noted the following items.

- The senior newsletter was distributed to all area seniors. An interlocal agreement is in place with the County for services to Readington, Califon and Tewksbury seniors.
- Sidewalks phase 1 should be completed by 09/14/11; phase 2 should start 9/14/11 and the project should be finished by the end of the month.
- The chip and seal and storm drain projects finished under budget.
- Authorization was given to have the DRO and the Township Ordinances posted on the internet via the provider who currently codifies the documents.
- DEP approval has been received for bringing water to the Bartles site from the Crossroads at Oldwick. The work should be completed by October.
- Authorization was given to have the Administrator write a letter to JCP&L regarding the problems encountered during the recent storms and the prolonged power outages. The letter should address the problems with communication and coordination.

➤ **Township Committee Comments (continued)**

The memo from the Tax Assessor was discussed regarding hiring an expert appraisal service for the AM Best matter. Mr. Selvaggi advised that it will need to be determined who of the three firms is available for the matter.

Ms. Desiderio made a motion authorizing the hiring of an expert for the AM Best appeal at a rate not to exceed \$12,000, seconded by Dr. Voyce. A roll call vote was taken and the motion was

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approved. Ayes: Desiderio, DiMare, Voyce. Nays: None. Absent: Van Doren. Abstain: Melick.

6. Executive Session

At 9:10 PM Ms. Desiderio moved adoption of the following Resolution, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

**RESOLUTION #83-2011
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 and Advice of Attorney.

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. Reconvened

The meeting reconvened at 9:25 PM.

8. Adjournment

There being no further business, the meeting was adjourned at 9:25 PM.

Roberta A. Brassard
Municipal Clerk