

**TOWNSHIP COMMITTEE
SEPTEMBER 13, 2016 MINUTES**

The Tewksbury Township Committee met 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 Peter Melick presided.

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

Dana Desiderio was absent.

Jesse Landon, Township Administrator, Roberta Brassard, Municipal Clerk and Michael Selvaggi, Township Attorney were in attendance.

There were six members of the public in attendance.

1. Open Public Meetings Statement

Mayor Melick opened the meeting by announcing that adequate notice of the meeting had been provided by posting a copy thereof on the Police/Administration Building bulletin board, transmitting a copy to the Hunterdon Review and the Hunterdon County Democrat, and filing with the Municipal Clerk, all on January 5, 2016.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

Douglas Kling was present to speak with the Committee regarding his wish to sit on the Scenic Roads and Bridges Commission. He stated that he has lived in the Township for eight years, has worked in the pharmaceutical field since 1996 and is interested in serving on a Township board.

In response to a question from Mr. Van Doren, Mr. Kling stated that he is willing to sign the Township's Ethics Policy.

Mr. Van Doren made a motion to appoint Mr. Kling to the Scenic Roads and Bridges Commission for a three year term as a regular member, seconded by Dr. Voyce. The motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

Douglas Kling	Scenic Roads and Bridges Commission	Regular member	3 years
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Dean Cafaro presented photographs of the road in front of his house located at 26 Philhower Road. He noted that the deposit of silt on the road and drainage problems have been ongoing since 2012. Mr. Landon stated that he is familiar with the matter and he and the Township Engineer will visit the site to ascertain what needs to be done to correct the problem. Mr. Cafaro opined that the problem should be able to be remedied quickly and he suggested initially looking at the drainage situation.

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Jackie Espinoza introduced herself as the temporary area manager for JCP&L. Mr. DiMare thanked John Anderson for the timely updates related to power outages.

In response to a question from George Cassa, Mr. Selvaggi updated those present on the status of COAH matters. He explained the gap period, the municipal consortium and a recent mediation session with Fair Share Housing. As stated at previous meetings, Mr. Selvaggi opined that the manner in which this is being handled is “a bad vehicle for resolving a state problem.” The Land Use Board will be holding a public hearing on the Housing Element and Fair Share plan at an upcoming meeting in October.

4. Actions to be taken

• **Ordinance Public Hearing**

Ordinance #09-2016

Amending Article VII of the DRO, Section 720 “Temporary Signs”

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #09-2016, seconded by Dr. Voyce. The motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

Ms. Brassard provided proof of publication from the 08-22-16 Hunterdon County Democrat and a letter from the Land Use Administrator noting review of the Ordinance and finding it not inconsistent with the Master Plan.

There being no comments from the public, Mr. Van Doren made a motion to close the Public Hearing on Ordinance #09-2016, seconded by Dr. Voyce. The motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

Mr. Van Doren moved adoption of Ordinance #09-2016, seconded by Dr. Voyce. A roll call vote was taken and the motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

ORDINANCE NO. 09-16

**ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY
OF HUNTERDON, STATE OF NEW JERSEY AMENDING
ARTICLE VII OF THE TEWKSBURY TOWNSHIP
DEVELOPMENT REGULATIONS ORDINANCE, SECTION 720
AS SAME RELATES TO TEMPORARY SIGNS**

WHEREAS, the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey seeks to ensure that its ordinances are compliant with constitutional principles; and

WHEREAS, the Township Committee has discovered that Sections of Article VII of the Township’s Development Regulations Ordinance may impermissibly impinge upon its citizens’ First Amendment rights to freedom of speech.

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NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, that Article VII of the Township's Development Regulations Ordinance, Section 720 entitled "Signs" be and is hereby amended as follows:

Section 1

Section 720(A) is amended to include the following:

A temporary sign is a sign, poster, advertisement, bill, placard or banner which will remain in place only on a temporary, short-term basis.

Section 2

Section 720(B) entitled "Temporary Signs" is amended to include subpart 4 which shall read as follows:

If the temporary sign is placed on public property, it should be the responsibility of the person, agency, organization, company, or group whose name appears on such temporary sign or for whose benefit such sign was placed to remove the sign within the aforementioned period.

Section 3

Section 720(C) is amended to delete the second sentence in its entirety which begins with "A temporary sign advancing..." and concluding with "such election or event, as applicable."

Section 4

Section 720(E)(4) is amended to delete the words "political or event".

Section 5 - Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 6 - Repealer

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 7 - Effective Date

This Ordinance shall take effect as required by law.

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Peter Melick
Mayor

Ordinance #10-2016

“Removal of Snow & Ice from Fire Hydrants & Stand Pipes” – Title 12

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #10-2016, seconded by Dr. Voyce. The motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

Ms. Brassard provided proof of publication from the 08-22-16 Hunterdon County Democrat.

There being no comments from the public, Mr. Van Doren made a motion to close the Public Hearing on Ordinance #10-2016, seconded by Dr. Voyce. The motion was approved. . Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

Mr. Van Doren moved adoption of Ordinance #10-2016, seconded by Dr. Voyce. A roll call vote was taken and the motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

**TOWNSHIP OF TEWKSBURY
ORDINANCE NO. 10-2016**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY TO ADD SECTION 12.27 ENTITLED “REMOVAL OF SNOW AND
ICE FROM FIRE HYDRANTS AND STAND PIPES” TO TITLE 12 OF THE CODE OF THE
TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY**

WHEREAS, the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey has been made aware of recent legislation adopted by the State of New Jersey which permits, among other things, the creation of a municipal ordinance to require property owners to clear fire hydrants promptly after each snowfall; and

WHEREAS, the aforementioned legislation also allows a municipality to take action against a non-compliant property owner who fails to clear any fire hydrant on his property.

NOW, THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, that an additional section shall be added to Title 12 to be identified as Chapter 12.27 entitled “Removal of Snow and Ice From Fire Hydrants and Stand Pipes” and which shall read as follows:

Section 1

12.27.010 —Definitions.

"Snow coverage" means the coverage of the fire hydrant or stand pipe as a result of natural precipitation or street-clearing activities.

Section 2

12.27.020 — Property owner responsible for clearing fire hydrants and stand pipes.

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It shall be the responsibility of each property owner whose property contains any fire hydrants or stand pipes to clear such hydrants or stand pipes of snow within twenty-four hours of any snow coverage of such hydrants or stand pipes.

Section 3

12-.27.030 — Violation; Penalty.

If any property owner fails to comply with the requirements of Chapter 12.27.020 of this chapter, the Township may in its discretion perform the clearance and bill the responsible property owner up to \$75.00 per hydrant or stand pipe for the service.

Section 4

All other sections of the Ordinance shall remain unchanged.

Section 5

Severability. The various parts, sections, and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clauses are judged unconstitutional or invalid by a court of competent jurisdiction.

Section 6

This Ordinance shall take effect as required by law.

Peter Melick
Mayor

- **Ordinance Introduction**
Ordinance #11-2016

Amending DRO – Zoning Provisions – Lot Coverage

Mr. Van Doren made a motion to introduce Ordinance #11-2016, seconded by Dr. Voyce.

Mr. Selvaggi noted that a change needs to be made to language in the following sections:

§ 709 HL Highlands District
§ 710 LT Lamington District
§ 710.1 FP Farmland Preservation District
§ 710.2 PM Piedmont District

Mr. Van Doren amended his motion to introduce Ordinance #11-2016, seconded by Dr. Voyce. The motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

The Public Hearing will be held on October 11, 2016 at a meeting commencing at 7:30 PM.

**TOWNSHIP OF TEWKSBURY
ORDINANCE NO. 11-2016**

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AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE TOWNSHIP OF TEWKSBURY'S DEVELOPMENT REGULATIONS ORDINANCE, SPECIFICALLY ARTICLE VII, "ZONING PROVISIONS" TO PERMIT AN INCREASE IN THE MAXIMUM LOT COVERAGE STANDARD AS SET FORTH IN §§709, 710, 710.1, AND 710.2 PERTAINING TO THE HL HIGHLANDS DISTRICT, LT LAMINGTON DISTRICT, FP FARMLAND PRESERVATION DISTRICT AND THE PM PIEDMONT DISTRICT RESPECTIVELY, AND TO AMEND §706 "EXEMPTIONS" TO LIKEWISE REFLECT MODIFIED MAXIMUM LOT COVERAGE STANDARDS

- **Consent Agenda**

The following items were requested to be removed from the Consent Agenda and voted on separately.

- Resolution #71-2016
- Authorization to have Mayor sign Blue Light Permits for Jane and Jeffrey Anderson, William Voyce, August Heithoff and Margot Forster
- Authorization to have Clerk sign NJ Firemen's Association Membership Application for Steven Timko

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

**RESOLUTION #69-2016
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 tax sale certificate.

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>CERT #</u>	<u>Amount</u>
23.01	8.05	US Bank Cust for BV001 50 South 16 th St. Suite 2050 Philadelphia, PA 19102-2513	2015-001 PREMIUM	25,083.48 <u>41,100.00</u> 66,183.48

Peter Melick
Mayor

RESOLUTION #70-2016

**AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY
COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE
PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021**

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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, 2016 through September 30, 2021.

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

1. The Township Committee of the Township of Tewksbury does hereby authorize the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2016, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2016, through September 30, 2021.
2. The Township of Tewksbury Municipal 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.

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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

MISCELLANEOUS

- Claims as submitted by the CFO (08-23-16 and 09-13-16)
- Correspondence List
- Regular and Executive Session minutes of 08-09-16

ITEMS REMOVED FROM THE CONSENT AGENDA

Discussion followed regarding proposed Resolution #71-2016 and the need for the Rescue Squad to become certified by the First Aid Council. Minor changes were made to the proposed Resolution prior to its adoption.

Mr. Van Doren made a motion to adopt Resolution #71-2016 with the stated changes, seconded by Mr. DiMare. The motion was approved. Ayes: DiMare, Melick, Van Doren. Nays: None. Absent: Desiderio. Recused: Voyce.

**RESOLUTION #71 – 2016
REGARDING HOURS AND COVERAGE BY THE TEWKSBURY RESCUE SQUAD**

WHEREAS, the Township of Tewksbury is responsible for the health, safety and welfare of the public within the Township; and

WHEREAS, services are provided by various agencies and organizations within the Township, and

WHEREAS, the Township of Tewksbury is obligated to ensure that these services are provided regularly and reliably by trained and certified First Aid and Rescue agencies, and

WHEREAS, the following parameters to take effect on October 1, 2016, will serve to better provide for the health, safety and welfare of the public,

1. Hours for weekday coverage are established as 0600-1800 Monday through Friday inclusive of Holidays. The squad on duty must respond to all calls in their respective territory during the shift unless otherwise engaged in a call, then second due or

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subsequent due organizations are called. Tewksbury Rescue will be dual alerted on weekday calls.

2. Hours for weekday night coverage are established as 1800 through 0600. The Tewksbury Rescue Squad must respond to all calls in the Township unless otherwise engaged in a call, then second due or subsequent due organizations are called.
3. Weekend coverage is from 1800 Friday through 0600 Monday. The Tewksbury Rescue Squad must respond to all calls in the Township unless otherwise engaged in a call, then second due or subsequent due organizations are called.
4. It is anticipated that during weekday daytime periods, Whitehouse Rescue and Clinton Rescue will be second due for each other. During evening and weekend periods, these will be second due for Tewksbury Rescue in their respective territories and for each other as needed.
5. The responding squad to any calls must have a certified ambulance with properly trained and certified crew; individuals responding in personal vehicles will not be counted toward an official response to a call. Transport, if needed, will be provided by the responding squad in a certified ambulance.
6. Any planned changes to the coverage or schedule must be made at least 72 hours in advance with Hunterdon County dispatch who will then notify the Tewksbury Township Police Department of the change. Emergency changes must be transmitted to the Hunterdon County dispatch who will then notify the Tewksbury Township Police Department of the change.
7. The Chief of Police will monitor all squad calls and report to the Township Committee monthly on calls, responses and related matters.
8. All First Aid and Rescue agencies are to obtain and maintain First Aid Council Certification or License from the State of New Jersey Department of Health. Tewksbury Rescue Squad must obtain First Aid Council Certification not later than July 1, 2017.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Tewksbury has appointed the Chief of Police as the Township Emergency Management Coordinator, and

BE IT FURTHER RESOLVED, the Township Committee of the Township of Tewksbury will review all call and response information as provided by the Chief of Police, and

BE IT FURTHER RESOLVED, that the attached map outlines the areas for the three groups for daytime coverage and,

BE IT FURTHER RESOLVED that this map may be adjusted from time to time to facilitate first aid and rescue operations as determined by the Township Committee,

BE IT FINALLY RESOLVED by the Township Committee of the Township of Tewksbury that these rules and procedures are enacted on this day, 13 September, 2016.

Peter Melick
Mayor

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Mr. Van Doren made a motion to authorizing the Mayor to sign Blue Light permits for the following individuals, seconded by Mr. DiMare. The motion was approved. Ayes: DiMare, Melick, Van Doren. Nays: None. Absent: Desiderio. Recused: Voyce.

- Authorization to have Mayor sign Blue Light Permits for Jane and Jeffrey Anderson, William Voyce, August Heithoff and Margot Forster

Mr. Van Doren made a motion authorizing the Clerk to sign the NJ Firemen's Association Membership Application for the following individual, seconded by Dr. Voyce. The motion was approved. Ayes: DiMare, Van Doren, Voyce. Nays: None. Absent: Desiderio. Recused: Melick.

- Authorization to have Clerk sign NJ Firemen's Association Membership Application for Steven Timko

5. Reports

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

Mr. DiMare stated that the road resurfacing work is going well and he commended the DPW.

Dr. Voyce echoed Mr. DiMare's comments, adding that he has heard positive comments on the roads from "out of towners". He added that money has been wisely spent and there seems to be a good relationship with the Township Engineer.

Mr. Van Doren stated that he has received complaints regarding roads receiving chip and seal treatment that were recently paved. Discussion followed specifically related to Welsh and Bissell Roads. Further discussion followed regarding the 2017 road maintenance plan.

Mayor Melick noted that some of the roads that received chip and seal treatment were not swept. He noted that the drive-in movie night held at the Christie Hoffman Park was well attended in spite of the less than optimal weather.

➤ **Township Attorney**

Mr. Selvaggi had nothing to report in open session.

➤ **Township Administrator**

Mr. Landon discussed the possible six COAH units that may be available for rental. He stated that he needs direction from the Committee on how to proceed with existing, illegal apartments that have been brought to his attention. Discussion followed regarding how to bring existing apartments into the COAH program, what applications and fees would be required and what (if any) fees could be waived. Mr. Landon stated that he would have additional information regarding how to proceed with the matter for the upcoming meeting. Further discussion followed regarding what type of affordable units would be considered acceptable towards the Township's COAH obligation.

Mr. Landon noted that the Trail Pace and Harvest Festival will be held later in the month at the Christie Hoffman Farm.

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An October finance subcommittee meeting needs to be held.

6. Executive Session

At 8:15 PM Mr. Van Doren moved adoption of the following Resolution, seconded by Dr. Voyce. The motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

**RESOLUTION #72-2016
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 Appointments, Land Acquisition and Litigation.

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 8:50 PM.

Mr. Van Doren made a motion authorizing the following payments related to COAH to be made, seconded by Dr. Voyce. A roll call vote was made and the motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Desiderio.

\$2000.00 to the municipal consortium
\$5000.00 to the Vicinage 13 Group

8. Adjournment

There being no further business, the meeting was adjourned at 8:55 PM.

Roberta A. Brassard
Municipal Clerk