

**TOWNSHIP COMMITTEE
DECEMBER 11, 2018 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 Louis DiMare presided.

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

Roberta Brassard, Administrator/Clerk, Francis Linnus, Township Attorney and Timothy Barlow, Police Chief were in attendance.

There were approximately eleven members of the public in attendance.

1. Open Public Meetings Statement

Mayor DiMare 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 4, 2018.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

In response to a question from George Cassa, Mr. Linnus noted that two telephone conversations have been held to discuss affordable housing matters in the Township. It was noted that a meeting of the Township COAH subcommittee will be scheduled for mid January after another planned telephone conference on or about 01/08/19.

Debra Dillon thanked Dr. Voyce for coordinating the recent meeting to discuss her concerns of stormwater in Oldwick.

In response to Mrs. Dillon's comments regarding Hunterdon County, Ms. Desiderio stated that she met with Tom Matthews, Hunterdon County Engineer to discuss various culverts in the village of Oldwick and on Cold Brook Road.

Mrs. Dillon noted that a 700 foot length of trees was cut on Vliettown Road in 2016 and she wished to know who authorized the work. Discussion followed regarding her concerns and Mr. Becker suggested that she may wish to file a complaint with the Zoning Officer regarding same.

Mrs. Dillon reiterated her concern with work being done in and around the village of Oldwick, adding that many matters seem to "fall through the cracks." She noted that she does not want to see the shared driveway that leads to the Platt residence at 32 Church Street paved. Discussion followed regarding this matter and why there is a shared driveway between the Platts and the Township (spray fields).

In response to a statement by Mrs. Dillon, it was noted that the "piles of dirt" being dumped on Vliettown Road will be utilized for shoulder stabilization.

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She added that she has heard that “other projects” are happening in Oldwick, and the Township Committee needs to “be aware” of all matters that may increase stormwater issues in the village.

She stressed that she would like to see her concern prioritized and a solution reached.

4. Actions to be taken

➤ **Consent Agenda**

Dr. Voyce requested that Resolution #140-2018 be removed from the Consent Agenda and voted on separately.

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

**TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

RESOLUTION #136-2018

**PERMISSION, WITH CONDITIONS , TO ALLOW THE FRIENDS OF WHITTEMORE TO
SERVE WINE AT VARIOUS FUND RAISING EVENTS TO BE HELD IN 2019**

WHEREAS, the Township of Tewksbury is the owner of property designated as Tax Block 46, Lot 20.01 on the official tax map of the Township; and

WHEREAS, said property was bequeathed to the Township of Tewksbury in the Last Will and Testament of Helen A. Whittemore dated December 15, 1978 for the benefit of the residents of Tewksbury in order to “promote the appreciation of woodland in its natural state and especially to establish and maintain a sanctuary for deer and birds and other wildlife”; and

WHEREAS, the Last Will and Testament of Helen A. Whittemore, further established a Board of Trustees to oversee the finance of her estate; and

WHEREAS, the Friends of Whittemore was established as a not-for-profit 501 c.3 corporation for the purpose of promoting community, culture and conservation on the Whittemore property; and

WHEREAS, the Friends of Whittemore have scheduled ten fund raising events (dates to be determined) during 2019 between May and November; and

Event 1	May Kick-off Garden Concert Series Fundraising Event
Event 2	June Jazz Musician Fabrizio Sotti playing Fundraising Concert
Events 3-8	6 Artist Receptions (April - December)
Event 9	August Farm-to-Table hosted by Bex Kitchen Fundraiser Dinner
Event 10	November Art2Go Fundraiser

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WHEREAS, the Friends of Whittemore have requested permission to serve wine as part of these fund raising events; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon that it hereby grants the request of the Friends of Whittemore to serve wine at their 2019 fund raising events to be held on the Township's Whittemore property subject to the following conditions:

1. The issuance of a Special Permit for Social Affair by the New Jersey Department of Law and Public Safety Division of Alcoholic Beverage Control;
2. The Friends of Whittemore shall provide proof to the Township of Tewksbury that they hold the following insurance:

General Liability: \$1,000,000 per occurrence/\$2,000,000 aggregate
Host Liquor Liability: \$1,000,000 per occurrence/\$2,000,000 aggregate

In addition, the applicant shall name the Township of Tewksbury as an additional insured, and the Certificate of Insurance shall be submitted to the Township at least thirty (30) days prior to the event. The Certificate of Insurance must specifically note that coverage is provided for Liquor Liability.

3. Alcoholic beverages, other than wine, shall not be served at any of the fund raising events.
4. The Friends of Whittemore, by accepting this approval, acknowledges and holds harmless the Township of Tewksbury and its municipal officials and employees from any and all claims, damages and cost of suit which may arise out of the approval granted hereunder.

Louis DiMare
Mayor

RESOLUTION #137-2018

TO RECOGNIZE TOM ANDERSON

WHEREAS, Tom Anderson began his service with the Township of Tewksbury as the Fire Marshal in 2006; and

WHEREAS, Tom Anderson has a record of dedicated service to the community; and

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WHEREAS, Tom Anderson's work ethic and dedication to the citizens of the Township of Tewksbury and the surrounding communities is a credit to Mr. Anderson and his profession; and

WHEREAS, Tom Anderson's outstanding and caring work with the citizens of the Township of Tewksbury will be greatly missed and long remembered.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby recognizes Tom Anderson for his dedicated and superior service to the Township.

Louis DiMare
Mayor

**TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY**

RESOLUTION #138- 2018

**RESOLUTION GRANTING QUARRY LICENSE FOR THE YEAR 2019
SUBJECT TO CERTAIN CONDITIONS**

WHEREAS, on June 27, 2000, the Township of Tewksbury ("Township") adopted an ordinance ("Ordinance") regulating quarrying and requiring a license to conduct that activity which Ordinance was amended in 2007 and again in 2009; and

WHEREAS, Stavola Quarries, LLC, 175 Drift Road, Tinton Falls, New Jersey ("Stavola") is the owner of a quarry known as the Oldwick Materials Quarry, Oldwick, New Jersey ("Quarry"); and

WHEREAS, Stavola has submitted a Quarry License Application for the year 2019 which has been reviewed by the Township Engineer who has found it to be generally consistent with the requirements of the Ordinance, subject to Stavola addressing certain conditions set forth in the Township Engineer's letter dated November 16, 2018; and

WHEREAS, the Quarry License Application includes, but is not limited to, all documents filed with the Township by Stavola as part of its 2019 Quarry License Application, the documents reviewed and/or referenced by the Township Engineer as identified in a letter dated November 16, 2018, and any correspondence on file with the Township from the Township Engineer commenting on the 2019 Quarry License Application (all such documents hereinafter collectively referred to as the "Quarry License Application"); and

WHEREAS, Stavola must fully comply with all requirements of the Township Engineer in accordance with any deadlines established, or the Township shall revoke Stavola's Plenary

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License as set forth in this Resolution because of concerns by the Township that failure to comply will endanger the health and welfare of the residents of the Township and others.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, that a Quarry License is hereby granted to Stavola Quarries, LLC, for the year 2019, subject to the following terms and conditions:

1. All operations of the Quarry shall be conducted, and permitted only in accordance with the Ordinance, the Quarry License Application and the terms and conditions set forth in a letter from Robert C. Bogart, P.E. to Jesse Landon, Township Administrator, dated June 7, 2001 ("Bogart Letter"), and the terms of this License. The Quarry License Application, prior Quarry License applications, the Bogart Letter and the documents listed therein are incorporated herein by reference.

2. Stavola may use up to three portable crushers on site in order to carry out the processing of the already shot rock. The type of crusher(s) to be used shall be approved in writing in advance by the Township Engineer. Stavola agrees to use portable crushers that incorporate the best available technology to reduce dust and noise from their operations. The crushers may only be used in such locations as are approved by the Township Engineer in accordance with the Bogart Letter.

3. Except for local deliveries within one mile of this exit, Stavola shall prohibit all dump trucks and vehicles having a gross weight in excess of four tons from making a right-hand turn onto Rockaway Road when exiting the Quarry. Stavola will post adequate signage at the exit of the Quarry to notify truck drivers of this restriction.

4. The submission of a quarterly report from the Township Engineer finding that (1) the operation of the Quarry has been in conformance with the Quarry's NJPDES permit; (2) the operation of the Quarry has not measurably impacted, in any aspect, the Rockaway Creek; (3) storm water runoff emanating from Block 44, Lot 24, and Block 46, Lot 18 on the Tax Maps of the Township of Tewksbury ("Property") has been adequately handled before discharge to Rockaway Creek such that no measurable impact, in any aspect to the Creek, has occurred as a result of such discharge; (4) ground water levels have not been adversely impacted by the operation of the Quarry and (5) Stavola has complied with all environmental reports and correspondence prior to the date hereof. The Quarry shall timely submit to the Township Engineer such reports and information from reputable professionals, in the form established by the Township Engineer, as reasonably necessary for him to prepare the reports to the Township required by this paragraph. In the event that the Township Engineer's report does not provide an affirmative finding for any of the above, the Quarry will take reasonable and prompt steps to rectify the conditions responsible for the lack of such affirmative finding(s). In the event that the Quarry is unsuccessful in doing so, the Township reserves the right, upon five (5) days notice to the Quarry, to revoke the license granted herein. The Quarry may challenge any such action in accordance with the law.

5. Stavola shall continue to submit any required water quantity and quality monitoring reports from a local ground and surface water testing agency identified by Stavola and agreed to by the Township, which reports shall be consistent with the requirements of the Township Engineer's letter dated November 16, 2018. Stavola shall pay directly the costs and fees

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charged by the water testing agency. The Ground Water Monitoring frequency shall remain at quarterly for MW-4 to check the impact of the quarry operation and the dewatering on the groundwater table elevation.

6. The granting of this Quarry License does not eliminate or replace the need for Stavola to comply with all requirements of all other applicable ordinances of the Township.

7. In the event that the Township Engineer determines that there is a discernable impact upon a resident's person or property from blasting, Stavola shall take steps to respond to the resident's concern, including, but not limited to, considering whether the sequence, timing, size or location of future blasts can be altered to diminish the impact upon the resident. In the event that Stavola either refuses to or cannot come up with a viable solution to the resident's problem, then the municipality, at its option and upon recommendation of its Township Engineer, may hire a blasting expert, to be paid pursuant to the escrow agreement, to determine what additional steps may be available to deal with this situation and to make such recommendations as the expert sees fit. In the event that Stavola is not willing to carry out the recommendations of the municipal blasting expert, then the Township may pursue such options as are available to it at law.

8. Stavola shall continue to comply with the comments of the Tewksbury Township Planning Board, dated February 21, 2002, attached to prior Licenses.

9. If not already provided, this Quarry License shall not become effective until Stavola submits, in a form and amount acceptable to the Township Engineer, a Performance Bond as required by the Ordinance.

10. If not already provided, Stavola shall comply with and supply to the Township within ten (10) days of the date hereof, copies of all county, state and federal approvals necessary or incidental to quarrying operations at the Quarry for the year 2018. Throughout the term of this license, Stavola shall provide Township with a copy of all correspondence to and from any regulatory agencies which regulate quarry activities in the Township.

11. The granting of this license does not endorse the design, lot or road layout, drainage or any other matter contained in the Reclamation Plan Narrative, Reclamation Alternatives or Mining Plan, and prior to commencing reclamation activities at the Quarry, Stavola shall obtain any necessary development approvals from the appropriate Township board or agency.

12. The granting of this license applies only to quarrying activities as defined by the Ordinance and does not approve any other operations on site.

13. The granting of this license is without prejudice and does not grant to Stavola any "grandfather rights" to operate or carry on any quarry operations of any type for any years subsequent to the year 2018.

14. Stavola shall, if it has not already done so, pay any outstanding taxes due on the Property.

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15. Stavola will maintain sufficient balance in its escrow account to reimburse all Township professionals for their services in connection with review of quarry operations, licensing and applications. If Stavola wishes to challenge the escrow billing of any professional engaged by the Township, it may do so in accordance with the procedure established pursuant to *N.J.S.A. 40:55D-53.1*.

16. The grant of the license of the year 2019 is without prejudice to any claims made by the Township that Stavola is in violation of any ordinances of the Township or any state or federal regulations or other law.

17. The grant of the license of the year 2019 is without prejudice to any claims made by the Township that Stavola is in violation of any wetland lands regulations of the State of New Jersey.

18. The Mayor and Committee specifically reserve the right to revoke this Plenary License at any time on five (5) days written notice to the Quarry if it fails to fulfill the requirements of Paragraphs 4 and 5 of this Resolution or any other term of this Plenary License if that violation presents an immediate threat to health and safety of the residents of the Township or others.

Louis DiMare
Mayor

**STATEWIDE INSURANCE FUND
RESOLUTION #141-2018
APPOINTING FUND COMMISSIONER**

WHEREAS, the Township of Tewksbury_(hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in *N.J.S.A. 40A:10-36 et seq.*; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury (Local Unit) that Roberta Brassard is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2019**; and

BE IT FURTHER RESOLVED that Marie J. Kenia is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2019**; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

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Louis DiMare
Mayor

**RESOLUTION #142-2018
APPOINTING RISK MANAGEMENT CONSULTANT**

WHEREAS, the Township of Tewksbury (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of "Local Unit", in the County of Hunterdon and State of New Jersey, as follows:

1. The Township of Tewksbury Local Unit) hereby appoints Mike Tillisch_its Risk Management Consultant.
2. The Mayor of the Township Committee of the Township of Tewksbury and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2019 in the form attached hereto.

Louis DiMare
Mayor

**RESOLUTION #143-2018
AUTHORIZING CANCELLATION
OF MUNICIPAL CERTIFICATE OF SALE**

WHEREAS, Certificate of Sale #2016-005 and Certificate of Sale #2018-004 issued to the Tewksbury Township, 169 Old Turnpike Road, Califon, NJ 07830, for delinquent taxes on Block 33 Lot 19 Q0240 (89 Deer Hill Road and Block 33 Lot 20 Q0240 (103 Deer Hill Road) assessed to Hargot Enterprises LLC, at a tax sale held on October 27, 2016 and October 12, 2018; and

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WHEREAS, the assessed owner, Hargot Enterprises, has redeemed Certificate #2016-005 and Certificate #2018-004 by paying the full amount of the delinquency.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Township of Tewksbury are hereby authorized to endorse Certificate of Sale #2016-005 and Certificate of Sale #2018-004 for cancellation.

Louis DiMare
Mayor

RESOLUTION #144-2018

**AUTHORIZING THE ENTERING OF AN AGREEMENT BETWEEN THE TOWNSHIP OF
TEWKSBURY AND THE BOROUGH OF CALIFON REGARDING THE PROVISION OF
PUBLIC WORKS SERVICES BY THE TOWNSHIP OF TEWKSBURY TO THE BOROUGH OF
CALIFON, PURSUANT TO THE INTERLOCAL SERVICES ACT**

WHEREAS, the Borough of Califon, in the County of Hunterdon, State of New Jersey, is desirous of achieving economies by having the Township of Tewksbury, in the County of Hunterdon, State of New Jersey, provide public works services to the Borough of Califon; and

WHEREAS, the Township of Tewksbury is willing to provide such public works services on the same basis as public works services are provided in the Township of Tewksbury if it is compensated for the cost of such services; and

WHEREAS, the Borough of Califon and the Township of Tewksbury have arrived at an understanding regarding the provision of public works services by the Township of Tewksbury to the Borough of Califon for a period of one year, and this understanding has been embodied in a Interlocal Service Agreement; and

WHEREAS, the Township of Tewksbury's providing public works services to the Borough of Califon is authorized by the Interlocal Services Act (NJSA 40: 8A-1 et seq.), and the Interlocal Service Agreement may be entered between the Township of Tewksbury and the Borough of Califon if the same is authorized by Resolution of the Township of Tewksbury and Resolution of the Borough of Califon;

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

Section 1. Upon the authorization of the entering of the Interlocal Service Agreement by proper Resolution of the Borough of Califon pursuant to the Interlocal Services Act, the Mayor and Clerk of the Township of Tewksbury are authorized to execute and deliver the Interlocal Service Agreement, which has been presented to this Township Committee and been reviewed by it; and such Agreement shall take effect January 1, 2019 not only by the Township of Tewksbury, but also by the Borough of Califon.

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Section 2. The Clerk of the Township of Tewksbury is hereby directed to maintain on file, in the office in the Municipal Clerk , a copy of the Interlocal Service Agreement, upon adoption of the Resolution. The same shall be available for public inspection at such Clerk’s office during regular business hours, which are from 8:30 AM to 4:00 PM, Monday through Friday.

BE IT FURTHER ORDAINED, that this Resolution shall take effect on January 1, 2019.

Louis DiMare
Mayor

**RESOLUTION #145-2018
REFUND OF TAX DUPLICATE PAYMENT**

BE IT RESOLVED, by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, the tax collector is authorized to refund a 2018 Tax Duplicate Payment.

Block	Lot	Name	Year	Amount
6.04	7.15	James/Marjorie Moore 25 Salters Farm Rd Califon, NJ 07830	2018	\$172.85
15	17.01	Michael & Susan Olsen PO Box 468 Oldwick, NJ 08858	2018	\$1,020.32
23	8.22	Arthur/Kathleen Jenssen Trustees 16 Keats Rd Pottersville, NJ 07979	2018	\$108.26
45	26	Q Sblendorio Tewksbury Holdings LLC PO Box 153 Oldwick, NJ 08858	2018	\$443.68
37.02	1	Joan Argila 1 Hunters Circle Lebanon, NJ 08833	2018	\$459.20

Louis DiMare
Mayor

RESOLUTION #146-2018

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**A RESOLUTION SETTING THE 2019 SALARY AND WAGES FOR AN EMPLOYEE OF THE
TOWNSHIP OF TEWKSBURY**

BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the salary or wage to be paid to the employee of the Township of Tewksbury be, and the same are hereby determined and fixed, at the respective amount or rates for the calendar year 2019 and until same is amended.

NAME	TITLE	SALARY
DEPARTMENT OF PUBLIC WORKS		
Andrew Rogers	Part-time, on-call snow plow driver	\$20.00/hour for weekdays from 7:00 a.m. to 3:30 p.m. \$25.00/hour for all other times* *Effective 1-1-19

Louis DiMare
Mayor

RESOLUTION #147-2018

STATEWIDE INSURANCE FUND

RESOLUTION TO JOIN (RENEW) THE FUND

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, the Township of Tewksbury (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

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WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2019** terminating on **January 1, 2022** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s):

Workers' Compensation & Employer's Liability

Comprehensive General Liability

Automobile Liability and Physical Damages

Public Officials and Employment Practices Liability

Pollution Liability

Property

Inland Marine, Boiler and Machinery

Crime-Faithful Performance and Fidelity

Cyber Liability

Non Owned Aircraft

BE IT FURTHER RESOLVED that Roberta A. Brassard is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and Marie J. Kenia is hereby appointed as the LOCAL UNIT's Alternate Fund Commissioners; and

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying

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the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

Louis DiMare
Mayor

ITEMS REMOVED FROM THE CONSENT AGENDA

Dr. Voyce read the following Resolution into the minutes of the meeting.

RESOLUTION #140-2018

TO RECOGNIZE WILLIAM DANIEL "DAN" FECHTMAN

WHEREAS, Dan Fechtman began his service to the Township of Tewksbury in the Department of Public Works in 1985; and

WHEREAS, Dan Fechtman has a record of dedicated service to the community; and

WHEREAS, Dan Fechtman has worked countless hours to serve the citizens of the Township of Tewksbury by keeping the community infrastructure maintained and safe; and

WHEREAS, Dan Fechtman currently holds the position of Public Works employee and has been involved in all areas of the Department of Public Works which include the maintenance and repair of roads, drainage, parks, buildings and grounds, snow and ice removal, storm damage and needed emergency response to effectively serve the citizens of the Township of Tewksbury and the Borough of Califon; and

WHEREAS, Dan Fechtman has been exemplary in his duties to maintain and clean all Township Buildings and the Whittemore house; and

WHEREAS, Dan Fechtman's outstanding and caring work with the citizens of the Township of Tewksbury and the Borough of Califon will be greatly missed and long remembered.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby recognizes Dan Fechtman for his dedicated and superior service to the Township.

Louis DiMare
Mayor

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Mr. Melick moved adoption of Resolution #140-2018, seconded by Dr. Voyce. The motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

ADDITIONAL ITEM FOR THE CONSENT AGENDA

Dr. Voyce made a motion authorizing the Municipal Clerk to sign the application for Peter Robinson- OFC member, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Desiderio, DiMare, Voyce. Nays: None. Abstain: Melick.

5. Discussion Items

• Tewksbury Land Trust (TLT) Block 27 Lot 71

Beth Davisson presented information to the Committee regarding the above noted property which, she noted could be a critical link to the 10 mile Township trail initiative. The TLT is looking for an indication from the Committee as to their interest in supporting an amendment to the existing easement language (on the property) in order to allow a subdivision for conservation and passive recreation purposes.

Ms. Davisson explained that the 1988 deed for the property allows for one single family residence and states that the property be used as a farm. A Conservation and Restriction Easement, and Grazing Easement are also part of the deed for the 50 acre property.

Mr. Melick noted that the Township has a deed of easement on the property. Mr. Linnus noted that the matter may have to go through the courts for a “quiet title action.”

Ken Klipstein explained the history of the property dating from its sale in 1987, noting that it was approved by the Township Planning Board for a cluster development with open space/major subdivision. Mr. Klipstein noted that the subdivision was approved with many conditions and restrictions.

The maps as presented by the TLT were reviewed and discussed with respect to parking if the area in question were to become part of the trail system.

Mr. Melick expressed his concerns with amending the existing easement language as he felt it was written for a specific purpose to keep the property as a farm. He noted that attention will need to be paid to the matter of impervious coverage, under sized lot(s) for agriculture and access to the property. He added that similar requests have had to go through the State House Commission and he was not in favor of amending the existing easement language.

Additional discussion followed regarding the barn on the property that was destroyed in 2012.

Ms. Davisson stressed that the easements and restrictions would remain unchanged and not be obliterated – only the ownership would change (to the TLT).

Further discussion followed regarding the Bridle Path Easement that only pertains to equestrian access. It was further noted that the Bridle Path Easement may not have been recorded.

Upon reading the documents as presented by the TLT, Mr. Linnus noted a similar case (Sousa vs. Denville). He added that there is more to the request from the TLT than just a subdivision or

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an amendment to the existing deed restrictions and the matter may have to go to court for a “quiet title action”. He stressed that the decision needs to initially be a policy decision of the Committee. The intensity of use and how use of the land affects the public also has to be considered.

Further discussion followed regarding the various easements, the pond that used to exist on the property, the procedure for noticing property owners and how to proceed.

Ms. Davisson reiterated that the TLT is initially looking to see if the Township Committee is interested in pursuing the matter of if it is a “non-starter”.

In response to a question from Mr. Becker, Mr. Klipstein stated that the TLT has had conversation with AM Best, Whittemore and the quarry with regard to securing lands for connecting Hill and Dale into Readington Township. He added that there is “good potential”. Further comments were made regarding an existing matching grant, conversations with other environmental groups and the fact that there would be no financial cost to the Township.

Ms. Desiderio expressed her agreement with the proposal, adding that the TLT has done a tremendous job in preserving the beauty of the Township.

Dr. Voyce noted that he would like there to be further investigation in the matter as he felt Mr. Melick’s concerns were valid and substantial.

Mayor DiMare stated that he also would like additional information to review and was not prepared to make a decision at this time.

Mr. Linnus reiterated that there are legal issues related to the proposal and he suggested speaking with the Land Use Board and TLT attorneys. He noted that the TLT attorney should carefully review *Sousa vs. Denville*..

Ms. Davisson and Mr. Klipstein thanked the Committee for their time and consideration.

- **Stires Associates Block 44, Lots 2,3,4,5**

Mr. Melick was recused from the following discussion.

Robert Kiser of Stires Associates was present to request the transfer of a sewer unit from the property located at Block 44 Lot 5. This property currently has two (2) sewer units and the applicant (Mark Marrazza) has an application before the Land Use Board (LUB). The applicant is applying to reorient the property line and to build a barn on (proposed) Lot 3.01 with an affordable unit. Mr. Stires noted that Mr. Marrazza is paying for 16 sewer units on the four Lots, but is currently only utilizing 15.

Mr. Stires stated that the decision to allow for the transfer of a sewer unit lies with the Township Committee, adding that he has spoken with the Sewer Engineer, Robert Martucci, whose 09/04/18 report outlines the usage of sewer units for the properties under discussion.

In response to a question from Mr. Becker related to the current Oldwick sewer capacity, Mr. Buczynski stated that he would look into the matter to confirm there is sufficient capacity. Mr.

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Becker also added that he would prefer there to be a thirty (30) year deed restriction for the proposed COAH unit.

Mayor DiMare stated that he had no issue with authorizing the transfer and agreed that he would like there to be a 30 year deed restriction.

Mr. Becker made a motion to approve the transfer of one (1) sewer unit for a proposed affordable unit on Block 44 (new) Lot 3.01 conditioned on LUB approval. Additionally, the Township Committee stated that they would like the LUB to consider a thirty (30) year term for the proposed affordable unit, seconded by Dr. Voyce. The motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

Mr. Melick returned to the meeting at this time.

6. Reports

➤ **Township Committee Comments**

Mr. Becker noted that a finance subcommittee meeting needs to be scheduled. He added that the QPA is looking into grant monies for electric vehicles.

Mr. Melick noted that all of the road work scheduled for paving has been completed.

Ms. Desiderio noted the following.

- She attended a gathering for the TLT at which Beth Davison was honored.
- She attended the Eagle Scout award ceremony.
- She noted a meeting she attended with Dr. Voyce, Ms. Brassard and Tom Anderson, retiring Fire Marshall. Mr. Anderson recommended amending the Township Ordinance regarding inspections for non life hazard structures. Additional comments were made regarding the amount of hours that will be allocated to the Fire Marshal moving forward in addition to the farmland assessed properties.
- She noted recent correspondence with a Township resident regarding tree cutting. Mr. Becker noted that the matter has been handled by the Zoning Officer.
- Comments were made regarding the web site from Flemington Borough and the various means of communicating information to residents.
- The tree lighting ceremony held on 12/09/18 was well attended.

Dr. Voyce stated that a meeting of the COAH subcommittee needs to be scheduled. He offered the dates of January 17, 22, 24, 29 at 0800.

Additionally noted was a letter that was received regarding a land donation to the Township for \$1.00 for the property located at Block 48, Lot 3.02 – 25 Felmley Road.

It was the consensus of the Committee not to entertain the offer.

➤ **Township Administrator**

Mr. Melick suggested contacting Readington and Clinton Townships to determine if there is an interest in creating an interlocal agreement for a Fire Marshal/Inspector.

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➤ **Township Attorney**

Mr. Linnus noted the following from his report.

- There is not a need to amend the Township Ordinance related to sewer connection fees.
- The Comcast franchise agreement will be presented to the Committee for review and possible introduction in February.
- Flying Change Farm was noted with regard to its equine operations.
- Lanesley Partners has requested a return of their bond. The matter is being researched and should be able to be completed by the next meeting.
- A request has been submitted for Block 33 Lot 7.24 regarding the current deed restriction and the owner's wish to remove invasive and damaged vegetation from the property. The matter is being researched and should be able to be completed by the next meeting.
- The detention basin and the road dedication of Barlow Drive Extension (Beau Champs) is also being researched and the matter should be able to be completed by the next meeting.
- The vacation of Center School Road will be further discussed in 2019.
- Mr. Antaki is working with CGP&H regarding the rental of his affordable unit on 53 Philhower Road.
- The reval process is ongoing and the tax maps were sent to the State last week.
- Haddad, tax appeals, Frmasano and affordable housing matters will be discussed in executive session.

➤ **Township Engineer**

Mr. Buczynski noted that the quarry has renewed their license for 2019.

➤ **Police Chief**

Chief Barlow noted figures from the monthly Police report.

- He noted that the County asked for assistance from the Township DPW during the recent storm and as a result, will be storing a plow in the PW yard.
- There were two incidents recently at which Narcan and CPR were administered.
- Deer management is working well and there have been no complaints heard of received.
- OEM Council has a scheduled meeting for 12/13/18 at 0900 in the Police Training Room at the PAB.
- There will be a conversation at the Hunterdon County Little Theater on 12/12/18 to discuss the topic of marijuana.
- The Police Facebook page is up and running.
- Several Officers completed the bleeding control training and have received appropriate supplies.
- The Senior Party was well attended on 12/07/18 by 60+ attendees.
- The new vehicle was delivered.

Ms. Desiderio noted additional HC Planning Board meetings she attended and action taken.

6. Executive Session

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At 9:15 PM Ms. Desiderio moved adoption of the following Resolution, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

RESOLUTION #148-2018

**A RESOLUTION AUTHORIZING AN EXECUTIVE SESSION
OF THE TEWKSBURY TOWNSHIP COMMITTEE**

WHEREAS, the Township Committee of the Township of Tewksbury is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Tewksbury to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- 1) Negotiations
- 2) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, assembled in public session on this 9th day of December 11, 2018, that an Executive Session closed to the public shall be held on December 11, 2018, at 7:30 p.m. in the Mountainville Meeting Hall, 60 Water Street, Lebanon, New Jersey, for the discussion of matters relating to the specific item(s) designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public at the time official action is taken and upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Louis DiMare
Mayor

7. Reconvened

The meeting reconvened at 10:10 PM.

Discussion followed regarding Ms. Desiderio's request to have a monitor system installed in the Mountainville meeting hall.

Mr. Becker made a motion authorizing the purchase of up to three (3) monitors and all peripheral equipment to be installed in the Mountainville meeting hall at a rate not to exceed \$3000.00, seconded by Ms. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

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Mr. Melick made a motion authorizing the Township Attorney to proceed with all matters as discussed in executive session pertaining to tax appeals, the Formisano and Haddad matters, seconded by Dr. Voyce. The motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

8. Adjournment

There being no further business, the meeting was adjourned at 10:15 PM and the Township Committee met to caucus and discuss 2019 reorganizational matters.

Roberta A. Brassard
Administrator/Clerk