

TOWNSHIP COMMITTEE
April 23, 2019 MINUTES

The Tewksbury Township Committee met on the above date at the Municipal Building, Mountainville, NJ.

The meeting was called to order at 7:33 PM, roll call held and a quorum established. Mayor William Voyce presided.

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

Absent: DiMare.

Jennifer Ader Acting Municipal Clerk was in attendance.

There were approximately nine members of the public in attendance.

1. Open Public Meetings Statement

Mayor Voyce 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, 2019.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

A moment of silence was given in memory to the late Tewksbury Township Engineer, Eugene Buczinsky.

Ms. Baum informed the township committee that she attended the town hall meeting which was prior to the township committee meeting and she inquired whether or not there would be a tax rate increase. She believes that the town hall revaluation letter did not go out properly and with enough notice. She has some concerns over the revaluation process.

Mr. Klump was concerned that nobody from the revaluation meeting could explain how farmland would be evaluated. He also questioned how highlands would be effected?

Ms. Love questioned whether or not the Appraisal Systems has any experience looking at the Highlands. When Appraisal systems was asked at the informational meeting, the answer was not given which is not giving residents' confidence. Also with our high percentage which Tewksbury pays towards the county and school, will that make the percentage increase even higher if the revaluation comes back with a higher valuation. Tewksbury Township needs to make sure that this company understands the highlands view set and how it effects the region.

Mr. Melick explained that the Highlands have been around for fifteen (15) years and those Tewksbury residents have been living with those restrictions. Homes, homes with excess property and bulk acres have been sold. Those prices will reflect in the sale prices which will be used to determine the new value. It will equalize everything.

Ms. Love Tewksbury Township does not have a big turnover, so if they are saying a three year snap shot for resale is going to be their major basis for assessing that concerns her because in three years only one property has sold on her street.

Mr. Melick explained that if that is a concern, there is an appeal process.

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Mr. Becker explained there is \$1.4 billion is assessed property give or take that is across the county. That is how on county and school level is applied based on the \$1.4 budget. If their budget goes up and down then yes it will effect Tewksbury Township. That we cannot predict. We have to be true to numbers and over time everybody within the county will be in the range of 85%-105% which the county tax assessor requires.

Mr. Cassa asked how the metric numbers are established, and what that means? He understand the money will stay the same but if Tewksbury has to go from 81.5 of something to 85% or better how does the balance accrues. What does 85% mean?

Mr. Becker explained the each resident has assessment card if a house is valued at \$500,000 so 85% of that is X. If the property is sold at less than 85% then it is a bona fide sell which gets flagged by the county. So if the house sells at \$400,000 then the percentage equals 80% and all the sold property are selling below that percentage, the aggravated view of the township is below the 85% boundary which triggers flags. Now it has been below percentage that for a number of couple of years, it did not just not happen. The fairness has to be addressed for Tewksbury Township.

Mr. Melick just looking at Tewksbury if all the houses average goes from \$400,000 to \$500,000 the amount of taxes will remain the same, a lower rate will be paid.

Mr. Becker stated that Tewksbury Township variables will only use Tewksbury Township. Mr. Becker also says please ask the assessor in writing the questions, this way it can be added to the frequently asked question page, others may have the same questions.

Wilma Frey questioned whether the tax assessor realizes the state law in the highlands preservation when state purchase farmland or green acres open space they avail of having a dual appraisal, what the value of the property is now and what it the value is without restrictions. How will the appraisal revaluation effect farmland/green acres? How will Appraisal systems address green acres?

Kelly Brakewood was concerned that the revaluation letters that were received looked like junk mail, it did not have the Tewksbury Township return address on it. She also believes that the date of the meeting was bad because it is spring break this week, and believes that another meeting is necessary and at a different location like the middle school. Ms. Brakewood questioned if any action for the health care benefits have been taken after executive session at the last meeting and is it still in the budget for this year? Is there any other part timers getting health insurance?

Mr. Klump wondered to send a child to North /Voorhees high school is it \$36,000 per child?

Mr. Becker explained that he has been removed from the Tewksbury school board for a number of years, but at that time it was \$21,000 a year, and Tewksbury Pre K – 8 was \$27,000 a year.

Mr. Klump questioned if Califon residents pays the same amount to send kids to Voorhees?

Ms. Baum wondered if there is anything that the township can do. The residents explained our concerns.

Mr. Melick explained the tax rate. Some residents will go up, some will go down, and some probably be around the same. It is trying to get everyone equalized because our ratio is out of whack, it is below the 85% which is why the appraisers need to go out at the same time within the same year and revalue everything. By law, Tewksbury Township cannot raise taxes more than 2% a year. There is a process, if something was not caught an appeals process can be done.

Ms. Brakewood inquired about the user friendly budget and the \$53,000 which is going towards health insurance benefits for part time position.

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Ms. Desiderio explained that it is a law, which the two township committee members are grandfathered in. It is contractual and cannot be discussed. Other townships went through it, and if you look at the case laws and findings, people can keep their benefits.

Ms. Brakewood stated that other towns have gotten rid of it. Why Tewksbury Township has not gotten rid of the benefits?

Ms. Desiderio explained this is something which has been discussed previously.

Mayor Voyce stated that he will have Mr. Linnus the Township Attorney address this at the next township committee meeting.

Ms. Desiderio explained that the benefits are governed by the state and state law and cannot be governed by the township body and for them to take away the benefits it would be illegal. Under the NJ state statute they are eligible and vested. Ms. Desiderio stated that she does not feel comfortable having this discussion without the lawyer present. The statute states if elected prior to 2010, the elected official is grandfathered in, if you have been consistently in office and nothing has change you are still eligible. Any actions taken to eliminate the benefits that the state has grandfathered would be illegal. As a municipality they can pass ordinances under local law but they cannot trump state law.

Mr. Klump questioned who has hospitalization on the township committee.

Mayor Voyce stated Ms. Desiderio and Mayor Voyce have the benefits.

4. Consent Agenda

Mr. Becker requested that the authorizing the Deputy Mayor to sign a red light and siren permit be removed from consent agenda and voted on separately.

Mr. Melick requested that the minutes from April 9 be removed from consent agenda and voted on separately.

Mr. Becker requested that the minutes of March 26 be removed from consent agenda and voted on separately.

Mr. Melick moved the 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, Melick, Voyce. Nays: None. Absent: DiMare.

TEWKSBURY TOWNSHIP, NEW JERSEY

Resolution No: 58-2019 Adoption Date: April 23, 2019

A RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDS FROM SUB-GRANT AWARD #FY18-EMPG-EMAA-1024

Authorizing Acceptance of Funds from Sub-grant award #FY18-EMPG-EMAA-1024 of the Federal Fiscal Year 2018 Emergency Management Agency Assistance Programing Funding - \$10,000.00

WHEREAS, the Township of Tewksbury, has been awarded State Homeland Security Grant Program Sub-grant CFDA #97.042, Award #FY18-EMPG-EMAA-1024 from the New Jersey State Police Office of Emergency Management with a performance period of July 1, 2018 through June 30, 2019; and

WHEREAS, the Sub-grant, consisting of a total amount of up to \$20,369.98, including up to \$10,000.00 Federal Award and up to \$10,369.98 Local Matching Funds, is for the purpose of enhancing the Township of Tewksbury's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies and shall be used for salary, wages, and fringe benefits.

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NOW, THEREFORE, BE IT RESOLVED, that the Township of Tewksbury is authorized to accept and shall accept the award of the FY18 Emergency Management Agency Assistance Sub-grant Program in the amount of \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Tewksbury Township Chief Financial Officer and Coordinator of Emergency Management are authorized to sign the appropriate Sub-grant award documents with the New Jersey State Police, Office of Emergency Management and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the Township of Tewksbury Clerk forward two copies of this resolution to the New Jersey State Police, Office of Emergency Management.

TREASURY CERTIFICATION

I, Marie Kenia, Chief Financial Officer, of the Township of Tewksbury, hereby certify that adequate funds are available for the above referenced grant match for the in-kind amount of \$10,369.98. Monies are available in: 2018 Budget - Police S&W

Marie Kenia, CFO

Date

Explanatory Statement:

The Tewksbury Township Office of Emergency Management has applied for EMAA grant funding to supplement the Emergency Management operating budget. "Acceptance Requirements" for the grant application this federal fiscal year requires that the governing body adopt an official resolution indicating that the township will utilize grant money for the intended purpose. The grant award this year is \$10,000.00. The terms of the conditions require the township match the amount for the personnel costs.

Timothy P. Barlow, Emergency Management Coordinator

William Voyce
Mayor

TEWKSBURY TOWNSHIP, NEW JERSEY

Resolution No: 59-2019 Adoption Date: April 23, 2019

**A RESOLUTION FOR AUTHORIZATION FOR SUBMISSION OF THE TEWKSBURY TOWNSHIP CHAPTER OF
THE HUNTERDON COUNTY WASTEWATER MANAGEMENT PLAN TO THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO N.J.A.C. 7:15-3.4(G)4**

WHEREAS, the Highlands Water Protection and Planning Council ("Highlands Council") has prepared a Wastewater Management Plan (WMP) for Tewksbury Township that complies with the 2016 Water Quality Management Plan (WQMP) rules pursuant to N.J.A.C. 7:15, Subchapter 4;

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WHEREAS, Tewksbury Township is located in the Highlands Region with land lying in both the Planning and Preservation Area;

WHEREAS, each county and municipality in the State of New Jersey shall be subject to a Wastewater Management Plan (WMP) adopted by the New Jersey Department of Environmental Protection;

WHEREAS, the 2019 WMP is consistent with the Plan Conformance approved by the Highlands Council as well as the Regional Master Plan;

WHEREAS, the Hunterdon County Board of Chosen Freeholders has become the County Wastewater Management Planning Agency;

WHEREAS, the Governing Body of Tewksbury Township, Hunterdon County, State of New Jersey has reviewed the draft WMP.

NOW, THEREFORE BE IT RESOLVED that the Governing Body consents to the submission of the Tewksbury Township Chapter of the Hunterdon County WMP to the New Jersey Department of Environmental Protection for review and adoption as required by the 2016 Water Quality Management Plan rules.

William J. Voyce
Mayor

TEWKSBURY TOWNSHIP, NEW JERSEY

Resolution No: 60-2019 Adoption Date: April 23, 2019

A RESOLUTION APPOINTING CERTAIN TOWNSHIP PROFESSIONALS AND AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR CERTAIN TOWNSHIP PROFESSIONALS

WHEREAS, the Township of Tewksbury has a need to acquire professional services of the professionals set forth below in Paragraph No. 1; and

WHEREAS, the Township of Tewksbury purchasing agent has determined and certified in writing that the value of each acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of each contract is one year, and

WHEREAS, each Township professional set forth below in Paragraph No. 1 has submitted a proposal indicating each will provide the professional services described below in Paragraph No. 1 for the amount set forth in each professional's proposal; and

WHEREAS, each Township professional set forth below in Paragraph No. 1 has completed and submitted a Business Entity Disclosure Certification which certifies that each Township professional has not made any reportable contributions to a political or candidate committee in the Township of Tewksbury in the previous one year, and that the contract will prohibit each Township professional from making any reportable contributions through the term of the contract; and

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WHEREAS, a certification of availability of funds, specifying the line item appropriation(s) to be charged as to each contract set forth below in Paragraph No. 1 has been provided by the Chief Financial Officer of the Township of Tewksbury

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

1. The Mayor and Clerk are hereby authorized to execute a contract with each of the following as described below for a one year period through 12/31/19.

Civitas New Jersey, LLC	Municipal Management Consulting	One year
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2. The Business Entity Disclosure Certification, Certification of Availability of Funds and the Determinations of Value are hereby placed on file with this Resolution.

3. These contracts are awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because these are recognized professions licensed and regulated by law and it is not feasible to obtain competitive bids.

4. A copy of this resolution shall be published in the Hunterdon Review and Hunterdon County Democrat as required by law, within ten days of its passage.

William J. Voyce
Mayor

MISCELLANEOUS

- Claims submitted by the CFO
- Correspondence List –
 - a) From NJLM – March 2019 Legislative Bulletin
 - b) From Hunterdon County Soil Conservation - Block 1.03 Lot 15
 - c) From Mayor and Common Council – Resolution 2019-98 Opposing State Bill S2505 and Assembly Bill A2558 Known as the Vegetation Management Response Act
 - d) From New Jersey State Senate: Michael Doherty – Congratulations on being awarded \$185,000.00 for roadway preservation under the New Jersey Municipal Aid Grant Program.
 - e) From Susan Rosenwinkel, Bureau Chief – Draft Surface Water Major Modification Permit Action
 - f) From State of New Jersey Department of Environmental Protection – Flood Hazard Area and Freshwater Wetlands Extension Request

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Items removed from Consent Agenda

Authorization for Deputy Mayor to sign a red light and siren permit – B. Richards. Mr. Becker made a motion to approve, seconded by Ms. Desiderio. Ayes: Becker, Desiderio, Melick. Nays: None. Abstain: Voyce. Absent: DiMare.

Regular session of 3/26/19 & 4/9/2019 minutes. Mr. Melick made a motion to approve with the correction on the minutes of 4/9/2019 ordinance 02-2019 he voted no but the minutes reflect yes, seconded by Ms. Desiderio. Ayes: Desiderio, Melick, Voyce. Nays: None. Abstain: Becker. Absent: DiMare.

5. Ordinance Introduction

Mr. Becker made a motion to introduce Ordinance #05-2019, seconded by Mr. Melick. The motion was approved. Ayes: Becker, Desiderio, Melick, Voyce. Nays: None. Absent: DiMare.

The public hearing will be held on 5/14/2019 at 7:30pm in Mountainville Meeting Hall.

ORDINANCE # 05-2019

AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY TO AMEND THE TOWNSHIP OF TEWKSBURY DEVELOPMENT REGULATIONS ORDINANCE (2000) TO ESTABLISH A TOWNSHIP-WIDE AFFORDABLE HOUSING SET-ASIDE REQUIREMENT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

6. Reports

Township Committee Sub Committees & Township Committee Comments

Mr. Becker noted the following items:

Communication-

With the follow up from tonight's informational meeting, Ms. Obiedzinski emerged at the township committee meeting for follow up. Mr. Becker stated that the following were issues of the residents:

On the FAQ's – experience on the higher firmed with highland townships. Are they aware of dual appraisals? Mayor Voyce and Mr. Becker will follow up by email with Ms. Obiedzinski to get the answers.

Ms. Obiedzinski explained that there are certain rules on how much experience the inspectors and the appraisers have to have per the state and our contract was approved by the state. Appraisal systems have been in service for quite a long time. There is a criteria they need to follow.

Appraisal systems are willing to have a 2nd meeting. Maybe before school gets out. The inspections can start next week.

Ms. Obiedzinski will be putting out a timeline on the process of the revaluation, which can be put on the website, and email blasts to residents who signed up for agenda notifications. The time line will address the streets available, who the inspectors are, the make and model of what they

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drive. Ms. Obiedzinski held a staff meeting in which she explained the revaluation process, booklets have been made to hand out to the residents, and explained to have residents to contact the Appraisal Services or the tax assessor.

Mr. Melick noted that the subcommittee will be meeting with Lebanon Township tomorrow night to discuss the shared services administrator position.

Ms. Desiderio questioned why the summer hours were taken off the agenda and was informed that nobody made a motion to adopt them.

Mayor Voyce noted the following items:

COAH

COAH meeting was scheduled for April 18, 2019, which went very well and the township is moving forward.

At a previous Land Use Board meeting a resident came in to discuss making a land use ordinance. The residence concern is that he cannot sell his property because his neighbor's yard is unmaintained, and is concerned his property will never sell.

Ms. Desiderio questioned how Tewksbury Township would enforce an issue like a leaching septic if the resident does not have any money to repair it?

Mr. Melick stated if it is a health and safety issue, the township has the ability to remedy it and put an assessment on the property. It is hard to regulate a land ordinance. If it violates our zoning ordinance then it could be addressed.

Mr. Becker questioned what the dialogue could be from the land use or zoning officer to a resident on a soft approach to help with a property? It will be hard to enforce a land ordinance.

Ms. Desiderio explained that the resident with the request has lived in town for thirty years but cannot sell the property and downsize to another property in Tewksbury because the neighbor refuses to clean up his property.

Mr. Becker questioned if this property that is being discussed qualifies for Open Space acquisition?

Mr. Melick stated that if there is a health and safety issue the township can step in.

Robin Love requested that the wastewater management resolution #59-2019 be made available immediately to public.

Ms. Desiderio made the motion to allow resolution #59-2019 available to public, seconded by Mr. Becker. Ayes: Becker, Desiderio, Melick, Voyce. Nays: None. Absent: DiMare.

7. Executive Session

BE IT HEREBY RESOLVED in accordance with the provisions of N.J.S.A. 10:12 and 13, the public shall be excluded from the Executive Session of the Township Committee which is being held for the discussion of the following subject matters: 1. Pending or anticipated litigation or contract negotiation; 2. Personnel matters; 3. This Executive Session shall continue for an indefinite period of time and upon termination of the Executive Session, the Township Committee may choose to resume the public portion of the meeting. The discussion, which shall be conducted in closed session, shall be disclosed upon termination of litigation or contractual matter, upon resolution of the personnel matter with consent of said person or persons and as

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provided by N.J.S.A. 4-12 but in no case later than two (2) years from this date. These minutes shall be available as soon as the matter is resolved or not later than two years hence.

- Personnel

Mr. Melick made a motion to enter executive session at 8:32 PM, seconded by Mr. Becker. Ayes: Becker, Desiderio, Melick, Voyce. Nays: None. Absent: DiMare

8. Reconvened

The meeting reconvened at 8:41 PM.

The next meeting will be May 14, 2019

9. Adjournment

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

Motion made by Mr. Melick, seconded by Mr. Becker. Ayes: Becker, Desiderio, Melick, Voyce. Nays: None. Absent: DiMare

Jennifer Ader
Acting Municipal Clerk