

**TOWNSHIP COMMITTEE
MAY 12, 2015 MINUTES**

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

The meeting was called to order at 7:30 PM, roll call held and a quorum established. Mayor William J. Voyce presided.

Other officials in attendance were Township Committee members Dana Desiderio, Louis DiMare, Peter Melick and Shaun Van Doren.

Jesse Landon, Township Administrator, Roberta Brassard, Municipal Clerk, Michael Selvaggi, Township Attorney, Marie Kenia, CFO and Anthony Ardito, Auditor were in attendance.

There were approximately two 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 5, 2015.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

4. Actions to be taken

➤ **Ordinance Public Hearing**

Ordinance #03-1025 Amending DRO Article VII section 700 &726

Mr. Van Doren moved to open the public hearing on Ordinance #03-2015, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ms. Brassard provided proof of publication from the 4-23-15 Hunterdon County Democrat and a letter from the Land Use Board noting their review of the Ordinance and finding it not inconsistent with the Master Plan.

There being no comments from the public, Mr. Van Doren moved to close the public hearing on Ordinance #03-2015, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mr. Van Doren moved adoption of Ordinance #03-2015, seconded by Ms. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**TOWNSHIP OF TEWKSBURY
ORDINANCE NO. 03-2015**

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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 DEVELOPMENT REGULATIONS ORDINANCE, SPECIFICALLY ARTICLE VII, "ZONING PROVISIONS" TO ADD "SOLAR OR PHOTOVOLTAIC ENERGY FACILITIES AND STRUCTURES" AS A NEW CATEGORY IN THE PERMITTED ACCESSORY USES FOR THE HL HIGHLANDS DISTRICT AND TO AMEND "ADDITIONAL ACCESSORY USE PROVISIONS" TO CLARIFY THE SPACING REQUIREMENTS FOR ROOF MOUNTED SOLAR PANELS

WHEREAS, the Tewksbury Township Committee has established provisions pertaining to the installation of solar or photovoltaic energy facilities and structures as permitted accessory structures in certain zone districts within the Township; and

WHEREAS, the Township Committee wishes to extend solar or photovoltaic energy facilities and structures as permitted accessory structures in the HL Highlands District in accordance with the standards established in this Chapter for said use; and

WHEREAS, the Township Committee finds it appropriate to amend the spacing requirements of roof-mounted solar panels based upon advice of the Township Fire Marshall.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Tewksbury that of the Development Regulations Ordinance of the Township of Tewksbury shall be revised and amended to supplement Article VII, "Zoning Provisions" to add "Solar and Photovoltaic Energy Systems" as a new category under the Permitted Accessory Uses for the "HL" Highlands District (§709)

Section 1

Purpose Statement: The purpose of this Ordinance is to amend and supplement the Development Regulations Ordinance to regulate solar or photovoltaic energy facilities and structures as permitted accessory structures in the "HL" Highlands District and to provide detailed spacing requirements for roof-mounted solar panels.

Section 2

Article VII, § 700 "Zoning Provisions," is hereby amended and supplemented, as follows:

§ 709, "HL" Highlands District, Subsection C Permitted Accessory Uses, is hereby amended and supplemented by adding the following new subsection, as follows:

13. Solar and Photovoltaic Energy Systems in accordance with standards set forth in § 726 C, as established herein.
 - a. Roof mounted solar or photovoltaic energy systems.
 - b. Ground-mounted solar or photovoltaic energy systems.

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Section 3

Article VII, § 726 “Additional Accessory Use Provisions” is hereby amended and supplemented, as follows:

Subsection C.7(a)(i)(a) shall be revised to read as follows:

(a) At least four (4) feet of clear area on each side of the ridgeline and four (4) feet on both sides of the roof leading to the ridgeline shall remain clear of any solar or photovoltaic panels. Roofs with cross gable/valley shall provide four (4) feet clearance of any panels, to allow firefighters access to the roof, which shall be provided as at least two (2) feet clear of panels on either side of the center of all valleys.

Section 4

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 adjusted unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 5

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

Section 6

This Ordinance shall take effect immediately upon final adoption, publication, and publication of a notice for final adoption and the filing of same with the Hunterdon County Planning Board.

William J. Voyce
Mayor

➤ **Consent Agenda**

Ms. Desiderio requested that the minutes of 04-28-15 be removed from the Consent Agenda and voted on separately.

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

**RESOLUTION #47-2015
TONNAGE GRANT APPLICATION RESOLUTION**

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WHEREAS, the Mandatory Source Separation and Recycling Act, PL 1987, c 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a Resolution authorizing this municipality to apply for the 2014 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Alan Dilley, Certified Recycling Professional to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

William J. Voyce
Mayor

RESOLUTION #48-2015

**A RESOLUTION SETTING THE 2015 SALARIES AND WAGES FOR OFFICERS AND
EMPLOYEES 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 following salary and wage for the employee so stated is hereby set for the year 2015.

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PUBLIC WORKS		
Patrick Danser	Public Works Temporary/Seasonal Employee	\$12.00/hour not to exceed 28 hours per week Effective 6-1-15* *pending satisfactory completion of NJSP background check

William J. Voyce
Mayor

RESOLUTION NO. 49-2015

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, DISCHARGING AMENDED MORTGAGE WITH
STEPHEN C. ROTH AS AGAINST LOT 9 IN BLOCK 38**

WHEREAS, the Township of Tewksbury had previously extended to Stephen C. Roth, a Conversion Project Mortgage in the amount of \$4,121.00 on April 21, 1999, which said Mortgage was recorded with the Hunterdon County Clerk's Office in Deed Book 1334, Page 725 on May 4, 1999; and

WHEREAS, the Township and Mr. Roth subsequently entered into an Amended Mortgage on February 10, 2004, which was recorded with the Hunterdon County Clerk's Office in Deed Book 2710, Page 946; and

WHEREAS, Mr. Roth has paid said Mortgage in full and same has been fully satisfied; and

WHEREAS, the Township is prepared to discharge same.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the Township of Tewksbury, County of Hunterdon, New Jersey, be and is hereby authorized to execute on behalf of the Township, a Discharge of Mortgage, a true and correct copy of which is attached hereto, and have same recorded in the Hunterdon County Clerk's Office, thereby discharging the Amended Conversion Project Mortgage and otherwise confirming that same is fully paid and satisfied.

BE IT FURTHER RESOLVED that this release is binding upon the Township of Tewksbury and all who succeed it.

William J. Voyce
Mayor

MISCELLANEOUS

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- Claims as submitted by the CFO
- Correspondence List
- Authorization to have Clerk sign Social Affair permit for 6.6.15 “Broadway Under the Stars” event

ITEMS REMOVED FROM THE CONSENT AGENDA

Mr. Van Doren made a motion to accept the minutes of 04-28-15, seconded by Mr. Melick. The motion was approved. Ayes: DiMare, Melick, Van Doren, Voyce. Nays: None. Abstain: Desiderio.

- Regular minutes of 04-28-15

➤ **2015 Budget Public Hearing**

Mr. Melick moved to open the public hearing on the 2015 Budget, seconded by Mr. Van Doren. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

In response to a question from Webster Todd, Mr. Landon stated that information related to the 2015 Budget would be available pending submission of an OPRA form.

There being no further comments from the public, Mr. Van Doren moved to close the public hearing on the 2015 Budget, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mr. Van Doren moved adoption of the 2015 Budget, seconded by Ms. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

The 2015 Budget is spread in full at the end of the minutes.

Mr. Van Doren thanked Marie Kenia for her excellent work done on the preparation of the Budget.

Mr. Landon and Mr. Ardito echoed the sentiments of Mr. Van Doren for Ms. Kenia’s work on her first Tewksbury Budget.

5. Reports

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

Mr. Van Doren noted the following items.

- The 2015 Budget is completed.
- County personnel have removed pedestrian crossing signs across the County because they do not meet statute. Mr. Landon stated that Chief Holmes has ordered two stand-alone flashing signs for use around the Township.
- There is a stone rubble wall on James Street that has been damaged due to road work and weather. Mr. Van Doren stated that he is working with the County Engineer to work to retain the streetscape of the area.

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Ms. Desiderio noted that a property owner in the Township has received a notice of violation related to the height of his fence along County Route 517. She questioned if the section of the DRO pertaining to fence heights could be amended so that the fence would be high enough to serve as adequate protection for the property owner's horses. Discussion followed regarding fence height for agricultural use and various existing exemptions.

Mr. Van Doren stated that the property should be reviewed for other issues related to horse density.

Mr. Selvaggi stated that if the applicant wishes to have a fence higher than the existing Ordinance allows, they should go to the Land Use Board (LUB) to request a variance.

Mr. Melick noted a letter from a Township resident asking to appeal the escrow fees related to professional inspections for an LUB application. He stated that many residents speak to him about LUB fees, but most do not formally file an appeal as they do not want to "poison the well". Discussion followed regarding procedures followed in other municipalities and MLUL requirements.

Mr. Landon suggested that the LUB Engineer, the LU subcommittee, LU Administrator, applicant and he meet to discuss the bills prior to coming to the full Township Committee. He will coordinate the meeting.

Mayor Voyce noted that safety matters have been quiet lately.

➤ **Township Attorney**

Mr. Selvaggi noted information related to COAH and the proposed numbers that are currently being discussed. He stressed the need to have a cohesive plan and to work with the Planner and LUB Engineer to look at the methodologies for first and second round (substantive certification) numbers. He noted that the NJ League of Municipalities is not moving forward to secure a planner to refute the proposed numbers.

Further comments were made regarding first and second round numbers, the de-population of NJ, the inertia that has plagued COAH, and the judge that will be assigned to Somerset, Hunterdon and Warren counties.

Mr. Selvaggi reiterated that there is much unknown in the process and the Township needs to work with their professionals in order to meet the COAH guidelines and deadlines.

Mr. Selvaggi noted a Fairfield, NJ case regarding a special land use application that corresponds with the Johnson heliport, adding that the decision does not bode well for Tewksbury.

➤ **Township Administrator**

Permission was granted by the Committee to allow a designated member of the Equestrian Committee to contact individuals who have expressed an interest in being notified of equestrian related incidences and events outside of regular office hours.

Discussion followed regarding the upcoming event on 6-6-15 entitled "Broadway Under the Stars" and the need to have the Committee approve a Special Music Event Permit. Mr. Landon stated that there will be valet parking so there will be no problems with traffic flow on Farmersville Road.

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Mr. Van Dorn stated that he feels there are too many signs around town and would like the one in front of the Oldwick General Store to be removed.

Mr. Van Doren made a motion to approve the Special Music Event Permit for the 6-6-15 "Broadway Under the Stars" event to be held at 44 Farmersville Road conditional upon approval and receipt of necessary permits related to Police, public safety, health and the ABC, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: none.

Mr. Landon noted that no funds have been received from the DOT for needed work on Potterstown Road. He will write a letter requesting discretionary aid for the project.

The following dates were noted.

- 5/14/15 Garden Quilt Day
- 6/9/15 A Resolution pertaining to COAH matters should be placed on the agenda.
- 6/23/15 Two of the roadway bids will be awarded 6/9/15 and one on 6/23/15. Resolutions to accept the bid(s) should be included on the 6/23/15 meeting agenda.
- 7/7/15 Board of Freeholders meeting in Tewksbury
- 8/4/15 Annual Night Out

6. Proclamation

Mayor Voyce made a motion to accept the following Proclamation, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce.

**PROCLAMATION
RELAY FOR LIFE OF HUNTERDON COUNTY**

WHEREAS, the Relay For Life program is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

WHEREAS, money raised during Relay For Life of Hunterdon County supports the American Cancer Society's mission of saving lives by helping people stay well and get well, by finding cures, and by fighting back; and

WHEREAS, Relay For Life events helped fund more than \$177.5 million in cancer research last year;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey do hereby proclaim June 13th and 14th of 2015 as,

"RELAY FOR LIFE OF HUNTERDON COUNTY DAYS"

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in our community and encourage citizens to help finish the fight against cancer by participating in the Relay For Life event at Hunterdon Central Regional High School on June 13th and 14th of 2015.

William J. Voyce
Mayor

It was the consensus of the Committee to cancel the 05-26-15 meeting.

7. Adjournment

There being no further business, the meeting was adjourned at 8:20 PM.

Roberta A. Brassard
Municipal Clerk