

**TOWNSHIP COMMITTEE
OCTOBER 13, 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, Peter Melick and Shaun Van Doren.

Louis DiMare was absent.

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

There were three 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

No members of the public wished to speak in Public Participation.

4. Actions to be Taken

- **Ordinance Public Hearing
Ordinance #05-2015 Highlands**

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #05-2015, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

Ms. Brassard provided proof of publication from the 09-29-15 Courier News. A memo from the Land Use Board noting their review of the Ordinance and finding it not inconsistent with the Master Plan was also presented along with the strong recommendation by the LUB that the Committee adopt this Ordinance.

George Cassa and Wilma Frey stated that they were in favor of adopting the Ordinance as it would help to preserve the Township in its current state.

There being no further comments from the public, Ms. Desiderio made a motion to close the Public Hearing on Ordinance #05-2015, seconded by Mr. Van Doren. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

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Mr. Van Doren moved adoption of Ordinance #05-2015, seconded by Ms. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Desiderio, Van Doren, Voyce. Nays: Melick. Absent: DiMare.

ORDINANCE #05-2015

HIGHLANDS LAND USE ORDINANCE FOR TEWKSBURY TOWNSHIP

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➤ **Consent Agenda**

Mr. Melick requested that the authorization to have Clerk sign the OFC application for James Apgar be removed from the Consent Agenda and voted on separately.

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

RESOLUTION #74-2015

CHAPTER 159

TO ACCEPT FUNDS FROM STATE DEPARTMENT OF THE TREASURY

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township of Tewksbury has received \$3000.00 from the Highlands Plan Conformance Grant for Task 8: Wastewater Management Plan; and

WHEREAS, the Township of Tewksbury wishes to amend its 2015 Budget by an additional \$3,000.00 to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the year 2015 in the sum of \$3,000.00 which is now available as a revenue from:

**Highlands Plan Conformance Grant for Task 8
Wastewater Management Plan**

BE IT FURTHER RESOLVED, that the Clerk forward one (1) copy of this Resolution to the Director of the Division of Local Government Services.

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William J. Voyce
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO
- Correspondence List
- Regular and e/s minutes of 09-22-15
- Authorization to have the Clerk sign the current year 2015 Best Practices

ITEMS REMOVED FROM THE CONSENT AGENDA

Mr. Van Doren made a motion authorizing the Clerk to sign the OFC application for James Apgar, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, Van Doren, Voyce. Nays: None. Absent: DiMare. Abstain: Melick.

- Authorization to have Clerk sign OFC application for James Apgar

5. Reports

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

Mr. Van Doren noted that the SADC has requested a letter of support from the Township regarding the preservation of the 76 acre Craig property located on Homestead and Fox Hill Roads.

Mr. Van Doren made a motion to have the Mayor sign and send the above noted letter to the SADC regarding the preservation of the 76 acre Craig property located on Homestead and Fox Hill Roads, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

Mr. Van Doren noted the following matters:

- An e-mail correspondence with Irene Kim Asbury, BPU Secretary, pertaining to the recent letter sent regarding an incident involving JCP&L and Century Link. He will forward the string of e-mails to Mr. Landon so that the matter can be resolved.
- Subcommittee meetings need to be scheduled for the coming weeks to discuss the proposals for Auditor, Engineer and Wastewater Engineer.
- After the November elections, he will attend hearings in Trenton regarding OPRA and OPMA matters and will testify in order to express his opinions.

Mr. Melick noted that Clean Up/Shred Day is scheduled for 10-17-15. He added that RFP's for Engineer, Wastewater Engineer and Auditor are being accepted.

Mayor Voyce noted a letter he received from a resident on Strawberry Lane regarding road and roadside conditions on Philhower Road.

➤ **Township Attorney**

Mr. Selvaggi noted the following items:

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- The matter regarding the Johnson helipad will be heard at the Appellate Division on 11-09-15 in Flemington.
- The matter regarding the Staller-Haddad property on Alder Creek Road will be heard by the CABD in November. It was noted that the CADB has determined that the farm is designated a commercial farm.
- A complaint has been filed regarding the Heithoff matter in Oldwick related to the illegal sewer hookup.
- A situation on Hill and Dale Road has arisen related to a horse walker that has been constructed on the property. The Zoning Officer is looking in the matter further.

Mr. Selvaggi presented information regarding the ongoing COAH matters relative to the Township and the State, and the fact that the Land Use Board (LUB) has met recently to discuss the matter. He noted the deadline of 12-08-15 for submission of the Township's Fair Share Plan to the Supreme Court, adding that he believes an extension will be granted by the judge.

He noted that the Township (along with over 200 other NJ municipalities) initially hired Dr. Robert Burchell to draft a report for submission to the Court. After the draft report was presented, Dr. Burchell suffered a stroke making his participation as an expert witness in the court impossible. Mr. Selvaggi noted that the Township acted quickly in hiring Dr. Burchell.

In response to a question from Mr. Van Doren, Mr. Selvaggi noted that the Morris County judge has granted a one month extension to municipality/municipalities while the judge from Atlantic County has not yet done so.

Mr. Selvaggi added that his firm represents several municipalities and has tried to share costs related to the COAH litigation between the municipalities. He added that differences (between municipalities) are the individual fair share plan and the fact that some are located in the Highlands.

He stated that the report, once submitted, may have to be further amended. He opined that the manner in which this is being handled is bad governance and should be handled locally rather than in the courts.

Further comments were made regarding the lead attorney for Washington Township and the judicial process.

In response to a question from Mr. Van Doren, Mr. Selvaggi noted that the unused portion of the \$2000.00 fee paid to Dr. Burchell will go to the new firm EConsult. He added that the EConsult report should be similar to that of Dr. Burchell, but will be more individualized to Tewksbury. It was noted that the League of Municipalities has two studies related to the matter and will be involved as an amicus (friend of court).

Mr. Landon noted that he contacted Margaret Nordstrom, Highlands Executive Director and was advised that they (Highlands) would not involve themselves in the COAH matter.

Mr. Melick stated that Highlands Council always promised the Township the protection of a legal shield, and they have not kept their word.

Mr. Selvaggi agreed with Mr. Melick's statement adding that he was disappointed that the Highlands were not helping their municipalities, adding that they "could throw a DAG into the fray." He added that the Highlands is doing their build out analysis, but will unavoidably become involved. He referred to them as a "reluctant party standing on the sidelines" adding that they (the Highlands) should support their municipalities.

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He reiterated that this action is “bad government” and the courts should not be handling something of this magnitude.

In closing, Mr. Selvaggi urged the Committee to adhere to the 12-08-15 deadline as the LUB is scheduled to further discuss the matter in November. He opined that the Township is in good shape and the court may extend the deadline by 90 days.

In response to a question from Mr. Van Doren, Mr. Selvaggi explained the status of several municipalities that applied for immunity, including Greenwich Township and Mount Arlington.

Mr. Selvaggi added that a firm number (of units) needs to be decided upon and that number can possibly be changed moving forward. He stated that it would be prudent to have a firm statewide number, reiterating that the process is bad governing and there are too many unknown variables.

➤ **Township Administrator**

Mr. Landon noted the following items:

- Several subcommittee meetings are scheduled for the coming weeks.
- Work on Bissell and Deer Hill Roads is ongoing with work being done by the DPW.
- Drainage work will be done on both roads and overlay work will be finished utilizing the Morris County Co-op.
- Sewer rates need to be discussed and the results of the inspections in Oldwick need to be reviewed.
- DPW negotiations are close to completion.
- Meetings need to convene regarding the PBA contract.
- Discussion followed regarding the consortium that purchased the old Sawmill Road School. He noted that there is very little information available on the group, but it was determined that they will have to pay taxes.

6. Public Participation

In response to a question from Mr. Cassa, Mr. Selvaggi explained that there is no current litigation between the Township and the owners of the Bellemead property, but the owners of the property have requested to be included on the service list for information related to the Fair Share Plan.

Mr. Selvaggi added that there is much to do before a builder’s remedy lawsuit can be filed, adding that the stagnation in the real estate market makes it difficult to build anything.

Ms. Frey reminded the Committee of Attorney Henry Hill’s work from ten years ago regarding substantive certification.

Mr. Selvaggi noted that the Township has actively endeavored to receive third round substantive certification. He added that there are many hurdles with which a builder must deal in the Township regarding building a (large) number of units, including infrastructure requirements, Highlands designation and local zoning.

He added that the Bellemead property has “a lot going on” and the Township has to work in good faith to come up with a justifiable number of units to submit to the courts prior to the deadline.

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Further discussion followed regarding the possibility of appointing a mediator or a master to aid with the process. He opined that this would be a good thing as it could be a cost savings to the affected municipalities and remove some of the acrimony.

Additional comments were heard regarding the overall population in New Jersey.

In closing, Mr. Selvaggi urged the Committee to continue moving forward as he felt the NW corridor was being closely watched by developers.

Ms. Frey noted a matter in Rockaway Township regarding water for a development (Pondview?) that “basically stole” water from other parts of the Township.

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7. Executive Session

At 8:24 PM Mr. Van Doren moved adoption of the following Resolution, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

**. RESOLUTION #75-2015
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 Personnel – volunteer conflict, Contract Negotiations – PBA Contract and Active Litigation related to COAH.

It is expected that the discussion undertaken in closed session can be made public at the time official action is taken.

William J. Voyce
Mayor

8. Reconvened

The meeting reconvened at 8:55 PM.

Mr. Van Doren made a motion authorizing the Attorney to file a motion to extend the deadline by ninety (90) days to submit the Fair Share Plan, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: None. Absent: DiMare.

9. Adjournment

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

Roberta A. Brassard
Municipal Clerk