

**TOWNSHIP COMMITTEE  
DECEMBER 22, 2015 MINUTES**

The Tewksbury Township Committee met in a regular/work session on the above date at the Police Administration Building – 169 Old Turnpike Road.

The meeting was called to order at 8:00 AM, roll call held and a quorum established. Mayor William J. Voyce presided.

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

Jesse Landon, Township Administrator and Roberta Brassard, Municipal Clerk was in attendance.

There were no 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 December 9, 2015.

**2. Flag Salute**

Those present stood and pledged allegiance to the American flag.

**3. Public Participation**

There were no comments heard from the public.

**4. Actions to be taken**

➤ **Ordinance Public Hearing**

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #06-2015, seconded by Mr. Melick. The motion approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ms. Brassard provided proof of publication from the 12-11-15 Courier News.

There being no comments from the public, Mr. Van Doren made a motion to close the Public Hearing on Ordinance #06-2015, seconded by Mr. Melick. The motion approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mr. Van Doren moved adoption of Ordinance #06-2015, seconded by Mr. Melick. A roll call vote was taken and the motion approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**TOWNSHIP OF TEWKSBURY  
COUNTY OF HUNTERDON  
ORDINANCE NO. 06-2015**

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**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF TEWKSBURY BY  
REVISING CERTAIN PROVISIONS OF CHAPTER 13.08, ENTITLED "HUNTERS GLEN  
SEWER SYSTEM"**

**BE IT ORDAINED**, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, State of New Jersey that the Code of the Township of Tewksbury is hereby amended by amending Chapter 13.08, entitled "Hunters Glen Sewer System" as follows (with all other sections of said Chapter 13.08 remaining unchanged):

**SECTION ONE.** Section 13.08.210, "Sewer Rental - Rates", is amended to read as follows:

There is hereby established a flat rate sanitary sewer rental of one thousand eighty dollars (\$1,080.00) per year for each flat rate sewer rental unit, payable quarterly in accordance with Section 603.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon final passage and adoption and publication according to law.

\_\_\_\_\_  
William Voyce  
Mayor

➤ **Consent Agenda**

Mr. Melick requested that Resolution #81-2015 and the two authorizations related to the Oldwick Fire Company 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, DiMare, Melick, Van Doren, Voyce. Nays: None.

• **RESOLUTIONS**

**RESOLUTION #88-2015  
TAX REFUND**

**BE IT RESOLVED**, by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the Chief Financial Officer is hereby authorized to make the following payments for the refund of tax.

Refund of the duplicate payment of the fourth quarter tax.

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
28	26	CoreLogic Real Estate Tax Service Attn: Tax Refunds 1 Corelogic Drive	2015	3,044.86

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Westlake TX 76262  
Property location: 38 Fox Hill Rd.

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William Voyce  
Mayor

**RESOLUTION #89-2015  
STATEWIDE INSURANCE FUND**

**RESOLUTION APPOINTING FUND COMMISSIONER TO STATEWIDE INSURANCE FUND**

**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 governing body of the Township of Tewksbury that Jesse Landon is hereby appointed as the Fund Commissioner for the Local Unit for the year 2016; and

**BE IT FURTHER RESOLVED** that Marie Kenia is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2016; 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. .

Name of Entity: Township of Tewksbury

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William J. Voyce  
Mayor

**RESOLUTION #90-1015  
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

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**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 hereby appoints Groendyke Associates as its local Risk Management Consultant.
2. The Township Administrator and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2016 in the form attached hereto.

Name of Entity: Township of Tewksbury

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William J. Voyce  
Mayor

**RESOLUTION #91-2015**

**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, 2016** terminating on **January 1, 2019** 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) as marked "Yes":

	<u><b>YES</b></u>	<u><b>NO</b></u>
Workers' Compensation & Employer's Liability	X	<input type="checkbox"/>
<i><b>Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General Liability, Auto Liability, Auto Physical Damages and Professional Liability</b></i>	X	<input type="checkbox"/>
<i><b>Pollution Liability</b></i>	X	<input type="checkbox"/>

**BE IT FURTHER RESOLVED** that Jesse W. Landon 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

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**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 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.

**Member name: Township of Tewksbury**

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William J. Voyce  
Mayor

**MISCELLANEOUS**

- Claims as submitted by the CFO
- Regular and e/s minutes of 12-08-15
- Authorization to extend Suburban Consulting Engineers' Engineering and Wastewater Engineering contract through 01-31-16 at 2015 rates
- Authorization to have Mayor sign letter in support of the Craig Farm farmland preservation application

**ITEMS REMOVED FROM THE CONSENT AGENDA**

Ms. Desiderio made a motion to adopt Resolution #81-2015, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Voyce Nays: none Abstain: Melick Recused: Van Doren.

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

**RESOLUTION # 81-2015**

**RESOLUTION GRANTING QUARRY LICENSE FOR THE YEAR 2016  
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

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**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 2016 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 December 4, 2015; and

**WHEREAS**, the Quarry License Application includes, but is not limited to, all documents filed with the Township by Stavola as part of its 2016 Quarry License Application, the documents reviewed and/or referenced by the Township Engineer as identified in a letter dated December 4, 2015, and any correspondence on file with the Township from the Township Engineer commenting on the 2016 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 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 2016, 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

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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 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 December 4, 2015. Stavola shall pay directly the costs and fees charged by the water testing agency.

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 comply with the terms and conditions of letters, dated January 5, March 9, June 11, 2007 and March 24, 2008 from Andrew Holt, P.E., P.P., C.M.E., Township Engineer, incorporated herein by reference.

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

10. 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.

11. 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

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necessary or incidental to quarrying operations at the Quarry for the year 2016. 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.

12. 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.

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

14. 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 2016.

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

16. 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*.

17. The grant of the license of the year 2016 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.

18. The grant of the license of the year 2016 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.

19. 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.

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William Voyce  
Mayor

Mr. Van Doren made a motion to approve the following two applications pertaining to the Oldwick Fire Company, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Van Doren, Voyce Nays: none Abstain: Melick

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- Authorization to have Mayor sign F & D for OFC 01-29-16 Raffle
- Authorization to have Clerk sign SA Permit for OFC 01-29-16 event

**5. Township Administrator**

Mr. Landon noted that a thorough comparison was done related to the three Resolutions pertaining to the Statewide Insurance fund. Another firm's rates were reviewed and were \$9000.00 less than Statewide, but the benefits to staying with Statewide outweighed that difference. Mr. Landon added that the Risk Manager, Ivan Cohen is an invaluable asset.

Mr. Landon noted that Dennis Allen has submitted his resignation as Zoning Officer effective 1-1-16. Discussion followed regarding the need to advertise for a replacement, the possibility of a shared service agreement with High Bridge and Mr. Van Doren's and Ms. Desiderio's recommendation that the work hours be greater than two day a week.

**6. Township Committee Comments**

Mr. Van Doren stated that he is working on firming up Township Committee appointments for 2016, noting that Harold Wrede has agreed to chair Scenic Roads and Bridges Commission (SRBC) again. He added that the SRBC will come to the Township Committee in February to present their updated listing of bridges in eh Township.

Mr. Melick noted that he is working on Mayoral appointments for 2016.

Comments were made regarding two applications that were received in 2014 and 2015 from interested residents. Comments were made regarding membership on various boards, committees and commissions.

Mr. Landon noted that he gave the new Engineer and Waste Water Engineer a tour last week to familiarize them with the Township.

It was noted that one monthly meeting will be scheduled in 2016 for the second Tuesday. The fourth Tuesday will be a meeting date if necessary.

Mayor Voyce thanked the Committee for a successful year and wished everyone a Merry Christmas and a happy and healthy New Year. He added that the Committee has a good working relationship even if there is not always agreement and he is thankful that the Committee is able to "take care of business."

**7. Adjournment**

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

Roberta A. Brassard  
Municipal Clerk