

**TOWNSHIP COMMITTEE
SEPTEMBER 22, 2015 MINUTES**

The Tewksbury Township Committee met in a work 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 (arrived at 7:40 PM), Peter Melick and Shaun Van Doren.

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

There were approximately ten 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 September 17, 2015.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

John Anderson, JCP&L Area Manager was present to explain the outage that occurred in the Township five weeks ago. He explained that a tree limb broke a pole on Route 517 in the "dinner pot" area and the road was closed from early morning until mid afternoon. He explained that the reason the road could not be opened sooner was because a three phase energized primary line was down and there needed to be coordination between JCP&L and Century Link.

Mr. Melick stressed the importance of having the County road opened; adding that there was no notification about the outage to customers or OEM personnel and the coordination of action was subpar.

Mr. Anderson explained that notifications go out if more than 100 homeowners are affected- this incident did not cause such an outage. He explained the time line that transpired with JCP&L and Century Link crews working to set the new pole.

He stated that if there are incidents that the Committee feels needs immediate attention, they should call him directly so that incidents can be solved "better and quicker."

4. Actions to be taken

➤ **Ordinance Public Hearing**

Mr. Van Doren made a motion to open the public hearing on Ordinance #04-2015, 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 09-11-15 Courier News.

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There being no comments from the public, Mr. Van Doren made a motion to close the public hearing on Ordinance #04-2015, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mr. Van Doren made a motion to adopt Ordinance #04-2015, seconded by Ms. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

ORDINANCE 04-2015

AN ORDINANCE TO CANCEL THE BALANCE FROM ORDINANCE #07-2004 ENTITLED "FINANCING OF EQUIPMENT FOR THE OLDWICK WATER POLLUTION CONTROL FACILITY" AND ORDINANCE #07-2010 ENTITLED "AN ORDINANCE TO CANCEL THE BALANCE FROM ORDINANCE #08-2009 ENTITLED "AN ORDINANCE TO FUND THE IMPROVEMENTS TO THE OLDWICK SEWER" TO THE OLDWICK SEWER UTILITY FUND" TO THE OLDWICK SEWER UTILITY FUND TO THE FUND BALANCE

BE IT ORDAINED by the Township Committee of the Township of Tewksbury in the County of Hunterdon, New Jersey the following:

1. From Ord. #07-2004 Oldwick Sewer Utility Fund. \$20,000.00
2. From Ord. #07-2010 Oldwick Sewer Utility Fund. \$6,609.01
3. To the Fund Balance. \$26,609.01
4. That this Ordinance shall take effect after final passage, adoption, and publication according to law.

William J. Voyce
Mayor

➤ **Consent Agenda**

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

**RESOLUTION #71-2015
TAX REFUND**

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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 2012 homestead rebates that were received in 2015.

Block	Lot	Name	Year	Amount
34	13.04	Bruce & Elizabeth Shapiro 38 Bissell Rd Lebanon, NJ 08833	2015	759.73
37.02	3	Marion T. Nelson 3 Hunters Circle Lebanon, NJ 08833	2015	859.75

Refund due to a reduction in assessed value for 2015.

44	24.03	Stavola Quarries LLC PO Box 482 Red Bank, NJ 07701	2015	106.03
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Refund of a successful State Tax Court Appeal.

27	30	Brett Sherman 9 Hillview Dr Califon, NJ 07830	2014	1,020.67
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William J. Voyce
Mayor

TEWKSBURY TOWNSHIP

RESOLUTION NO. 72-2015

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, TO AUTHORIZE
AGREEMENT WITH ECONSULT SOLUTIONS, INC.**

WHEREAS, the Township Committee of the Township of Tewksbury (“Township”) entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

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WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; an

WHEREAS, the Township Committee of the Township of Tewksbury recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Township Committee of the Township of Tewksbury has determined that it is in the best interests of the citizens of the Township to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Tewksbury as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Township Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Township Committee of the Township of Tewksbury hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Township of Tewksbury with Econsult Solutions, Inc.

The Township Committee of the Township of Tewksbury hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township of Tewksbury with the approval of the Township’s designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Township Committee of the Township of Tewksbury further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA

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provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, Township of Tewksbury shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Township.
6. This Resolution shall take effect immediately.

William J. Voyce
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO
- Regular and e/s minutes of 09-08-15

**5. Work Session Topics
COAH/Highlands**

Mr. McGroarty presented the draft Highlands Ordinance and maps as created by the Highlands Council. He noted that much of the language in the Ordinance is “boiler plate” but the Land Use subcommittee reviewed drafts of the Ordinance and made some changes specific to the Township.

He noted that because the Township is included in the Highlands planning and preservation areas and the LUB adopted the Highlands Master Plan, it would make sense to adopt this draft Ordinance as the Township has committed to doing so.

General discussion followed regarding the Highlands regulations as related to septic density, zoning and wellhead protection issues. It was noted that if there is a discrepancy between a Township Ordinance and the Highlands Ordinance, the more stringent will apply.

In response to a question from Mr. Van Doren, Mr. McGroarty stated that he feels there will be some flexibility from the Highlands regarding the plan implementation schedule as many of the “placeholders” are not ready yet and the implementation is a multiyear process.

In response to a statement by Mr. DiMare, Mr. McGroarty explained certain sections noted in the index marked as optional such as the fee schedule and professionals. He added that what is left in the Ordinance is required by the NJDEP and needs to remain.

It was noted that this Ordinance will have to go to the LUB for a Master Plan consistency review. It will also be available to the public once introduced.

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6. Ordinance Introduction

Mr. Van Doren made a motion to introduce Ordinance #05-2015, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Van Doren, Voyce. Nays: Melick.

The Public Hearing is scheduled for 10-13-15 at 7:30 PM.

**ORDINANCE #05-2015
HIGHLANDS LAND USE ORDINANCE FOR TEWKSBURY TOWNSHIP**

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7. Township Committee Comments

Mr. Melick noted that road work is close to completion.

Mayor Voyce noted an incident on Route 78 that closed the road from exit 24-18. The Harvest Festival is scheduled for 09-26-15.

In response to a question from George Cassa, Mr. Selvaggi stated that he felt there would be protection for the Township if the mandated COAH deadline for submission of a plan was not met.

8. Executive Session

At 8:10 PM Mr. Van Doren moved adoption of the following Resolution, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #73-2015
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 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

9. Reconvened

The meeting reconvened at 9:38 PM.

10. Adjournment

There being no further business, the meeting was adjourned at 9:40 PM.

Roberta A. Brassard
Municipal Clerk