

**TOWNSHIP COMMITTEE
NOVEMBER 7, 2016 MINUTES**

The Tewksbury Township Committee met 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 Peter Melick presided.

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

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

There were approximately sixteen members of the public in attendance.

1. Open Public Meetings Statement

Mayor Melick 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, 2016.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

George Liothake, Assistant Chief of Rescue Services for Whitehouse Rescue (WHR) was present to provide information to the Committee on services provided.

Zak Harabedian Deputy Chief of EMS for WHR provided handouts for review regarding the services provided by WHR to Tewksbury, Readington and Clinton. He outlined the personnel and equipment that WHR has, the training that their members receive and the various fire companies with whom they partner. It was noted that WHR is certified with the NJ State Department of Health and two licensed EMTs always respond to any emergency call. He thanked the Committee for their support.

Jane Kevorkian, 30 Big Spring Road stated that she is requesting Township Committee permission to erect a stone wall that is partially in the Township right of way. She provided pictures and a description of the project that originated after many trees were destroyed and there was a need to rebuild and fortify the driveway.

Mr. Landon stated that the Township Superintendent of Public Works has stated that the encroachment into the right of way would cause no danger to the travelling public. He added that the Land Use Administrator has stated that the wall does not impact the impervious coverage number.

After a brief review of the plans, Mr. Buczynski stated that he did not see an apparent concern with the sight distance.

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Kim Chen, 28 Big Spring Road stated that she shares the driveway (of 30 Big Spring Road) and is concerned with the safety of the driveway under discussion and feels that the new rock wall makes exiting the driveway dangerous. She presented pictures, a common driveway agreement and a petition signed by various Township residents who are opposed to the stone wall.

In response to a question from Mayor Melick, Mr. Selvaggi stated that the right of way matter is a Township Committee decision. The matter of the shared driveway would be considered a neighbor dispute and a private matter between the property owners.

Mr. Buczynski provided further comments regarding the plan and the height of the rocks as related to the sight triangle.

Chun Guang Chen, 117 Old Driftway Lane stated that the common driveway easement as presented by Ms. Chen states that no structure can be erected in the common driveway, adding that the rock wall will negatively affect road travel.

Discussion followed regarding the matter and the fact that the Township Committee meeting is not the venue for discussing a neighbor dispute. Ms. Chen stated that Ms. Kevorkian has "a large pile of rocks sitting at the back of the area" and intimated that she could be doing more work. Further comments were made regarding having items in Township right of ways and if they are permitted, it is always with the understanding that they would be removed if deemed necessary by the Township.

Mr. Van Doren suggested that a policy be put in place to have the Engineer look at plans provided by an applicant, create an escrow account and provide a report to the Administrator for situations such as those presented at tonight's meeting.

It was the consensus of the Committee that the Engineer review the Kevorkian project, provide a written report to the Administrator and continue the discussion at the 12-13-16 meeting.

Robert Becker questioned action taken by the Land Use Board (LUB) in 2006 on a property located at 1 Hildebrandt Road related to the installation of drywells. He explained that the new owner of the property came to the LUB in 2015 and the aforementioned drywells could not be located. Mr. Becker accused Township staff of not keeping clear and accurate records readily available and maintained.

He noted that a recent OPRA request that he submitted took longer to process than he thought it should have.

4. Actions to be taken

➤ **Ordinance Public Hearing (continuation)**

Mr. Van Doren made a motion to re-open the public hearing on Ordinance #11-2016, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mr. DiMare stated that he had listened to the recording from the 10-11-16 meeting pertaining to the matter.

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Blake Johnstone, Chairman of the LUB noted that the Township Committee received the Master Plan consistency report adding that the entire LUB voted to deem the Ordinance inconsistent with the Master Plan. He questioned why there was no input requested from members of the LUB or the Land Use Administrator. Note was made of the letter written by the Environmental Commission Chairman Chris Teasdale. Mr. Johnstone opined that adoption of the Ordinance would be a bad path to take, noting that only three of the 26 applications heard over the past two years would be affected by the Ordinance. He urged the Committee to not adopt the Ordinance and to have the LUB come up with an Ordinance to address the concerns.

Dave Larsen, LUB member agreed that the LUB should be tasked with drafting an Ordinance.

Mary Elizabeth Baird LUB member stated her agreement with comments made by Mr. Johnstone.

Chris Teasdale, Environmental Commission Chairman thanked the members of the LUB for their tireless work for the Township. He added that the Township Committee would need to record a reason for adopting the Ordinance based on the letter of inconsistency. He urged the Committee to not adopt the Ordinance.

George Cassa, Scenic Roads and Bridges Commission questioned if the proposed increase in impervious coverage percentage would be for the total lot size or over the current allowable allowance. He opined that the LUB should have the discretion to approve up to an additional 2% so as to accommodate applicants. He added that he did not believe the Ordinance would be allowable under the existing Highlands regulations.

Wilma Frey, Environmental Commission member stated that adding impervious coverage would be detrimental to the environment as it would lead to flooding. She added that Highlands rules consider gravel as not impervious, warning that a conflict could exist if the Township considered gravel impervious.

Dave Larsen, LUB member stated that the LUB should be given the task of making suggestions for an Ordinance to the Township Committee.

Bruce Mackie, Environmental Commission member stated that he agreed with the statements made by both Chairmen and urged the Committee to not adopt the Ordinance.

Dr. Voyce made a motion to close the public hearing on Ordinance #11-2016, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce.
Nays: None.

Mr. Van Doren stated that he has not seen an Ordinance deemed inconsistent with the Master Plan in 20 years which he stated "speaks volumes". He stressed that the drafting of the Ordinance was done with "no ill intent by the Committee" and questioned if it should have gone to the Highlands Council before going to the LUB.

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Dr. Voyce stated that it was a “misstep” to not include the LUB and Environmental Commission in the process, adding that there is some refinement needed in the Ordinance.

Mr. DiMare stated that it was not appropriate to not listen to the LUB and their expertise should be utilized. He agreed that the Ordinance should not be adopted in its current version.

Ms. Desiderio stated that the drafting of the Ordinance was not done “behind anyone’s back”, adding that Committeemen Voyce and DiMare, along with the Township Planner and Engineer were on the subcommittee to draft the document.

Mayor Melick stated that he had asked the Administrator to collect data from surrounding municipalities regarding impervious coverage percentages.

Mr. Van Doren made a motion to not adopt Ordinance #11-2016, seconded by Dr. Voyce. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

➤ **Consent Agenda**

Dr. Voyce requested that Resolution #77-2016 be removed from the Consent Agenda and voted on separately.

Mr. DiMare requested that Resolution #75-2016 be removed from the Consent Agenda and voted on separately.

Ms. Desiderio requested that the minutes of 10-11-16 be removed from the Consent Agenda and voted on separately.

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

CANCELLATION OF TAX AND REFUND

BE IT RESOLVED, by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, the Chief Financial Officer is hereby authorized to make the following payments for the refund of 2015 tax.

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
47	48	BELLEMEAD DEVELOP CORP C/O WAKSMAN 510 WALNUT ST WB10R PHILADELPHIA, PA 19106	2015	619.62

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Peter L. Melick
Mayor

**RESOLUTION #79-2016
TRANSFER AND CANCELLATION**

Current Fund Appropriation Reserves

From:

To:

OTHER INSURANCE PREM	10GS10	25,000.00	GROUP INS PLAN	10GH11	25,000.00
GASOLINE & DIESEL	10TK10	29,750.00	RESERVER OLDWICK FIRE CO.	101218	29,750.00
POLICE -OE	10KK10A	568.00	PFRS ER SHARE	10VE99A	568.00
PUBLIC WORKS - OE	10NR10A	11,078.00	PERS ER SHARE	10VE99A	11,078.00
		<u>66,396.00</u>			<u>66,396.00</u>

Peter L. Melick
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO (10-25-16 and 11-07-16)
- Correspondence List

➤ **ITEMS REMOVED FROM THE CONSENT AGENDA**

Mr. Van Doren made a motion to adopt Resolution #75-2016, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: DiMare.

RESOLUTION #75-2016

**A RESOLUTION SETTING THE 2016 SALARY FOR AN EMPLOYEE OF THE TOWNSHIP
OF TEWKSBURY**

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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 salary to be paid to certain employees of the Township of Tewksbury be, and the same are hereby determined and fixed, at the respective amount or rates for the calendar year 2016 and until same is amended.

<u>NAME</u>	<u>TITLE</u>	<u>SALARY</u>
COURT		
Katharine Errickson	Prosecutor	\$7,200.00 *effective 11-01-16

Peter L. Melick
Mayor

Mr. Van Doren made a motion to adopt Resolution #77-2016, seconded by Ms. Desiderio.

Mayor Melick stated that language needs to be amended in the Resolution regarding dual alert on Route 78.

Mr. Van Doren amended his motion and made a motion to adopt Resolution #77-2016 as amended, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: none. Abstain: Voyce.

**RESOLUTION #77 – 2016
REGARDING HOURS AND COVERAGE BY THE TEWKSBURY RESCUE SQUAD**

WHEREAS, the Township of Tewksbury is responsible for the health, safety and welfare of the public within the Township; and

WHEREAS, services are provided by various agencies and organizations within the Township, and

WHEREAS, the Township of Tewksbury is obligated to ensure that these services are provided regularly and reliably by trained and certified First Aid and Rescue agencies, and

WHEREAS, the following parameters to take effect on October 1, 2016, will serve to better provide for the health, safety and welfare of the public,

1. Hours for weekday coverage are established as 0600-1800 Monday through Friday inclusive of Holidays. The squad on duty must respond to all calls in their respective territory during the shift unless otherwise engaged in a call, then second due or subsequent due organizations are called.
2. Hours for weekday night coverage are established as 1800 through 0600. The Tewksbury Rescue Squad must respond to all calls in the Township (less the southern

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Whitehouse sector), unless otherwise engaged in a call, then second due or subsequent due organizations are called.

3. Weekend coverage is from 1800 Friday through 0600 Monday. The Tewksbury Rescue Squad must respond to all calls in the Township (less the southern Whitehouse sector), unless otherwise engaged in a call, then second due or subsequent due organizations are called. Tewksbury Rescue will be dual alerted on all calls on Route 78.
4. It is anticipated that during weekday daytime periods, Whitehouse Rescue and Clinton Rescue will be second due for each other. During evening and weekend periods, these will be second due for Tewksbury Rescue in their respective territories and for each other as needed.
5. The responding squad to any calls must have a certified ambulance with properly trained and certified crew; individuals responding in personal vehicles will not be counted toward an official response to a call. Transport, if needed, will be provided by the responding squad in a certified ambulance.
6. Any planned changes to the coverage or schedule must be made at least 72 hours in advance with Hunterdon County dispatch who will then notify the Tewksbury Township Police Department of the change. Emergency changes must be transmitted to the Hunterdon County dispatch who will then notify the Tewksbury Township Police Department of the change.
7. The Chief of Police will monitor all squad calls and report to the Township Committee monthly on calls, responses and related matters.
8. All First Aid and Rescue agencies are to obtain and maintain First Aid Council Inspection or License from the State of New Jersey Department of Health. Tewksbury Rescue Squad must obtain First Aid Council Inspection not later than July 1, 2017.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Tewksbury has appointed the Chief of Police as the Township Emergency Management Coordinator, and

BE IT FURTHER RESOLVED, the Township Committee of the Township of Tewksbury will review all call and response information as provided by the Chief of Police, and

BE IT FURTHER RESOLVED, that the attached map outlines the areas for the three groups for daytime coverage and,

BE IT FURTHER RESOLVED that this map may be adjusted from time to time to facilitate first aid and rescue operations as determined by the Township Committee,

BE IT FINALLY RESOLVED by the Township Committee of the Township of Tewksbury that these rules and procedures are enacted on this day, 7 November, 2016.

Peter L. Melick
Mayor

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Mr. Van Doren made a motion to adopt the regular and executive session minutes of 10-11-16, seconded by Dr. Voyce. The motion was approved. Ayes: Melick, Van Doren, Voyce. Nays: none. Abstain: Desiderio, DiMare.

- Regular and Executive Session minutes of 10-11-16

5. Reports

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

Mr. Van Doren stated that a finance subcommittee meeting needs to be held on 11-10-16. He questioned the timetable for paying the school.

➤ **Township Attorney**

Mr. Selvaggi stated that COAH has stalled and is in a temporary “holding pattern” pending the decision in the Appellate division.

➤ **Township Administrator**

Discussion followed regarding a draft letter presented by Mr. Landon regarding accessory apartments and converting them to COAH units. Mr. DiMare suggested that two separate letters be drafted for sending to residents. Additional comments were made regarding incentives that could be offered to residents, how to address known illegal apartments that might need to be brought up to code, and the matter of waiving some requirements.

Mr. Van Doren and Mr. DiMare will sit on a subcommittee to come up with a draft letter for submission to the full Committee for approval.

Mr. Landon noted that road work is done for the year and plans are being discussed for 2017 work.

The Potterstown Road project will go out to bid in the spring as the DOT still needs to review and approve the plans for construction.

He added that he has a possible 5-6 new COAH units in the works.

It was noted that the Parks Committee Chairman has resigned and Hope Kaufman has expressed an interest in serving as the Chair. It was the consensus of the Committee that the appointment could wait until 2017 when other appointments are set.

In response to a question from Mayor Melick, it was stated that the LUB should look at drafting an Ordinance to streamline applications and lower costs.

Mr. Buczynski noted that the Surface Water Management Plan parameters may need to be looked at as a means of lowering costs to homeowners wishing to apply for an LUB application.

6. Adjournment

There being no further business, the meeting was adjourned at 9:00 PM.

Roberta A. Brassard
Municipal Clerk