

**TOWNSHIP COMMITTEE
FEBRUARY 9, 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, Gene Buczynski, Township Engineer and Bob Martucci, Township Wastewater Engineer were in attendance.

There were approximately six 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

Rob Donovan, 502 Farley Road stated that he resigned from his position on the board for the Crossroads at Oldwick and was not in favor of adoption Resolution #30-2016 as he felt the Board did not properly allow adequate time for residents to review the proposed amendment to the Declaration of Covenants, Conditions and Restrictions for the Crossroads at Oldwick

Bernie Davis Jr. from the Pottersville Fire Company (PFC) stated that he and other members of the PFC would like to meet with the Committee to discuss capital acquisitions. Mr. Landon will coordinate a meeting for next week.

Additional discussion followed regarding Mr. Donovan's concerns related to Resolution #30-2016. Mr. Donovan stated that he used to sit on the Board, reiterating that he felt the meeting (at which the matter was discussed) was not properly noticed or conducted. Mr. Selvaggi noted that Mr. Donovan was not authorized to speak on behalf of the homeowner's association as he no longer was a member of the Board.

Mr. Van Doren noted that the rules pertaining to the Crossroads at Oldwick are significantly different from other townhome developments and any changes to the Declaration of Covenants, Conditions and Restrictions need Township Committee approval.

Rob Elliott was present to speak with the Committee about his application to serve on the Parks Committee. He stated that he has lived in the Township for eight years and has an interest in the parks and recreation in Tewksbury.

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Mr. Van Doren made a motion to appoint Rob Elliott as the Alternate #1 member to the Parks Committee to complete the unexpired term of Mary Fazzini through 12/31/16, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: none. Absent: none.

Robert Elliott	Parks Committee	Alternate #1	To complete unexpired term of Mary Fazzini through 12-31-16
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4. Actions to be taken

➤ **Ordinance Public Hearing**

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #01-2016, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: none. Absent: none.

Ms. Brassard provided proof of publication from the 01-18-16 Courier News.

There being no comments from the public, Mr. Van Doren made a motion to close the Public Hearing on Ordinance #01-2016, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: none. Absent: none.

Mr. Van Doren moved adoption of Ordinance #01-2016, seconded by Dr. Voyce. A roll call Vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: none. Absent: none.

ORDINANCE #01-2016

CALENDAR YEAR 2016

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Tewksbury in the County of Hunterdon finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

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WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 198,741.38 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Tewksbury shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 198,741.38, and that the CY 2016 municipal budget for the Township of Tewksbury be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Peter Melick
Mayor

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #02-2016, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: none. Absent: none.

Ms. Brassard provided proof of publication from the 01-18-16 Courier News and a memo from the Land Use Administrator noting the Land Use Board's review of the Ordinance in finding it not inconsistent with the Master Plan.

There being no comments from the public, Mr. Van Doren made a motion to close the Public Hearing on Ordinance #02-2016, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: none. Absent: none.

Mr. Van Doren moved adoption of Ordinance #02-2016, seconded by Dr. Voyce. A roll call Vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: none. Absent: none.

ORDINANCE # 02-2016

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**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER
02-2015 FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF
HUNTERDON, NEW JERSEY ON APRIL 14, 2015**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Township Committee of the Township of Tewksbury, in the County of Hunterdon, New Jersey (the "Township") entitled "Bond Ordinance Providing An Appropriation Of \$4,716,269 For Various Improvements In And By The Township Of Tewksbury, In The County Of Hunterdon, New Jersey And Authorizing The Issuance Of \$4,444,831 Bonds Or Notes Of The Township For Financing Part Of The Appropriation", finally adopted on April 14, 2015 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. Section 3(a)(i) and (ii) of the Ordinance is hereby amended in its entirety as follows:

Improvement of Purpose	Appropriation and Estimated Cost	Maximum Amount of Bonds or Notes	Period of Usefulness
(i) Various road improvements in the Township, including but not limited to Bissell Road - Phase 111, Bissell Road - Remainder, Still Hollow Road, Deer Hill Road, Rockaway Road, Welsh Road, McCann Mill Road, Potterstown Road, Halsey Farm Road, Califon-Cokesbury Road, Sutton Road, Fisher Avenue, Bartles Farm Lane, Hollow Brook Road, Hill and Dale Road and Guinea Hollow Road, which includes drainage, including all materials necessary and incidental thereto.	\$4,079,269	\$3,839,681	20 years
(ii) Chip and Seal Program, including all materials necessary and incidental thereto.	520,000	494,000	10 years

The Ordinance is hereby amended by deleting the reference to "19.14" years for the average period of usefulness and substituting in lieu therefor "18.76" years.

Section 3. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

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Section 4. This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$4,444,831.

Section 5. All other provisions of the Ordinance shall remain unchanged.

Section 6. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by the Local Bond Law.

Peter L. Melick
Mayor

➤ **Ordinance Introduction**

Mr. Van Doren made a motion to introduce Ordinance #03-2016, seconded by Dr. Voyce.

Mr. Van Doren noted that the finance subcommittee met to discuss capital equipment and expenditures and removed some items from the initial list. He stated that he would like to finally determine what to do with the barn at the Christie Hoffman Farm, adding that the Parks Committee should come to a meeting to discuss ideas for the structure.

Mr. Melick noted that some items were shifted from capital expenditures to operating.

The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: none. Absent: none.

The Public Hearing is scheduled for 03/08/16 at 7:30 PM in the Mountainville Meeting Hall.

**TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
ORDINANCE # 03-2016**

**AN ORDINANCE TO FUND IMPROVEMENTS TO MUNICIPAL FACILITIES, DPW
EQUIPMENT, POLICE VEHICLES**

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➤ **Consent Agenda**

Dr. Voyce requested that the Executive Session minutes of 01-12-16 be removed from the Consent Agenda and voted on separately.

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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.

RESOLUTION #30-2016

**AUTHORIZING AN AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE CROSSROADS AT OLDWICK COMMUNITY
ASSOCIATION, INC.**

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for the Crossroads at Oldwick Community Association, Inc. ("Declaration") was recorded in the Office of the Clerk of Hunterdon County, New Jersey, on September 26, 2002, in Deed Book 2048, page 735, which said Declaration subjected the property owned and maintained by the Association to certain terms, conditions and provisions; and

WHEREAS, the Association wishes to amend Section 5 of the Declaration in accordance with the proposed Seventh Amendment to Declaration of Covenants, Conditions and Restrictions attached hereto as Schedule "A"; and

WHEREAS, by virtue of a prior Tewksbury Township Ordinance 2000-29, Tewksbury Township must approve any amendment to the Association's Declaration; and

WHEREAS, the Association respectfully requests the Township to approve and authorize the proposed changes to Section 5 of the Declaration; and

WHEREAS, the Township consents and agrees to the amendment of the Declaration.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, New Jersey, that the proposed Seventh Amendment to the Declaration of Covenants, Conditions and Restrictions as set forth in Schedule "A" attached hereto, be and is hereby approved and accepted by the Township, subject to the Association executing and recording the Seventh Amendment in the Office of the Clerk of Hunterdon County, and providing proof to the Township of same.

Peter Melick
Mayor

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Section 5. Additional On-Lot Maintenance to be Performed by the Association.

Amended 6/15/2010, June 22, 2011 and xxxxxxxxx

- (a) In addition to maintaining the Community Facilities, the Association shall perform on behalf of all Owners the following On-Lot services except as conditioned or limited by the adopted and in force Resolution further defining such services: the repair, maintenance and replacement of roofing shingles, rain gutters and downspouts on all dwellings in the Community; lawn, shrubbery and landscaping maintenance and replacement; snow clearance (including sidewalks parallel to the road, walkways, stoops and driveways within any Lot); maintenance and repair of the sidewalk along Farley Road; exterior siding and trim cleaning and re-painting; asphalt driveway seal coating and replacement; sealing/staining, repairing and replacement of Builder installed privacy fences; and weekly refuse pickup. For the purposes of this Section all references to repair and replacement shall be limited to the ordinary maintenance of such items. Any repair and/or replacement attributable to a casualty event shall be performed in accordance with the provisions of Section 21.
- (b) The Board of Directors shall adopt and amend as necessary or desired, a Resolution defining any limitations, exclusions and conditions regarding the maintenance and replacement responsibilities as stated in Section 5 (a). The adoption or amendment process shall require the passage by a majority vote of the Board on two separate occasions with a minimum of 2 weeks and a maximum of 4 weeks between votes with the last vote to be held in open session with all members of the Community who are eligible to vote.
- (c) Conditions to the exterior of the home or property that the Association is not responsible for repairing but which, at the discretion of the Board, pose a safety hazard to others or their property or which are thought to diminish the aesthetics or consistency of appearance, must be repaired at the owner's expense. If this is not done in a timely manner following notice, the Association shall have the right to make the repair and charge the owner.

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RESOLUTION #31-2016

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 2015 tax for the settlement of a tax appeal.

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
14	18.05	Jacobus & Associates, LLC Trustee for Miran & Yasmin Salgado 201 Littleton Rd. 1 st Floor Morris Plains, NJ 07950 Property location: 4 Elliot Farm Lane	2015	3,101.81

Peter Melick
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO (1-26-16 and 2-9-16)
- Correspondence List
- Regular minutes of 01-12-16
- Authorization to have the Mayor sign 2015 Tree City Application for Certification
- Authorization to utilize \$300.00 from Clean Communities grant funds for annual stream clean up on 04-16-16

ITEMS REMOVED FROM THE CONSENT AGENDA

Mr. Van Doren made a motion to adopt the Executive Session minutes of 01-12-16, seconded by Ms. Desiderio. Ayes: Desiderio, DiMare, Van Doren. Nays: none. Abstain: Melick, Voyce. Discussion followed as to how Executive Session minutes are released to the public.

- Executive Session minutes of 01-12-16

5. Reports

➤ **Township Engineer**

Mr. Buczynski noted that he has met with Mr. Landon and Mr. Hull to discuss priority road work for 2016. He presented a map outlining the roads that will receive oil and chip treatment and those that will be overlaid, noting that some of the work will be done in house and others will be done by local contractors or through the co-op.

He noted that he is working with Readington and Clinton Townships regarding Potterstown Road. This work will be done utilizing grant monies from the State DOT, however the lead agency (Readington) has not submitted needed information for the project.

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Mr. Buczynski stated that he is working on finalizing the work on both Halsey Farm Road and the Beau Champs Estates development.

Further comments were made regarding the Potterstown Road project and the need to coordinate with the other municipalities. Additional comments regarding the proposed road work on Route 22 were heard.

A meeting with quarry representatives will be held at the end of the month.

Mr. Martucci noted that he has familiarized himself with the various sewer plants in the Township and has completed the monthly discharge reports. He and Mr. Landon are reviewing the current sewer Ordinances and are creating a spread sheet to compare other municipalities and associated costs. He stated that he is looking forward to working with the Committee and staff.

➤ **Township Committee Sub Committees**

Dr. Voyce noted that there have been numerous Rescue Squad calls due to the recent storms. There was a recent smoke incident at the Tewksbury Elementary School. The 2015 Citizen of the Year will be named at the April Township Committee meeting.

Mr. Van Doren noted that the finance subcommittee is working on the 2016 Budget and the CFO is closing out 2015. The CFO is creating reports with a 0¢, 1¢ and 2¢ increase in the effort to replenish the fund balance. He noted that the Budget should be ready for a March introduction.

Ms. Desiderio noted that the County Planning Board has the ability to digitally show large plans to the Board members and audience in attendance and questioned if the Township could have something similar. Discussion followed regarding the cost involved and upgrades that would be necessary in Mountainville. Mayor Melick noted that Bernardsville has a system that allows for a Google Earth image to be shown during a meeting for clarification purposes. Further comments were made regarding the use of Power Point presentations.

Mayor Melick noted that the recent snow storm was handled well by the DPW. He noted an incident at the Crossroads related to carbon monoxide being evident due to vents being plugged with snow. He added that the management agency for the Crossroads was notified and the vents were cleared by their maintenance crew.

➤ **Township Attorney**

Mr. Selvaggi noted that the COAH matter continues and the deadline to complete the Fair Share Plan has been extended until 07/31/16. Further comments were made regarding the Highlands Vacant Land Analysis and how to factor this information into the final document. Additional comments were made regarding the need to appoint a new "master" for the affected municipalities.

➤ **Township Administrator**

Mr. Landon reported on the following items.

- A meeting to discuss the Police Contract is scheduled for 02/18/16.

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- Information was distributed regarding recent legislation pertaining the clearing around fire hydrants.
- Information was distributed regarding plowing driveways into Township roads and the associated dangers. Mr. Landon stated that he could draft an Ordinance for one or both of the matters for discussion or introduction at an upcoming meeting.
- An advertisement has been placed for a Class 2 Police Special.
- Video cameras have been installed at all Township facilities.
- The salt dome has been filled.
- A meeting to discuss fire and rescue funding has been scheduled for 02/16/16.
- A Waiver for non residential COAH fees has been lifted.

6. Adjournment

There being no further business, the meeting was adjourned at 8:40 PM.

Roberta A. Brassard
Municipal Clerk