

**TOWNSHIP COMMITTEE
APRIL 12, 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 and William Voyce.

Shaun Van Doren was absent.

Jesse Landon, Township Administrator, Roberta Brassard, Municipal Clerk, Marie Kenia, Chief Financial Officer, Robert Morrison , Auditor and Michael Selvaggi, Township Attorney were in attendance.

There were approximately four 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

David Budd, 4 Fieldview Lane stated that his neighbor has installed lights on his property that are causing a hardship to him and his family. He questioned if there is a Township Ordinance regarding lighting that would address the matter.

Mr. Selvaggi noted that he had spoken with the Land Use Administrator regarding the matter and the only Township Ordinance related to lighting, pertains to retail or commercial properties that would require site plan approval.

Further discussion followed regarding contacting the Police department to report a nuisance.

Mr. Budd noted that he planned on installing lights on his property two years ago, but did not do so as he would have had to dig 18" – 24" deep to install them. He noted that the neighbor has wires going up trees, no conduit and he felt there were electrical violations.

Mr. Selvaggi and Mayor Melick noted that electrical permits would undoubtedly have been required and the Construction Office should be contacted to see if any permits were issued.

Mr. DiMare stated that the matter is a civil matter and Mr. Budd may have to hire an attorney to address the problem.

Jill Steck, 6 Fox Run Road was present to address the Committee about a problem with her neighbor in Oldwick who has been issued zoning violations. In response to a question from Mrs. Steck as to how she can obtain information related to the property, Mr. Landon stated that she should file an OPRA request with the Clerk.

Mrs. Steck noted that the neighbor has numerous zoning violations and opined that she (neighbor) is doing things illegally and is bypassing proper procedures. She added that she

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feels she is receiving “unfair treatment” as she has complied with Township regulations and the neighbor has not.

Further comments were made regarding the removal of arborvitae and an outhouse on the property.

Mr. Selvaggi noted that the zoning violation(s) will come before the Land Use Board at an upcoming meeting.

Jim Reilly stated that the Tewksbury Education Foundation is planning on holding an event that will include a run on May 22 and would like permission to run on Vliettown Road. Mr. Reilly has contacted the Police department, has proper insurance and has access to barricades to notify drivers that a run is in process. He noted that the road will not be closed to traffic and the Zion Lutheran Church Christian Education Building will be the center for registration.

Dr. Voyce made a motion to allow the Tewksbury Education Foundation to utilize Vliettown Road for the Tiger Trot event scheduled for 05-22-16, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

4. 2015 Citizen of the Year

Dr. Voyce read the following Proclamations into the minutes of the meeting.

Mrs. Reiner thanked Dr. Voyce and the Committee for the recognition and urged all present to serve their community and get involved.

Gregg and Jean Frankel thanked Dr. Voyce and the Committee for their recognition, adding their congratulations to Mrs. Reiner.

Ms. Desiderio made a motion to adopt the two Proclamations for 2015 Citizens of the Year, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

**PROCLAMATION TO RECOGNIZE THE 2015 CITIZEN OF THE YEAR FOR THE TOWNSHIP
OF TEWKSBURY**

Celine Reiner

WHEREAS, it is the annual custom for the Mayor of the Township of Tewksbury to proclaim the virtues of an outstanding citizens and to award the title Citizen of the Year through Proclamation; and

WHEREAS, this award is in recognition of the many contributions made by individuals and groups over the years for the benefit of all Township residents; and

WHEREAS, this recipient, Celine Reiner, was a founding member of the Tewksbury First Aid and Rescue Squad which was founded on February 14, 1990, and

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WHEREAS, the Tewksbury First Aid and Rescue Squad is a community organization established to provide Medical and Rescue services in Tewksbury Township and surrounding areas in their time of need, and

WHEREAS, Celine has served on the Tewksbury First Aid and Rescue squad in various positions of leadership, most notably as Training Officer; and

WHEREAS, as Training Officer, she provided EMTs with education which further prepared them for potential medical emergencies, and

WHEREAS, Celine had prior service with Califon First Aid since 1983; and

WHEREAS, the service this individual has rendered to Tewksbury Township has benefited the citizenry of our Township,

NOW, THEREFORE, BE IT RESOLVED that as Mayor of the Township of Tewksbury, County of Hunterdon, State of New Jersey, I do hereby proclaim the 2015 Tewksbury Citizen of the Year to be the Celine Reiner; and

BE IT FURTHER RESOLVED that this proclamation shall be presented in its entirety in the minutes of the Tewksbury Township Committee so that all may recognize the contributions that Celine Reiner has made to the quality of life in the Township of Tewksbury and so that we may honor her contribution now and in the future.

Dr. William J. Voyce
Mayor

**PROCLAMATION TO RECOGNIZE THE 2015 CITIZENS OF THE YEAR FOR THE
TOWNSHIP OF TEWKSBURY**

Gregg and Jean Frankel

WHEREAS, it is the annual custom for the Mayor of the Township of Tewksbury to proclaim the virtues of an outstanding citizen and to award the title Citizen of the Year through Proclamation; and

WHEREAS, this award is in recognition of the many contributions made by individuals and groups over the years for the benefit of all Township residents; and

WHEREAS, these recipients, Gregg and Jean Frankel, were founding members of the Tewksbury Education Foundation which was founded in 1996, and

WHEREAS, the Tewksbury Education Foundation is a community organization established exclusively to provide charitable and educational funding in Tewksbury Township. The TEF was founded as a way to provide private funds to enhance and expand educational programs. Funds are used to directly support Tewksbury Township Schools, teachers and students in a

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continuing effort to achieve educational excellence in Tewksbury Township, and

WHEREAS, Jean has also served on the Tewksbury Board of Education for twelve years, four years as the Board President, during which she spent countless hours of volunteer time for stewardship of the Tewksbury Township Schools ; and

WHEREAS, Gregg has served with the Tewksbury Land Trust for many years; and

WHEREAS, Jean has served with The Woman’s Club of Tewksbury since 1989; and

WHEREAS, the service these individuals have rendered to Tewksbury Township has benefited the citizenry of our Township,

NOW, THEREFORE, BE IT RESOLVED that as Mayor of the Township of Tewksbury, County of Hunterdon, State of New Jersey, I do hereby proclaim the 2015 Tewksbury Citizens of the Year to be the Gregg and Jean Frankel; and

BE IT FURTHER RESOLVED that this proclamation shall be presented in its entirety in the minutes of the Tewksbury Township Committee so that all may recognize the contributions that Gregg and Jean Frankel have made to the quality of life in the Township of Tewksbury and so that we may honor their contribution now and in the future.

Dr. William J. Voyce
Mayor

5. Actions to be taken

➤ **Ordinance Public Hearing**

Dr. Voyce made a motion to open the Public Hearing on Ordinance #04-2016, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

Ms. Brassard provided proof of publication from the 04-24-16 Hunterdon County Democrat.

There being no comments from the public, Dr. Voyce made a motion to close the Public Hearing on Ordinance #04-2016, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

Dr. Voyce moved adoption of Ordinance #04-2016, seconded by Ms. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

ORDINANCE # 04-2016

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER
02-2015 FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE**

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**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

➤ **2016 Budget Public Hearing**

Dr. Voyce made a motion to open the Public Hearing on the 2016 Budget, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

Ms. Brassard provided proof of publication from the 03-14-16 Courier News.

Mrs. Kenia stated that she felt the Budget was a good budget and the 1.5 ¢ tax increase will help to replenish the fund balance. She added that the meetings with Mr. Landon, Mayor Melick, Mr. Morrison and Mr. Van Doren were helpful and the outcome will serve the Township well.

Mr. Morrison stated that he was very pleased to work with Mrs. Kenia, Mr. Landon and the members of the subcommittee as they took time to carefully review the budget and plan for the future. He added that their diligence will have a positive affect for Township taxpayers.

There being no comments from the public, Dr. Voyce made a motion to close the Public Hearing on the 2016 Budget, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

Dr. Voyce moved adoption of the 2016 Budget, seconded by Ms. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

The 2016 Budget is spread in full at the end of the minutes of 04-12-16.

➤ **Consent Agenda**

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Mr. DiMare requested that the regular and executive session minutes of 3/8/16 be removed from the Consent Agenda and voted on separately.

Dr. Voyce 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, Voyce. Nays: None. Absent: Van Doren.

**RESOLUTION #40-2016
ARBOR DAY 2016**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, 2016 marks the 144th Anniversary of Arbor Day, which is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource providing paper, wood for homes, fuel for fires and countless other products; and

WHEREAS, trees in our township increase property values, enhance the economic vitality of our business area and beautify our community; and

WHEREAS, wherever they are planted, trees are a source of joy and spiritual renewal; and

WHEREAS, the Township Committee of the Township of Tewksbury and the Tewksbury Township Forestry Advisory Board will hold a public celebration and tree planting at the Tewksbury Elementary School at 10:00 AM on April 29, 2016, to mark this occasion.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby proclaims Friday, April 29, 2016, as the 144th Anniversary Celebration of Arbor Day, in the Township of Tewksbury, and urge all Township residents to celebrate Arbor Day and support the efforts to protect the trees and woodlands; and

BE IT FURTHER RESOLVED, that all citizens are urged to plant trees to gladden the heart and promote the well-being of this and future generations.

Peter L. Melick, Mayor

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RESOLUTION #41-2016

A RESOLUTION CONCERNING THE TOWNSHIP'S 2015 ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated NJAC 5:30-6.5, a regulation requiring that the governing body of each municipality shall by Resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitle

“Schedule of Findings and Recommendations – General Findings”; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Schedule of Findings and Recommendations – General Findings” as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such Resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to NJAC 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Township Committee the Township of Tewksbury, hereby states that it has complied with NJAC 5:30-6.5 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said compliance.

Peter L. Melick
Mayor

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MISCELLANEOUS

- Claims as submitted by the CFO (03-22-16 and 04-12-16)
- Correspondence List
- Regular minutes of 03-22-16
- Authorization to have Clerk sign SA permit for NJ Conservation Foundation 05-22-16 event
- Authorization to have Township enter an agreement for the Potterstown Road project with Readington and Clinton Townships

ITEMS REMOVED FROM THE CONSENT AGENDA

Dr. Voyce made a motion to adopt the regular and executive session minutes of 03/08/16, seconded by Mayor Melick. The motion was approved. Ayes: Melick, Voyce. Nays: none. Absent: Van Doren. Abstain: Desiderio, DiMare.

- Regular and Executive Session minutes of 03-08-16

6. Reports

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

Ms. Desiderio stated that she would like to have the fence Ordinance amended to allow 5.5 foot horse fencing for the containment of horses on a private property. She opined that a 4 foot fence is not high enough to contain a horse.

Mayor Melick asked if the Ordinance should be amended for any zone.

Discussion followed regarding how to amend the existing Ordinance to apply for all zones.

In response to a question by Mr. DiMare, Ms. Desiderio noted that a horse fence would be utilized for a paddock or a pasture. Mr. DiMare questioned if there currently is a definition of the physical composition of a fence in the Ordinance.

Mr. Selvaggi stated that the Committee should recommend that the Land Use Board look at the feasibility of changing the fence Ordinance.

Further discussion followed regarding the needed language for the Ordinance amendment and if it should only pertain to horses.

Mayor Melick suggested that the Land Use subcommittee look at other municipalities' Ordinances for examples.

After additional discussion, it was the consensus of the Committee that the matter should be forwarded to the full Land Use Board so that input could be garnered from their officials and the matter could be analyzed and explored.

Ms. Desiderio stated that the fence ordinance was amended in its entirety in 1993 to change the allowable height from 6.5 feet to 4 feet. She added that this was done in response to the building of the brick wall on her property.

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Ms. Desiderio made a motion to have the Land Use Board look into changing the fence height specifically for the containment of horses, seconded by Dr. Voyce.

Mr. DiMare stated that he would like the LUB to look into the feasibility or need to create such an Ordinance amendment, and if the language is only for horse containment.

Mr. Selvaggi added that the LUB should investigate whether the fence height for animal containment should be changed, and whether (the proposed amendment) should pertain to specific properties.

Mayor Melick stressed that the amendment clarify that it will pertain to non farmland assessed properties.

Mr. Landon noted that the matter of fence height only pertains to front yards as the fences can be higher in back yards.

Mr. DiMare noted that he spoke with someone earlier about this matter and had no problem with it conceptually, but wanted particular attention to be made when reviewing the request.

Ms. Desiderio stated that the main reason for her concern is related to the safety of the horses.

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

Dr. Voyce noted a recent fire at the quarry, and training that members of the Rescue Squad received related to use of Narcaine.

Ms. Desiderio made a motion authorizing Dr. Voyce to perform a wedding on 08-05-16, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick. Nays: none. Absent: Van Doren. Abstain: Voyce.

- Authorizing Dr. Voyce to perform a wedding on 08-05-16.

➤ **Township Attorney**

Mr. Selvaggi noted that the COAH matter is moving forward and a meeting was held on 04-11-16 with the builders and Fair Share participants who will be obligated to submit their reports. He noted that Tewksbury's original number (of units) was 440, but has been revised down to 367.

He noted that the court appointed special master will be Judge Buxbaum who will report for several municipalities and after his appointment will engage in negotiations with the other side and come up with a number.

Mr. Selvaggi noted that Judge Miller has extended the period of immunity to 10-31-16, adding that Tewksbury has engaged in good faith for the duration of the entire proceedings.

It was added that depositions of experts will be done, Vicinage 13 will elect one attorney for the group and Tewksbury is moving forward in the process with no end in sight.

The Haddad matter is handled by Michael Lavery and a settlement is being worked towards.t

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It was noted that the Township Planner, Chuck McGroarty has no supplemental reports to create as the vacant land analysis has been done.

➤ **Township Administrator**

Mr. Landon noted the following items from his report.

- Capital road work is scheduled to begin in July.
- The agreement for Potterstown Road roadwork was authorized to be signed so the three municipalities can begin work. The Township DPW will begin drainage work on the road.
- The Zoning Officer, Mr. Kane, has taken a full time position in Morris County.
- Mike Lavery is trading correspondence with Haddad's attorney, and resolution to the matter is being sought.
- Earth Day and Arbor Day are this month, the 22nd and 29th respectively. Work is ongoing on the Pascale property.
- The Land Use Administrator submitted two memos regarding recommended changes to zoning procedures.
 - That air conditioning condensers be exempt from setbacks, as was authorized for generators.
 - That applicants not be required to complete impervious coverage calculation sheets as part of zoning application if they are not proposing any new coverage

The Township Committee agreed that impervious cover calculations would no longer be required (as part of a zoning application) if no additional coverage was being proposed.

The Committee also agreed that air conditioning condensers be exempt from setbacks, and if an Ordinance amendment is, that will be drafted for an upcoming meeting.

- A meeting with Washington Township will be scheduled to discuss shared services.
- The Oldwick Fire Company has invited Mr. Landon and Committee representative(s) to the firehouse to see first-hand what they are asking for and why.
- The Construction Technical Assistant, Rita Roblesky has resigned effective 04-29-16.

In response to a question from Ms. Desiderio, Mr. Landon stated that drainage work on Homestead Road has commenced.

7. Executive Session

At 8:29 PM Ms. Desiderio moved adoption of the following Resolution, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Van Doren.

**RESOLUTION #42-2016
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.

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

Peter Melick
Mayor

8. Reconvened

The meeting reconvened at 8:32 PM.

9. Adjournment

There being no further business, the meeting was adjourned at 8:32 PM.

Roberta A. Brassard
Municipal Clerk