

**TOWNSHIP COMMITTEE
MAY 10, 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 and Michael Selvaggi, Township Attorney were in attendance.

There were approximately seven 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

In response to a question from George Cassa, Mr. Van Doren stated that he would like to discuss Resolution #46-2016 prior to its adoption.

Jill Steck stated that this was her third appearance at a Township Committee meeting to discuss her concerns with her neighbor's (Donna Lance) property located at 1 Church Street in Oldwick. She stated her frustration with "not adequate response" to her questions, adding that once she completed an OPRA request "even worse things came out." She expressed her shock and surprise, adding that she did not feel Township employees were acting in the best interest of the community.

She noted that an illegal apartment exists and the matter is not being properly handled, adding that there could be safety issues.

She stated that she and her husband follow the rules of the Township, have been active members of the community and feel that some residents receive preferential treatment.

Mrs. Steck thanked Mr. DiMare for his courtesy and integrity in speaking with her, adding that she was advised that she should not speak directly with members of the Land Use Board (LUB). She noted that she was issued a notice of violation by a former Zoning Officer and promptly corrected the problem.

Information was presented to the members of the Committee for their review. Mrs. Steck outlined her concerns with various issues related to the property: specifically the removal of arborvitae and the removal of a structure.

Mr. DiMare stated that factual information needs to be provided to all residents, adding that he did not believe an application (by Mrs. Lance) had yet been filed. He agreed that too much time

**TOWNSHIP COMMITTEE
MAY 10, 2016 MINUTES**

had elapsed since the initial notice of violation and the matter needs to be addressed in a timely fashion.

Mr. Selvaggi noted that he had received an e-mail from the Land Use Administrator stating that the engineer for the applicant (Lance) would be getting plans together to formalize an application. He noted that the Township Committee does not direct the Zoning Officer to follow a strict time line in addressing violations. He added that the matter will ultimately go to the LUB or Municipal Court and the Township Committee cannot bet too ingrained in the discussion.

Mrs. Steck reiterated her concern with the removal of plant matter from the property and the unfair treatment they are receiving.

Paul Steck stated that he feels they are receiving disinformation and are not being welcomed; adding that he feels like their requests are being blocked. He added that the biggest issue with the neighbor's property is related to safety issues and illegal apartments.

Ms. Desiderio noted that the applicant's attorney will be present at the LUB meeting when the application is presented.

Mr. Van Doren noted that he could represent himself as a neighbor (at the LUB hearing) but would be recused from voting.

Janet Green stated that the matter as presented by the Stecks was enlightening, adding that the matter was initially brought to the attention of the LUB in 2015. She stressed that the matter needs to be corrected so a serious problem does not occur related to fire, safety and/or sewer.

4. Actions to be taken
• **Ordinance Introduction**

Dr. Voyce made a motion to introduce Ordinance #05-2016, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

The Public Hearing is scheduled for 06/13/16.

**ORDINANCE NO. 05-2016
TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING CHAPTER 8.16, ENTITLED "FIRE PREVENTION," OF THE
CODE OF THE TOWNSHIP OF TEWKSBURY**

Dr. Voyce made a motion to introduce Ordinance #06-2016, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

The Public Hearing is scheduled for 06/13/16.

**TOWNSHIP COMMITTEE
MAY 10, 2016 MINUTES**

**ORDINANCE NO. 06-2016
TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

AN ORDINANCE AMENDING CHAPTER 8.12, ENTITLED "SMOKE-SENSITIVE ALARM AND CARBON MONOXIDE DEVICES AND FIRE EXTINGUISHERS," OF THE CODE OF THE TOWNSHIP OF TEWKSBURY

Dr. Voyce made a motion to introduce Ordinance #07-2016, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

The Public Hearing is scheduled for 06/13/16.

ORDINANCE #07-2016

**TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON**

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF TEWKSBURY BY REVISING CERTAIN PROVISIONS OF CHAPTER 13.04 ENTITLED "SEWER SERVICE SYSTEM"

- **Consent Agenda**

Mr. Van Doren requested that the regular and executive session minutes of 04/12/16 and Resolution #46-2016 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, Van Doren, Voyce. Nays: None.

RESOLUTION 43-2016

A RESOLUTION APPOINTING THE TOWNSHIP FIRE MARSHAL

BE IT RESOLVED, by the Township Committee of the Township of Tewksbury, County of Hunterdon, New Jersey that the following appointment is effective 01/01/2016.

Thomas Anderson

Fire Marshal

1 year

Peter Melick
Mayor

RESOLUTION #44-2016

**TOWNSHIP COMMITTEE
MAY 10, 2016 MINUTES**

REJECTING BIDS RECEIVED ON APRIL 7, 2016 FOR TWO (2) 2017 DUMP TRUCKS

WHEREAS, two (2) bids were received by the Township Administrator on April 7, 2016 for two (2) 2017 dump trucks; and

WHEREAS, one bid received was in excess of the budgeted amount for the project; and

WHEREAS, one bid received had too many exceptions.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the bids received on April 7, 2016 for two (2) 2017 dump trucks are hereby rejected.

Peter Melick
Mayor

RESOLUTION #45-2016

A RESOLUTION APPOINTING CERTAIN TOWNSHIP PROFESSIONALS

WHEREAS, there exists a need for various Township Professionals;

WHEREAS, the local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised;

WHEREAS, the following award is for a contract that is not in excess of \$17,500, as certified by the Chief Financial officer of the Township of Tewksbury, and, pursuant to N.J.S.A. 19:44A-20.4, may be awarded by the Township Committee;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Tewksbury, County of Hunterdon, New Jersey as follows:

1. The Chief Financial Officer is hereby authorized to execute an agreement with the following for the terms indicated:

Heather Litzbauer of NW Financial Group LLC. to oversee Disclosure Compliance with the SEC for the Township.

2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because these are recognized professions licensed and regulated by law and it is not feasible to obtain competitive bids.

3. A copy of this resolution shall be published in the Hunterdon Review and Hunterdon County Democrat as required by law, within ten days of its passage.

**TOWNSHIP COMMITTEE
MAY 10, 2016 MINUTES**

Peter Melick
Mayor

**RESOLUTION #47-2016
REDEMPTION OF A TAX SALE CERTIFICATE**

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 payment for the redemption of tax sale certificate

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>CERT #</u>	<u>Amount</u>
35	13	Joseph DiStefano 733 Bloomfield Ave. Bloomfield, NJ 07003	2012-02 PREMIUM	36,768.41 <u>8,000.00</u> 44,768.41

Peter Melick
Mayor

**PROCLAMATION
RELAY FOR LIFE OF HUNTERDON COUNTY**

WHEREAS, the Relay For Life program is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

WHEREAS, money raised during Relay For Life of Hunterdon County supports the American Cancer Society's mission of saving lives by helping people stay well and get well, by finding cures, and by fighting back; and

WHEREAS, Relay For Life events helped fund more than \$144 million in cancer research last year;

NOW, THEREFORE, BE IT RESOLVED, that I, Peter Melick, Mayor of the Township of Tewksbury do hereby proclaim May 21st and 22nd of 2016 as,

"RELAY FOR LIFE OF HUNTERDON COUNTY DAYS"

in our community and encourage citizens to help finish the fight against cancer by participating in the Relay For Life event at Hunterdon Central Regional High School on May 21st and 22nd of 2016.

TOWNSHIP COMMITTEE MAY 10, 2016 MINUTES

Peter Melick
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO (04-26-16 and 05-10-16)
- Correspondence List

ITEMS REMOVED FROM THE CONSENT AGENDA

Dr. Voyce made a motion to adopt the regular and Executive Session minutes of 04-12-16, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Abstain: Van Doren.

- Regular and Executive Session minutes of 04-12-16

Dr. Voyce made a motion to adopt Resolution #46-2016, seconded by Ms. Desiderio.

Mr. Van Doren questioned what the proposed devices look like and where they will be located, adding that the Township does not own the utility poles and the devices are unsightly.

Mr. Landon explained that the Township has to allow the utility to place these repeaters on the tops of utility poles, all of which initially are scheduled to be placed on County Roads.

Kathryn Windsor of Tilson Technology was present to explain the technology and how the devices will help to prevent dropped calls utilizing small cell technology. In response to a question from Mr. Landon, Ms. Windsor stated that RF engineers have been in the area to determine the optimal site(s) and currently are looking at five (5) poles on Old Turnpike Road. It was added that the Township will receive no financial payment from Verizon.

Mr. Van Doren stated that he would like to see Verizon submit an application(s) and a listing of plans for review by the Scenic Roads and Bridges Commission (SRBC). He stressed that he wants to “protect the beauty of the Township.”

Ms. Windsor explained that the Township will have complete control over the locations, adding that no work can commence without receiving the necessary Township permits

Further discussion followed regarding the size of the devices.

Mr. Van Doren reiterated his concern that members of the SRBC weigh in on the plan if devices are going to be installed on poles on Township roads.

Ms. Windsor explained that Verizon is supplying this service as a public service and are entering into an agreement with Hunterdon County and municipalities in the County. She noted that the poles initially slated for work are located on 100, 112, 127, 144 and 146 Old Turnpike Road- locally referred to as “the Dinner Pot”.

George Cassa, member of the SRBC stated that he had no issue with installing the devices on the poles located on Old Turnpike Road, but would like to see the typical installation details so that visual impact could be minimized.

Mayor Melick agreed that more information could be supplied to the SRBC, but he did not want to see the work slowed down.

**TOWNSHIP COMMITTEE
MAY 10, 2016 MINUTES**

Mr. Van Doren stated that he did not want to see a representative from Verizon come to the Committee each time a new location was chosen.

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

RESOLUTION #46-2016

**AUTHORIZATION TO ALLOW VERIZON WIRELESS TO USE EXISTING FACILITIES
ON POLES LOCATED AT 100, 112, 127, 144 AND 146 OLD TURPIKE ROAD**

WHEREAS, Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and;

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may jointly use such poles erected within the public right-of-way in the Township of Tewksbury; and

WHEREAS, New Jersey law permits such joint use provided that there is the consent of the relevant municipality.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assign, to jointly use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Township of Tewksbury, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns shall comply with all applicable Federal, State and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Township of Tewksbury.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Township of Tewksbury, its officers, agents and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Township of Tewksbury.

**TOWNSHIP COMMITTEE
MAY 10, 2016 MINUTES**

- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Township of Tewksbury as an additional insured.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Township of Tewksbury nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Township of Tewksbury by the Township Committee of the Township of Tewksbury and attested to by the Township of Tewksbury Clerk who shall affix the Township of Tewksbury Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is jointly using.

STATEMENT

This Resolution authorizes Verizon Wireless to jointly use poles erected within the public right-of-way of the Township of Tewksbury by parties that have the lawful right to maintain such poles.

Peter Melick
Mayor

5. Reports

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

Mr. Van Doren thanked members of the Environmental Commission for work cleaning up the Park & Ride by Route 78.

In response to a statement by Mr. Van Doren, Mayor Melick stated that the problem related to the “No Turn on Red” on the exit from 78 westbound has been corrected. Mr. Van Doren added that the 78 exit ramps are in poor condition and need to be repaired.

Mr. Van Doren added that he will draft a letter to JCP&L regarding their proposed rate hike and present it to the Committee at the upcoming meeting.

A finance subcommittee meeting needs to be scheduled in the coming weeks.

**TOWNSHIP COMMITTEE
MAY 10, 2016 MINUTES**

Mr. Landon added that capital projects are underway with equipment being ordered. A meeting with the Engineer and DPW Superintendent will be scheduled to discuss the 2017 road plan. Mr. Landon added that the amendment to the existing Solar Ordinance will be introduced at an upcoming meeting. Information will be forwarded to the Attorney.

Ms. Desiderio noted that the TEF dinner was recently held at the Trump Golf Course and was well attended. She added that she will bring plans from the County Planning Board for the Flemington circle to the next meeting.

➤ **Township Attorney**

Mr. Selvaggi noted that the COAH deadline has been extended to 10-31-16. No Special Master has been appointed although Judge Buchsbaum is the likely candidate. He opined that the process may take 3-4 years to be resolved.

➤ **Township Administrator**

Mr. Landon noted that interviews are ongoing for the Technical Assistant for the Construction Office and the Zoning Officer.

A meeting will be scheduled at the end of the month to review equipment and gear for the Oldwick Fire Company.

Discussion followed regarding the capacity of the Oldwick Sewer. He stated that the study done by the Sewer Engineer shows three additional hook ups available.

Discussion followed regarding Mr. Van Doren's statement that he did not see a need to rush out and make additional hook ups available. Mr. Van Doren added that things "need to level themselves out first."

Mr. Landon noted that there is ongoing I and I, the lines have recently been TV'd and manholes are being sealed annually.

Discussion followed regarding the hunting permits issued by the Township and the possibility of adding bear to the allowable animals.

Mr. DiMare stated that he was not in favor of allowing bear hunting in the Township as it is a controversial issue, too close to an urban area and he feels it would attract a different class of hunters. Mr. Landon stated that the permits could be issued to those current holding permits.

It was the consensus of the Committee to allow the issuance of hunting licenses for bear in the Township.

Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: DiMare.

Mr. Landon noted that all affordable housing units are currently rented.

It was the consensus of the Committee to allow summer hours for the Administration and Construction offices for July and August of 2016.

Ayes: Desiderio, DiMare, Van Doren, Voyce. Nays: Melick

A meeting with the Tewksbury Rescue Squad will be scheduled to discuss territory and protocol.

**TOWNSHIP COMMITTEE
MAY 10, 2016 MINUTES**

Mr. Van Doren opined that due to the lack of response for a part time Zoning Officer, the Township should consider hiring a full time individual as there could be a different pool of applicants. Discussion followed regarding the fact that there are not a great number of qualified individuals. Mr. Landon stated that the former Zoning Officer opined that a part time position is sufficient and Mayor Melick agreed that a part time position would be sufficient.

6. Executive Session

At 9:00 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 #48-2016
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, Advice of Attorney and Litigation.

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

Peter Melick
Mayor

7. Reconvened

The meeting reconvened at 9:45 PM.

8. Adjournment

There being no further business, the meeting was adjourned at 9:45 PM.

Roberta A. Brassard
Municipal Clerk