

**TOWNSHIP COMMITTEE
JUNE 13, 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 (arrived at 7:35 PM), Louis DiMare, Shaun Van Doren and William Voyce (arrived at 7:40 PM).

Jesse Landon, Township Administrator, Roberta Brassard, Municipal Clerk and Katrina Campbell, Township Attorney (alternate) 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 May 11, 2016.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

Connie Wygera, 27 Meadow Lane was present to request permission to plant two trees and set some boulders in her front yard, which is within the 25 foot road setback. She noted that her property is located on a dirt road, the front yard is flat and erosion is affecting her property. Mrs. Wygera added that she had spoken with the Superintendent of Public Works and he had no problem with allowing her request as it would not impede the plows or affect the sight requirements.

Further discussion followed regarding a similar request from a resident in Oldwick who was given permission to construct a wall in the Township right of way.

Mr. Van Doren noted that Mrs. Wygera will need to call 811 NJ Call Before You Dig prior to planting the trees.

Mr. Van Doren made a motion to allow Connie Wygera of 27 Meadow Lane to plant two trees and set some boulders on her property with the understanding that the Township will not claim any liability for the health of the trees and if they need to be moved, it is the sole responsibility of the homeowner, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Robert Becker, 2 Beavers Road stated the he would like there to be a weight limit on Beavers Road because the heavy equipment is damaging the road and the stone bridge on Frog Hollow Road. He added that there is a natural spring on Beavers Road located by #5 and 6 that the DPW needs to seasonally repair.

Mayor Melick stated that the bridge is owned and maintained by the County and did not think that there was a weight limit on it. He added that he would look at the condition on Beavers Road.

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Blake Johnstone, Chairman of the Land Use Board (LUB) noted that a draft Ordinance was presented to the Committee regarding amending the Township Code related to certificates of inspection. He stated that the LUB is getting more involved with variances for illegal apartments and businesses that are discovered when a property is purchased by a new owner. He added that the LUB members are tired of reasoning with new owners and the proposed Ordinance would be a means to having an inspection done prior to the sale of a home that would quickly reveal illegalities. He surmised that the inspection would take 5 minutes and a report could be generated in 24 hours. It was noted that the LUB members voted unanimously to adopt the draft Ordinance.

Howard Weinreich questioned if changes to a property/structure would be necessary if the violation were in place long before any Ordinances existed. He gave the example of a three family building from 60+ years ago.

Mr. Van Doren noted that that would be a pre existing, non conforming use which would have to go to the LUB for a variance.

Kelly Gordon questioned if a sale would be held up if additional zoning violations were present.

Mayor Melick stated that the Committee grapples with that matter of reporting other violations.

Mr. Van Doren stated that the Zoning Officer can't turn a blind eye to obvious health and zoning violations as it could result in a potential lawsuit.

Mr. Johnstone questioned why Ordinances are in place if they are not adhered to. He stated that the Committee is not helping the LUB by "sticking their heads in the ground", stressing the importance of complying with existing Ordinances. He added that multiple dwelling units and illegal businesses are a serious matter and the seller/current owner should be the one responsible for correcting the illegalities, not the prospective buyer.

Ms. Desiderio noted that a realtor listed a single family home with three distinct residences. She opined that this should not have been listed by the realtor and the realtor should have done their due diligence. She agreed that there needs to be a means of control and adoption of the proposed Ordinance would be beneficial.

Mayor Melick stated that buyers need to do their due diligence, adding that most buyers have an attorney for the process.

Kurt Rahenkamp stated that he has heard of construction of mother in law suites on existing homes, adding that the Township needs to enforce their Ordinances.

Mayor Melick stated that he would like to be informed of the location of these sites, adding that zoning approval would be needed prior to construction.

Mr. Becker noted that if the risk to the Township is that the Zoning Officer only looks for illegal apartments, there needs to be a review process in place by the LUB to clean up variances.

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He cited an example of a property on Whitenack Road where a shed issue exists that a former Zoning Officer did not correct. This matter is currently before the LUB.

4. Actions to be taken
➤ **Proclamations**

Mr. Van Doren made a motion to adopt the following Proclamations which were read into the minutes of the meeting, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**PROCLAMATION
TO HONOR JOHN J. GALLAGHER III**

WHEREAS, John Gallagher, Boy Scouts of America, Troop 199, has attained the designation of Eagle Scout, Scouting's highest award; and

WHEREAS, John Gallagher has been an active Scout demonstrating outstanding leadership and has contributed many service hours during his years of Scouting; and

WHEREAS, John Gallagher's Eagle Scout project consisted of making outdoor benches and renovating the gazebo at the Whittemore Wildlife Sanctuary; and

WHEREAS, John Gallagher secured donations for the materials needed for the benches, which will be used for the children's Summer Nature Camps and general seating; and

WHEREAS, John Gallagher stripped old wood and paint from the gazebo, replaced rotten beams and walls, replaced screens and repaired a broken door; and

WHEREAS, John Gallagher received guidance, help and donations from members of the local community; and

WHEREAS, John Gallagher admitted that the work on the gazebo was very challenging due to unforeseen structural problems and weather, but his love of woodworking made the project very rewarding and he hopes that the benches and gazebo will be an added feature to the Whittemore Wildlife Sanctuary.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby extends to John Gallagher individually, collectively and with great pride, sincere congratulations for achieving this highest of Scouting awards which symbolizes the American ideal of good citizenship and service to community; and

BE IT FURTHER RESOLVED that the Township Committee wishes John Gallagher much success in all his future endeavors.

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Peter Melick
Mayor

**PROCLAMATION
TO HONOR BENJAMIN THOMAS SERNAS**

WHEREAS, Benjamin Sernas, Boy Scouts of America, Troop 199, has attained the designation of Eagle Scout, Scouting's highest award; and

WHEREAS, Benjamin Sernas has been an active Scout demonstrating outstanding leadership and has contributed many service hours during his years of Scouting; and

WHEREAS, Benjamin Sernas's Eagle Scout project consisted of planning and constructing a paver pathway between the parking lot and the outdoor worship area at St. Luke's Parish in Long Valley; and

WHEREAS, Benjamin Sernas designed the plan, ordered the materials and organized dates and volunteers to get the work accomplished; and

WHEREAS, Benjamin Sernas constructed a 100 foot paver pathway with two direction changes in the middle, which required over 350 man hours of physical labor and planning from July to October; and

WHEREAS, Benjamin Sernas accomplished the project by preparing and leveling the foundation, compressing the soil, pouring and spreading different layers of sand and stone and laying the pavers; and

WHEREAS, Benjamin Sernas admitted that the work was very challenging, but he was very satisfied with the final results.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby extends to Benjamin Sernas individually, collectively and with great pride, sincere congratulations for achieving this highest of Scouting awards which symbolizes the American ideal of good citizenship and service to community; and

BE IT FURTHER RESOLVED that the Township Committee wishes Benjamin Sernas much success in all his future endeavors.

Peter Melick
Mayor

**PROCLAMATION
TO HONOR MICHAEL LEO FABIANO**

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WHEREAS, Michael Fabiano, Boy Scouts of America, Troop 199, has attained the designation of Eagle Scout, Scouting's highest award; and

WHEREAS, Michael Fabiano has been an active Scout demonstrating outstanding leadership and has contributed many service hours during his years of Scouting; and

WHEREAS, Michael Fabiano's Eagle Scout project consisted of renovating the gazebo at St. John Neumann Church in Califon, and weeding, tilling and mulching the gardens; and

WHEREAS, Michael Fabiano secured donations, organized labor and equipment and created a detailed plan to ensure effective workdays; and

WHEREAS, Michael Fabiano removed the cedar roof, stripped and sanded all painted surfaces, repainted the gazebo and painted the deck with a durable epoxy paint to ensure longevity; and

WHEREAS, Michael Fabiano constructed a new cedar shake roof including new ridge caps and a rebuilt cupola; and

WHEREAS, Michael Fabiano's project will benefit the entire outdoor area at the St. John Neumann Church and improve the experience for the local community and visitors alike.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby extends to Michael Fabiano individually, collectively and with great pride, sincere congratulations for achieving this highest of Scouting awards which symbolizes the American ideal of good citizenship and service to community; and

BE IT FURTHER RESOLVED that the Township Committee wishes Michael Fabiano much success in all his future endeavors.

Peter Melick
Mayor

➤ **Ordinance Public Hearing**

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #05-2016, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ms. Brassard provided proof of publication from the 05-19-16 Hunterdon County Democrat.

There being no comments from the public, Mr. Van Doren made a motion to close the Public Hearing on Ordinance #05-2016, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

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Mr. Van Doren moved adoption of Ordinance #05-2016, 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 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**

BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, and State of New Jersey that Chapter 8.16, entitled “Fire Prevention” of the Code of the Township of Tewksbury is hereby amended by inserting section 8.16.043 as follows:

8.16.043 Fire Safety Permits

Fire Safety Permits will be issued in accordance with the New Jersey Uniform Fire Code Section N.J.A.C. 5:70-2.7 with fees charged as per N.J.A.C. 5:70-2.9.

BE IT FURTHER ORDAINED, that Chapter 8.16, entitled “Fire Prevention” of the Code of the Township of Tewksbury is hereby further amended as follows and all other sections will remain unchanged:

8.16.050 - Organization.

The local enforcing agency established by Section 8.16.020 of this chapter shall be a part of the Township of Tewksbury.

8.16.060 - Appointments—Term of office—Removal.

A. *Appointment of fire official.* The local enforcing agency shall be under the direct supervision and control of the Tewksbury Township Fire Marshal who shall report to the township administrator according to the reporting procedures established in Section 2.04.070 of this Code.

B. *Term of office.* The Fire Marshal shall serve for a term of one (1) year.

D. *Removal from office.* Fire Marshal, inspectors and other employees of the enforcing agency shall be subject to removal by the township committee for inefficiency or misconduct. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.

All other provisions of Chapter 8.16 shall remain unchanged and in full force and effect.

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BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and adoption and publication according to law.

Peter Melick
Mayor

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #06-2016, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ms. Brassard provided proof of publication from the 05-19-16 Hunterdon County Democrat.

There being no comments from the public, Mr. Van Doren made a motion to close the Public Hearing on Ordinance #06-2016, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mr. Van Doren moved adoption of Ordinance #06-2016, 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 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

BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, and State of New Jersey that Chapter 8.12, entitled “Smoke-Sensitive Alarm and Carbon Monoxide Devices and Fire Extinguishers” of the Code of the Township of Tewksbury is hereby amended as follows and all other sections will remain unchanged:

8.12.060 - Paperwork.

The Township Fire Marshal will prepare and arrange for the dissemination of appropriate forms, certificates and other required paperwork to implement the requirements of this chapter. The certificate of compliance set forth herein may be executed by the township fire official or an appointed inspector.

8.12.080 - Reinspection.

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All certificates of compliance issued hereunder shall be valid for the period of six (6) months days from the date of issuance. In the event that the change of occupancy in the property for which a certificate is issued does not take place within the six (6) month period, the owner of the property will obtain a reinspection of the same at the cost set forth hereinabove for reinspection.

All other provisions of Chapter 8.12 shall remain unchanged and in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and adoption and publication according to law.

Peter Melick
Mayor

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #07-2016, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ms. Brassard provided proof of publication from the 05-19-16 Hunterdon County Democrat.

There being no comments from the public, Mr. van Doren made a motion to close the Public Hearing on Ordinance #07-2016, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mr. Van Doren moved adoption of Ordinance #07-2016, 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 #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"**

BE IT ORDANED, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, State of New Jersey that the Code of the Township of Tewksbury is hereby amending Chapter 13.04 entitled "Sewer Service System" as follows (with all other sections of said Chapter 13.04 remaining unchanged):

SECTION ONE. Section 13.04.360 "Flat Rate Sanitary Sewer Rental Added" Part 9 is amended to read as follows:

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Tavern with kitchen or restaurant with bar one (1) unit per fifteen (15) seats. Restaurant or Deli one (1) unit per twenty (20) seats. Seats shall be those inside a building. Fractional units shall be utilized, if necessary, in calculating the total amount, but a fractional total shall be rounded to the next whole unit. Notwithstanding the foregoing, in no event shall a tavern with kitchen or restaurant with or without bar or Deli utilizing at least one thousand two hundred (1,200) square feet of floor area of a building in conjunction with the business be charged less than five (5) units.

SECTION TWO. Section 13.04.360 "Flat Rate Sanitary Sewer Rental Added" Part 11 is amended to read as follows:

Beauty Shop one (1) unit plus one (1) unit for each additional three chairs. Fractional units shall be utilized, if necessary, in calculating the total amount, but a fractional total shall be rounded to the next whole unit.

SECTION THREE. Section 13.04.360 "Flat Rate Sanitary Sewer Rental Added" Part 12 is amended to read as follows:

Barbershop Shop one (1) unit plus one (1) unit for each additional three chairs. Fractional units shall be utilized, if necessary, in calculating the total amount, but a fractional total shall be rounded to the next whole unit.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and adoption and publication according to law.

Peter Melick
Mayor

➤ **Ordinance Introduction**

Mr. Van Doren made a motion to introduce Ordinance #08-2016, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

The Public Hearing is scheduled for 7-12-16.

**TOWNSHIP OF TEWSKBURY
ORDINANCE NO. 08 -2016**

AN ORDINANCE OF THE TOWNSHIP OF TEWSKBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND §726, OF THE DEVELOPMENT CODE REGULATING THE SOLAR AND PHOTOVOLTAIC ENERGY SYSTEMS IN THE TOWNSHIP OF TEWSKBURY

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➤ **Consent Agenda**

Dr. Voyce requested that the authorization to have the Mayor sign Blue Light Permits be removed from the Consent Agenda and voted on separately.

Mr. Van Doren requested that Resolution #54-2016 be removed from the Consent Agenda and voted on separately.

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 #49-2016
CHAPTER 159
TO ACCEPT FUNDS FROM STATE DEPARTMENT OF THE TREASURY**

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township of Tewksbury has received \$31,444.77 from the Department of the Treasury – Clean Communities Account; and

WHEREAS, the Township of Tewksbury wishes to amend its 2016 Budget by an additional \$31,444.77 to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the year 2016 in the sum of \$31,444.77 which is now available as a revenue from:

Clean Communities Account

BE IT FURTHER RESOLVED, that the Clerk forward one (1) copy of this Resolution to the Director of the Division of Local Government Services.

Peter Melick
Mayor

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RESOLUTION #50-2016

**AUTHORIZING THE RENEWAL OF A LIQUOR LICENSE FOR TEWKSBURY FINE WINE
AND SPIRITS, INC.**

WHEREAS, Tewksbury Fine Wine and Spirits, Inc., has filed a renewal application through the POSSE –ABC Online Licensing System for a Plenary Retail Distribution License; and

WHEREAS, Tewksbury Fine Wine and Spirits, Inc. has filed with said application the required municipal fee of \$2000.00; and

WHEREAS, a copy of the renewal application, together with a filing fee of \$200.00 has been submitted for filing through the POSSE –ABC Online Licensing System; and

WHEREAS, no objections have been filed with the Township Clerk regarding the issuance of said license; and

WHEREAS, said application appears to be in proper order.

NOW, THEREFORE, BE IT RESOLVED, that said application is hereby granted to Tewksbury Fine Wine and Spirits, Inc and the Clerk of the Township of Tewksbury is hereby directed to issue a Plenary Retail Distribution License #1024-44-001-008, for the period from July 1, 2016 to June 30, 2017, effective July 1, 2016, and the Clerk is hereby designated to sign and deliver the License Certificate on behalf of the Township.

Peter Melick
Mayor

RESOLUTION #51-2016

AUTHORIZING THE RENEWAL OF A LIQUOR LICENSE FOR THE TEWKSBURY INN, INC.

WHEREAS, the Tewksbury Inn, Inc. has filed a renewal application through the POSSE –ABC Online Licensing System for a Plenary Retail Consumption License, carrying Broad Package Privilege, to sell alcoholic beverages for premises situated at 55 Old Turnpike Road and King Street, Oldwick, in the Township of Tewksbury, Hunterdon County, State of New Jersey; and

WHEREAS, the Tewksbury Inn has filed with said application the required municipal fee of \$2000.00; and

WHEREAS, a copy of the renewal application, together with a filing fee of \$200.00 has been submitted for filing through the POSSE –ABC Online Licensing System; and

WHEREAS, no objections have been filed with the Township Clerk regarding the issuance of said license; and

WHEREAS, said application appears to be in proper order.

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NOW, THEREFORE, BE IT RESOLVED, that said application is hereby granted to Tewksbury Inn, Inc. and the Clerk of the Township of Tewksbury is hereby directed to issue a Plenary Retail Consumption License with Broad Package Privilege #1024-32-002-004, for the period from July 1, 2016 to June 30, 2017, effective July 1, 2016, subject to compliance with Township Ordinance No. 4-65 and amendments; and the Clerk is hereby designated to sign and deliver the License Certificate on behalf of the Township.

Peter Melick
Mayor

**RESOLUTION #52-2016
CHAPTER 159
TO ACCEPT FUNDS FROM LOUIS AND ARGIA BONAPACE**

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township of Tewksbury has received \$150.00 from Louis and Argia Bonapace; and

WHEREAS, the Township of Tewksbury wishes to amend its 2016 Budget by an additional \$150.00 to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the year 2016 in the sum of \$150.00 which is now available as a revenue from:

Louis and Argia Bonapace

BE IT FURTHER RESOLVED, that the Clerk forward one (1) copy of this Resolution to the Director of the Division of Local Government Services.

Peter Melick
Mayor

RESOLUTION #53-2016

**A RESOLUTION SETTING THE 2016 SALARIES AND WAGES FOR EMPLOYEES 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 salaries or wages 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.

NAME	TITLE	SALARY
CONSTRUCTION CODE ENFORCEMENT		
Mellissa Hommes	Technical Assistant	45,000.00/annum* Effective 6/14/16
PUBLIC WORKS		
Ethan Kornbrek	Public Works Employee Temporary/Seasonal	\$12.50/hour* not to exceed 28 hours per week Effective 6/14/16
POLICE		
Corey J. Fischer	Probationary Patrolman 9 th Class	\$45,723.00/annum* *Effective 07-02-16
COURT		
Julie Kosakowski	Court Administrator	\$18,000.00/annum* *effective 7-01-16

Peter Melick
Mayor

**RESOLUTION #55-2016
TONNAGE GRANT APPLICATION RESOLUTION**

WHEREAS, the Mandatory Source Separation and Recycling Act, PL 1987, c 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

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WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a Resolution authorizing this municipality to apply for the 2015 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Alan Dilley, Certified Recycling Professional to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Peter Melick
Mayor

RESOLUTION #56-2016

**IN SUPPORT OF THE ADOPTION OF S2254/A3821 TO CLARIFY MUNICIPAL
AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, many municipalities (including the Township of Tewksbury) filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and

WHEREAS, the FHA and existing case law are clear that “present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period.” (See N.J.S.A. 52:27D-307(c)); and

WHEREAS, in October 2015, the Middlesex County Superior Court issued a decision that included a distinct “gap period” obligation, retroactively imposing an additional municipal obligation over an additional 16 year period, separate and apart from the normal 10 year present and prospective need set forth in the FHA. Recently the Ocean County Superior Court did the same. The Ocean County decision is currently on appeal; and

WHEREAS, this “gap period” issue arises out of COAH’s inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need. Despite this, the courts are not holding COAH accountable but rather are

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imposing additional obligations on municipalities. These retroactive obligations will have a significant and unfunded impact on municipalities, straining their already overburdened resources; and

WHEREAS, aside from other inequities and issues imposed by a so-called “gap” obligation, the households counted in the “gap period” may well be double counted when the present need is calculated. The prospect of double counting compounds this dilemma and will likely result in forcing municipalities and their property taxpayers to subsidize development or subject them to court orders allowing enormous numbers of new housing units as a result of “builder’s remedy” lawsuits. Such a result will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

WHEREAS, hundreds of New Jersey’s municipalities have expended significant financial and other administrative resources in their attempts to voluntarily comply with their constitutional obligation for affordable housing as established by the Supreme Court and the FHA. As a direct result of the State’s failure to advance viable regulations or enact overdue legislative reform, this will only continue to spiral out of control; and

WHEREAS, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities;

NOW THEREFORE BE IT RESOLVED on this 13th day of June, 2016, by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, that:

1. The Township Committee hereby supports the adoption of Senate Bill S2254 and Assembly Bill A3821 to clarify that a municipality’s present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called “gap period.”
2. The Township Committee urge the members of the New Jersey Senate, General Assembly and the Governor to swift and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.
3. A certified copy of this resolution be sent to Hon. Chris Christie, Governor; Hon. Steve Sweeney, President, NJ Senate; Hon. Vincent Prieto, Speaker, NJ General Assembly; Senate and General Assembly representatives and the New Jersey State League of Municipalities.

Peter Melick
Mayor

MISCELLANEOUS

TOWNSHIP COMMITTEE JUNE 13, 2016 MINUTES

- Claims as submitted by the CFO (05-24-16 and 06-13-16)
- Correspondence List
- Regular and Executive Session minutes of 05-10-16
- Authorization to have Mayor sign Turn the Town Teal letter

ITEMS REMOVED FROM THE CONSENT AGENDA

Mr. Van Doren made a motion to have the Mayor sign Blue Light Permits for Paul and Julie Murray of the Tewksbury Rescue Squad, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: None. Abstain: Voyce.

- Authorization to have Mayor sign Blue Light Permits for Paul and Julie Murray (TRS)

Regarding Resolution #54-2016, Mr. Van Doren questioned what the County was going to do for the Township to make up for the diversion as it relates to the replacement of Bridge RT-16. Mr. Landon stated that the County has offered to supply 40-60 trees. Discussion followed regarding the terms of the purchase of the property in question (Creekside Conservancy) and whether the County has to give the Township something comparable or better when the diversion is executed.

Mr. Landon stated that he would check with County representatives at the upcoming meeting and report back to the Committee as to the terms of the minor diversion.

Resolution #54-2016 was not adopted.

5. Reports

➤ Township Committee Sub Committees & Township Committee Comments

Mr. Van Doren noted the following items.

- The Superintendent of Public Works should be advised that roadside cutting should not be done in areas where the lilies have not yet bloomed.
- He will convene an Agricultural Advisory Committee meeting so that the 82.8 acre Craig property on Homestead Road can be discussed with regard to applying for a Highlands grant to preserve the property.
- A finance subcommittee meeting needs to be scheduled by month's end.

Action regarding items c and p from the Correspondence List needs to be taken. Two residents have sent letters regarding their properties and their request to not have to supply a grading and surface water management plan (GSWMP) for work they wish to do. A request has been made by both residents to be exempt from submitting the GSWMP if proof can be determined that the work done on their properties was done prior to 2004, when the Township Ordinance regarding the GSWMP was enacted.

Mr. Van Doren opined that the Township Engineer should review the available files and the Township should make a policy decision moving forward.

It was the consensus of the Committee to authorize the Township Engineer to review the existing files and to approve (if appropriate) the requests made by the residents in question.

Mayor Melick stated that a follow up meeting needs to be scheduled to discuss the possible merging of the Tewksbury and Lebanon Township Police departments.

**TOWNSHIP COMMITTEE
JUNE 13, 2016 MINUTES**

➤ **Township Attorney**

Ms. Campbell reported that an additional \$1500.00 is needed for the shared services defense agreement with Somerset, Hunterdon and Warren Counties as it relates to COAH. Signing of the agreement along with authorizing payment to LSA&C needs to be authorized at an upcoming meeting. She added that LSA&C will be the advocate for the Township, and the shared service agreement will save each participating municipality money.

➤ **Township Administrator**

Mr. Landon noted the following items from his report.

- A meeting will be scheduled with Mr. DiMare and Mr. Van Doren to view equipment at the Oldwick Fire Company.
- All COAH units are rented and the sale unit is under attorney review.
- The matter regarding the Haddad- Staller property is under review and Mr. Landon is awaiting a response from their attorney.
- Road work is ongoing with additional road work commencing in July and chip and seal commencing in August.
- A finance subcommittee meeting needs to be scheduled.
- A draft Ordinance was distributed that will address an amendment to the DRO regarding lot coverage, fees and permits. Mr. Landon asked the Committee to review the document and contact him with questions before a (possible) introduction.
- A meeting was held with Judge Buchsbaum recently to discuss COAH. Mr. Landon suggested that two Committee members come to the next meeting to be scheduled in July. He added that the meeting was beneficial and the Judge was pleased with actions taken by the Township. Ms. Campbell noted that there currently are no interested parties to act as interveners (with the exception of Fair Share) in the COAH matter.

In response to a question from Mr. Van Doren, Mr. Landon stated that he has received a resume for the part time Zoning Officer position. Mr. Van Doren restated his position that the Zoning Officer position should be full time, which would result in more resumes being received.

Mr. Landon added that a Violations Clerk will need to be hired for Municipal Court.

6. Executive Session

At 8:30 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.

**RESOLUTION #57-2016
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 Land Acquisition.

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

**TOWNSHIP COMMITTEE
JUNE 13, 2016 MINUTES**

Peter Melick
Mayor

7. Reconvened

The meeting reconvened at 8:35 PM.

8. Adjournment

There being no further business, the meeting was adjourned at 8:35 PM.

Roberta A. Brassard
Municipal Clerk