

**TOWNSHIP COMMITTEE
OCTOBER 10, 2017 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 Dana Desiderio presided.

Other officials in attendance were Township Committee members Louis DiMare, Peter Melick and William Voyce.

Shaun Van Doren was absent.

John Eskilson, Interim Township Administrator, Roberta Brassard, Municipal Clerk and Michael Selvaggi, Township Attorney were in attendance.

There were approximately forty members of the public in attendance.

1. Open Public Meetings Statement

Mayor Desiderio 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, 2017.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Actions to be taken

Mayor Desiderio requested that the following Resolutions be removed from the Consent Agenda and voted on first and separately.

Mr. Melick made a motion to adopt Resolution #113-2017, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

**TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

RESOLUTION #113-2017

**APPOINTING CHRISTOPHER PAPPALARDO AND DAVID DEFENDINI TO THE POSITION
OF PATROLMAN WITH THE TEWKSBURY TOWNSHIP POLICE DEPARTMENT**

WHEREAS, there currently exists a vacancy in the Tewksbury Township Police Department with a second vacancy anticipated on January 1, 2018;

WHEREAS, the Tewksbury Township Police Department has properly noticed the vacancies within the Department and has accepted applications in response to same; and

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WHEREAS, the Tewksbury Township Police Department has completed its due diligence in the form of application review, in-person interviews, background checks; and

WHEREAS, the Tewksbury Township Chief of Police has submitted a memo to the Interim Township Administrator dated September 19, 2017 attached to and made part of this Resolution, recommending the appointment of Christopher Pappalardo and David Defendini to the position of patrolman at a starting salary consistent with Patrolman 8th Class in the current agreement between the Township of Tewksbury and PBA Local 386 based on their current level of experience as sworn officers.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon that it hereby appoints, effective this date, Christopher Pappalardo and David Defendini to the position of patrolman with the Tewksbury Township Police Department at the salary designated as Patrolman 8th Class in the current agreement between the Township of Tewksbury and PBA local 386.

Dana Desiderio
Mayor

Dr. Voyce made a motion to adopt Resolution #114-2017, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

RESOLUTION #114-2017

TO PRESENT SERVICE FIREARM TO CHIEF THOMAS HOLMES

WHEREAS, Chief Holmes has served the Police Department of the Township of Tewksbury for thirty five years; and

WHEREAS, Chief Holmes has requested that he be allowed to keep his current service firearm upon retirement; and

WHEREAS, the Township Committee has determined that this current service firearm will be excess to the needs of the Department upon his impending retirement; and

WHEREAS, Chief Holmes has agreed to keep the service firearm as a memento of his service with the Township and has agreed to keep this as personal property; and

WHEREAS, the appropriate permits and paperwork have been completed for this transfer of ownership.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby authorizes the transfer of Glock Generation 4 #UXB963 from the Township of Tewksbury to Chief Holmes effective January 1, 2018.

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Dana Desiderio
Mayor

4. Public Participation

Blake Johnstone, Chairman of the Land Use Board (LUB) requested that the Committee schedule a joint meeting (with the LUB) to discuss COAH issues.

Sean Murray was present to request that temporary lights be allowed at the Fairmount North athletic fields through 11-17-17 in order to accommodate soccer practices. The lights would be utilized Monday – Friday and would be extinguished by 8:00 PM. Mr. Murray stated that the Tewksbury Athletic Association (TAA) would pay for the lights.

Mr. Melick stated that he agreed with the request, adding that it should be allowed on a trial basis and if there were any complaints from the neighbors, to not allow next year.

Mr. Melick made a motion to allow the TAA to utilize temporary lights at the Fairmount North athletic fields through 11-17-17 in order to accommodate soccer practices; with the stipulation that the lights only be illuminated until 8:00 PM and that the authorization is for a trial period, seconded by Mayor Desiderio. The motion failed. Ayes: Desiderio, Melick. Nays: DiMare, Voyce. Absent: Van Doren.

In response to a question from Mr. Murray, Mr. DiMare stated that he was not in favor of allowing lights at athletic fields as he did not feel neighbors should be subject to the inconvenience.

Dr. Voyce stated that he would have liked to have the TAA contact the neighbors to see if there was any opposition to the request.

Further discussion followed regarding Dr. Voyce's comments and Mr. Murray withdrew his request stating that there was not sufficient time to poll the neighbors.

5. Swearing in of Police Officers

Mayor Desiderio swore in Christopher Pappalardo and David Defendini to the position of Patrolman with the Tewksbury Township Police Department

6. Public Participation (continued)

Nancy Held presented information and raised questions regarding former Township Administrator Jesse Landon.

In response to her question regarding Mr. Landon's outside employment, Mr. Melick, Mr. Selvaggi and Mayor Desiderio stated that they knew about his 2 year employment with Franklin Township while working full time in Tewksbury.

Mr. DiMare stated that he found out after the fact and disagreed with the arrangement.

Ms. Held read from the Township Personal Policy regarding outside employment and suggested that it be reviewed with regard to who needs to receive approval from the Committee.

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Discussion followed regarding the need for a full time versus part time Administrator and Mr. DiMare stated that the Committee is looking for a part time employee.

A lengthy discussion followed regarding the removal of personnel files from the Township building earlier this year.

Mayor Desiderio stated that she understood that the only file to be removed was that of Mr. Landon.

Mr. Melick stated that prior to Mr. Landon's departure; he and Mr. Van Doren spoke with Mr. Landon and determined that all of the confidential personnel files were not secure in the Administrator's office as the filing cabinet did not lock. He stated that he spoke with Mr. Selvaggi and was told that the files could be taken out of the municipal building to Mr. Melick's business office.

He added that any member of the Committee is authorized to view all employees' personnel files.

Mr. Selvaggi added that once the files were reported as having been taken from the municipal building, he contacted Mr. Melick and the files were returned to the Police evidence locker.

In response to a question from Ms. Held, Mr. Melick stated that the files were moved at the end of the day and there was no time to purchase a locking filing cabinet. He added that he could not purchase anything without authorization. He stressed that the files were "absolutely secure" when they were out of the office for less than one hour.

In response to a question from Ms. Held, Mr. Selvaggi stated that the mistake was promptly corrected by bringing the files back to the municipal building.

Mr. DiMare noted that the action taken was not official Township Committee conduct as no discussion was held and no vote was taken. He learned of the matter after the fact and reached out to Mr. Selvaggi, Chief Holmes and the County Prosecutor.

Neither Dr. Voyce nor Mayor Desiderio were aware of the discussion with the two other Committee members and Mr. Landon.

In response to a question from Ms. Held, Mr. Eskilson stated the he would check to confirm that other Township records are secure.

Ms. Held stated that she was advised that a specific report was missing from Mr. Landon's personnel file when it was returned and Mayor Desiderio was advised to place the report in a sealed envelope in the appropriate file.

Discussion followed regarding this issue and Mayor Desiderio stated that she was not sure if the report had ever been placed in the file.

Mr. Melick stated that he never took anything out of the two boxes that were sealed with tape. Mayor Desiderio stated that when the files were returned to the second floor of the municipal building, they were securely taped and she opened them in the presence of two Police officers and the Municipal Clerk.

In response to questions from Ms. Held regarding the missing report alleging sexual harassment and a request for a copy of the investigator's report, Mr. Selvaggi offered no comment.

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Ms. Held offered further comments on the Township Personnel Policy with regard to grievance procedures and prompt response to any investigation.

In response to a question from Ms. Held, Mr. Eskilson stated that he would look into the last time any harassment/discrimination classes were held.

Ms. Held questioned if a formal apology was given to the individuals who spoke with the investigator and if the report was made available to them. She stressed the need to let all employees know that certain behavior will not be tolerated, adding that setting the "tone at the top" is of utmost importance for work performance and overall health of office employees.

She questioned if prior to this complaint, there were ever earlier complaints or rumors among employees regarding inappropriate or bad behavior.

In response to a question from Ms. Held, it was stated that Mr. Melick and Mr. Van Doren were the two members of the finance sub-committee who decided to give all employees a 1% merit increase, noting that Mayor Desiderio and Mr. DiMare were not in favor of awarding any increase to Mr. Landon.

She opined that the remaining three Committee members were rewarding bad behavior.

Robert Becker opined that Mr. Selvaggi gave bad advice regarding removing personnel files from the municipal building.

Mr. Selvaggi reiterated that employee records are not public record and are therefore exempt under OPRA. He added that he initially thought only one file was being removed, and when he was advised that all had been removed, Mr. Melick was contacted and told to bring them back.

Nick Corcodilos-former Mayor of Clinton Township stated his concern that Mr. Landon is now serving as the Clinton Township administrator as he left (Tewksbury) before the afore mentioned investigation was completed.

Discussion followed regarding the removal of the two 40 pound boxes and if Mr. Melick transferred the boxes by himself.

Further discussion followed regarding a 5/16/17 memo signed by Mr. Melick regarding being given direction to remove the file boxes.

Mr. Corcodilos surmised that Mr. Landon's conversations with Mr. Melick and Mr. Van Doren were not authorized by the full committee and Mr. Melick had no authority to remove any files.

In response to a question from Mr. Corcodilos, Mr. Selvaggi stated that in light of (Mr. Landon's) departure, the records were removed because they could not be secured and in hindsight, a locked cabinet should have been purchased.

In response to a question from Mr. Corcodilos, Mayor Desiderio reiterated that the two file boxes were sealed when they were returned. She added that the report under discussion was not in Mr. Landon's personnel file and she was unsure as to whose job it would have been to place it there, adding that a copy was forwarded to her by Mr. Selvaggi and she then placed it in the file.

Mr. Corcodilos read from notes taken from a conversation with Joel Popkin, Executive Director of the NJ Clerks Association regarding the duties of the Municipal Clerk as custodian of

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municipal records. Mr. Poplin reported to Mr. Corcodilos that all municipal records should be stored at the municipal building and not in an individuals' personal possession.

Mr. Selvaggi stated that the portion of the Township Personnel Policy states that the Township Administrator is in charge of all personnel files and employee records. Mr. Corcodilos questioned why, in the absence of the Administrator, the Municipal Clerk would not be the custodian of all records.

In response to a question from Mr. Corcodilos, Mr. Selvaggi reiterated that nothing nefarious could have occurred in such a short time period. Mr. Corcodilos disagreed with Mr. Selvaggi's statement that it was not necessary to notify all the Township employees that their records had been removed. He questioned why Mr. Melick would have agreed to move the files to his business office for any amount of time and why a seasoned Township Administrator would authorize the action.

Mr. Melick reiterated that he only took the files because no one else was available and he did nothing to tamper with any the Township personnel records.

Mr. Corcodilos noted that Mr. Landon resigned on 3/24/17; a date that was preceded by the internal investigation. He questioned why there was apparently no action taken by Committee members regarding the investigation report and why the Committee did nothing for the individuals who were interviewed as witnesses.

In closing, Mr. Corcodilos expressed his concern that an investigation was conducted and not completed, adding that he has a true concern with Mr. Landon serving as Administrator in Clinton Township.

William Patrick Clark, questioned Mr. Selvaggi as to why, as an Officer of the Court, he advised his client (the Township) that removing even one file from the municipal building was appropriate, as it is a clear violation of the law.

Mr. Selvaggi maintained that the reason the personnel files were removed was for the purpose of protecting the privacy of the record because there was no adequate means of securing the files.

In response to a question from George Cassa it was stated that Resolution #118-2017 can be pulled from the Consent Agenda for discussion.

He added that he is in favor of the suggested joint meeting with the LUB/TC to discuss COAH matters, adding that Citizens to Save Tewksbury, Alliance for Historic Hamlets and Residents Alliance for Neighborhood Protection are also in agreement. He opined that there is an error in the math with regard to the total number of Township affordable units. An additional document was given to the Clerk for dissemination to the Committee and Attorney for review and comment.

Wilma Frey noted her agreement with Mr. Cassa's statements, adding that she hoped the discussion could be held in open session.

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Brandy Harkins stated that she is interested in hearing from the representatives from Verizon and AT&T as she feels the Township needs more complete cell coverage, adding that many residents are hampered by the lack of service.

Ms. Held stated that there should be a Township policy in place to not pay any merit or salary increases for individuals who are no longer employed by the Township.

In response to a question from Mr. Becker, Mayor Desiderio stated that when she received the boxes of records from the Police evidence room they were taped.

Mr. Selvaggi stated that the investigation report was initially received electronically and when he was advised that it was not in Mr. Landon's file, he forwarded another copy to the Mayor and she place it in the appropriate file. He added that he did nothing further when he found out the document was missing, adding that he did not feel the removal of the files was a crime worthy of indictment or investigation.

Mr. Becker stated that the Township relies on their professionals for guidance and he could not understand how Mr. Selvaggi could state that nothing else was removed from any other personnel files.

Mr. Corcodilos thanked the Committee for allowing him to speak at the meeting.

7. Actions to be taken

• **Ordinance Public Hearing**

Mr. Melick made a motion to open the public hearing on Ordinance #06-2017, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

Ms. Brassard provided proof of publication from the 9-21-17 Hunterdon County Democrat.

There being no comments from the public, Mr. Melick made a motion to close the public hearing on Ordinance #06-2017, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

Dr. Voyce moved adoption of Ordinance #06-2017, seconded by Mr. Melick. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

**ORDINANCE #06-2017
AN ORDINANCE AMENDING CHAPTER 2.20, ENTITLED "POLICE DEPARTMENT," 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 2.20, entitled "Police Department" of the Code of the Township of Tewksbury hereby amends section 2.20.090 as follows:

C.

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The probationary period for probationary patrolman shall end upon recommendation of the Chief of Police but in no case shall exceed twelve (12) months from the beginning of probationary patrolman status. During this probationary period, he shall be known as a probationary police officer and his employment shall be subject to termination, with or without cause, at any time. At the conclusion of said probationary period, and providing the probationary police officer has successfully completed an approved police training course pursuant to RS 52:17B-66 et seq., the appointment as a police officer shall become permanent upon approval by the township committee.

All other provisions of Chapter 2.20 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.

Dana Desiderio
Mayor

- **Ordinance Introduction**

Mr. Melick made a motion to introduced Ordinance #07-2017, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

The Public Hearing is scheduled for 12-12-17 at 7:30 PM in the Mountainville Meeting Hall.

ORDINANCE #07-2017

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY TO ARTICLE VI SECTION 633, OF THE DEVELOPMENT
REGULATIONS ORDINANCE OF THE TOWNSHIP OF TEWKSBURY ENTITLED
“ROCKAWAY VILLAGE ARCHITECTURAL DESIGN STANDARDS”**

The following items were requested to be removed from the Consent Agenda and voted on separately.

Resolution 111-2017, Resolution #112-2017, Resolution #118-2017, the authorization to have the Mayor sign the Blue Light Permit for Jeffrey Fenton.

➤ **Consent Agenda**

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

RESOLUTION #107-2017

**TOWNSHIP COMMITTEE
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**RESOLUTION APPROVING TAX REFUND
FOR ROBERT & GAIL KONOPADA, BLOCK 6.02 LOT 24.06**

WHEREAS, Robert and Gail Konopada are the owners of premises known as 73 Fairmount Road West, in the Township of Tewksbury, and also known as Block 6.02, Lot 24.06 as shown on the Tewksbury Township Tax Map; and

WHEREAS, Robert Konopada has been approved as a permanently-disabled Veteran, pursuant to N.J.S.A. 54:4-3.30; and

WHEREAS, the effective date of permanent disability was established by the Division of Veterans' Affairs as of April 7, 2016 and

WHEREAS, pursuant to said declaration, Robert Konopada is entitled to a refund of all taxes paid on the property since the date of designation, to wit April 7, 2016; and

WHEREAS, the Township is obligated to reimburse taxes paid by Robert Konopada retroactive to that time on his property, which is his principal residence; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the Township has the option of reimbursing all taxes retroactive to the effective date of his disability, to wit April 7, 2016; and

WHEREAS, the Township Tax Collector has computed said amount for 2016 to be \$4,977.31 and for 2017 to be \$5,045.04; and

WHEREAS, the Township is desirous, pursuant to the aforesaid statute, of reimbursing all of the tax payments made by Mr. Konopada as of the effective date of his disability.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon and State of New Jersey, that the amount for 2016 of \$4,977.31 and the amount for 2017 of \$5,045.04 shall be reimbursed to Robert Konopada with reference to Block 6.02, Lot 24.06.

Dana Desiderio
Mayor

RESOLUTION #108-2017

**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

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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 \$17,816.10 from the Highlands Plan Conformance Grant for Task 1: Module 3, Adopted Housing Element and Fair Share Plan; and

WHEREAS, the Township of Tewksbury wishes to amend its 2017 Budget by an additional \$17,816.10 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 2017 in the sum of \$17,816.10 which is now available as a revenue from:

**Highlands Plan Conformance Grant for Task 1: Module 3
Adopted Housing Element and Fair Share Plan**

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

Dana Desiderio
Mayor

**RESOLUTION #109-2017
REFUND OF TAX OVER PAYMENT**

BE IT RESOLVED, by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, the tax collector is authorized to refund a Tax Over Payment.

Block	Lot	Name	Year	Amount
23.02	8.06	David Cooley 6 Addison Drive Pottersville, NJ 07979	2017	\$2,764.04
16	3.01	Jacobus & Associates LLC Trustee for Shoykhet & Vlasova 201 Littleton Road, 1 st Floor Morris Plains, NJ 07950 210 Old Turnpike Road	2017	\$810.38
27	71.14	Bank of America Tax Dept. 3001 Hackberry Road Irving, TX 75063-0156	2017	\$3,834.84

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Dana Desiderio
Mayor

**RESOLUTION #110-2017
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.

Block	Lot	Name	CERT #	Amount
33	17	Michael Gottlieb 18 Rainbow Ridge Drive Livingston, NJ 07039 83 Deer Hill Road, Lebanon, NJ 08833	09-04	\$62,676.65
33	20 Q240	Hargot Enterprises LLC 1200 Sunnyview Oval Keasbey, NJ 08832 103 Deer Hill Road, Lebanon, NJ 08833	2015-005	\$330.29

Dana Desiderio
Mayor

RESOLUTION #115-2017

**AWARDING A CONTRACT FOR PROFESSIONAL CLEANING SERVICES FOR THE
POLICE ADMINISTRATION BUILDING & THE TOWNSHIP MEETING HALL AND
MUNICIPAL COURT**

WHEREAS, quotes were sought for Professional Cleaning Services for the Police Administration Building & the Township Meeting Hall and Municipal Court; and

WHEREAS, the Township Committee has reviewed the recommendations made by the Township Administrator, Superintendent of Public Works and Chief Financial Officer on said bids; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available; and

WHEREAS, the length of the contract shall be for one (1) year through July 1, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the following contract be awarded

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based on the recommendation of the Township Administrator, Superintendent of Public Works and Chief Financial Officer.

COMPANY	ITEM	PRICE
Heits Building Services of Central-No. NJ 77 Brant Avenue Suite 400 Clark, NJ 07066 848-666-7993	Professional Cleaning Services for the Police Administration Building *see attached	\$379.00/monthly Commencing 07/01/17
Heits Building Services of Central-No. NJ 77 Brant Avenue Suite 400 Clark, NJ 07066 848-666-7993	Professional Cleaning Services for the Township Meeting Hall and Municipal Court *see attached	\$225.00/monthly Commencing 07/01/17

BE IT FURTHER RESOLVED that the Qualified Purchasing Agent is hereby authorized and directed to execute the proposal for same.

Dana Desiderio
Mayor

RESOLUTION #116-2017

RESOLUTION EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS REGARDING THE OPEN PUBLIC MEETINGS ACT AND OPEN PUBLIC RECORDS ACT

WHEREAS, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

WHEREAS, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

WHEREAS, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

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WHEREAS, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

WHEREAS, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

WHEREAS, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

WHEREAS, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045

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and 1046 from becoming law.

Dana Desiderio
Mayor

RESOLUTION #117-2017

AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AFFORDABLE HOUSING AGREEMENT WITH CHRISTOPHER T. EMMET II AND PETER EMMET FOR PROPERTY LOCATED ON TAX BLOCK 48, LOT 5 IN TEWKSBURY TOWNSHIP KNOWN AS 39 FELMLEY ROAD

WHEREAS, the Township of Tewksbury has an ongoing need to provide affordable housing units in accordance with guidelines established by the State of New Jersey; and

WHEREAS, Christopher T. Emmet II and Peter Emmet, as Trustees of the Christopher T. Emmet II Intentional Grantor Trust have expressed their desire to place two (2) apartment units located on Tax Block 48, Lot 5 in Tewksbury Township into the Township's affordable housing program and to deed restrict the units in accordance with rules and regulations established by the Township and the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon that it hereby authorizes the Mayor and Township Clerk to execute an Affordable Housing Agreement, attached to and made part of this Resolution, with Christopher T. Emmet II and Peter Emmet for the property located on Tax Block 48, Lot 5 in Tewksbury Township known as 39 Felmley Road.

Dana Desiderio
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO 09/26/17 and 10/10/17
- Correspondence List
- Regular and E/S minutes of 09-12-17
- Authorization to have Mayor and Interim Township Administrator sign Best Practice 2017
- Authorization to have the Mayor sign NJDOT Div of Local Aid and Econ Dev Recommendation of Award – State Aid Project – Improvements to Potterstown Road.

ITEMS REMOVED FROM THE CONSENT AGENDA

Dr. Voyce made a motion to adopt Resolution #111-2017, seconded by Mayor Desiderio. The motion was approved. Ayes: DiMare, Desiderio, Voyce. Nays: none. Absent: Van Doren. Abstain: Melick.

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RESOLUTION #111-2017

**AUTHORIZING THE TEWKSBURY ATHLETIC ASSOCIATION TO PROCEED WITH PLANS
TO RENOVATE AND RECONSTRUCT ATHLETIC FIELDS LOCATED ON TOWNSHIP
PROPERTY LOCATED AT TAX BLOCK 44, LOT 12 KNOWN AS THE OLDWICK FIELDS**

WHEREAS, the Tewksbury Athletic Association (T.A.A.) has proposed a renovation and reconstruction of athletic fields located on Township property located at tax block 44, lot 12 commonly referred to as the Oldwick Fields; and

WHEREAS, the T.A.A. has determined that the increased demand for multi-purpose facilities within the Township cannot be met with the existing fields in the Township; and

WHEREAS, the T.A.A. has submitted a concept plan dated August 14, 2016 prepared by Parker Engineering & Surveying P.C., attached to and made part of this Resolution, indicating the construction of two (2) new full size multi-purpose fields and one (1) junior multi-purpose field; and

WHEREAS, the T.A.A. has advised the Township that it is willing and able to undertake construction of the proposed fields and to privately raise the capital necessary to complete same so that project will be without cost to the Township; and

WHEREAS, a subcommittee of the Township Committee met with representatives of the T.A.A. on July 25, 2017 and has determined that the project should proceed; and

WHEREAS, the Township Engineer has done a preliminary review of the concept plan submitted by the T.A.A. and has determined that there are no significant impediments to proceeding.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon that it hereby authorizes the Tewksbury Athletic Association to proceed with implementing the Oldwick Field renovation and reconstruction as presented in the attached plans dated August 14, 2016 by Parker Engineering & Surveying PC subject to the following conditions:

1. The T.A.A. shall present final project plans to the Township for review by the Township Engineer;
2. Scheduling of project construction shall be submitted to the Township for review and approval prior to commencement of construction;
3. During construction the Township Engineer shall make periodic inspections of the work as needed;
4. The T.A.A. shall be responsible for securing any and all State, County and or local permits necessary;
5. The T.A.A. and any contractor acting on their behalf shall submit a Certificate of Insurance to the Township prior to commencement of construction which shall be subject to the review and approval of the Township Risk Manager;

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6. Project planning, design and construction shall be without cost to the Township of Tewksbury.

Dana Desiderio
Mayor

Dr. Voyce made a motion to adopt Resolution #112-2017, seconded by Mayor Desiderio. The motion was approved. Ayes: DiMare, Desiderio, Voyce. Nays: none. Absent: Van Doren. Abstain: Melick.

RESOLUTION #112-2017

AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF WASHINGTON, MORRIS COUNTY FOR THE FAIRMOUNT FIRE COMPANY TO SERVE SPECIFIED AREAS WITHIN THE TOWNSHIP OF TEWKSBURY

WHEREAS, the shared services agreement between the Township of Tewksbury, Hunterdon County and the Township of Washington, Morris County for the services of the Fairmont Fire Company to serve specified areas within Tewksbury Township will expire on December 31, 2017; and

WHEREAS, Tewksbury Township Committee has determined that it is in the best interest of the Township to extend its current shared services with the Township of Washington; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon that it hereby authorizes the Mayor and Township Clerk to execute a shared services agreement with the Township of Washington, Morris County for the Farimount Company to serve specified areas with the Township of Tewksbury; and

BE IT FURTHER RESOLVED, that said agreement is attached to and made part of this Resolution; and

BE IT FURTHER RESOLVED that copies of this Resolution and the executed shared agreement be forwarded to the Washington Township Municipal Clerk.

Dana Desiderio
Mayor

Dr. Voyce made a motion to adopt Resolution #118-2017, seconded by Mr. Melick.

In response to a question from Mr. Cassa, Mr. Eskilson explained that the agreement with Community Grants, Planning & Housing is for an outside agency to maintain and coordinate existing Township records for affordable units. Mr. Eskilson stressed that adoption of

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Resolution #118-2017 is in no way part of current affordable housing negotiations.

A roll call vote was taken and the above noted motion was approved. Ayes: DiMare, Desiderio, Melick, Voyce. Nays: none. Absent: Van Doren.

RESOLUTION #118-2017

**AUTHORIZING AN AGREEMENT WITH COMMUNITY GRANTS, PLANNING & HOUSING
(CPG&H) FOR AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES**

WHEREAS, the Township of Tewksbury is in need of an Administrative Agent to administer its Affordable Housing program in accordance with all applicable State and local regulations; and

WHEREAS, the Township solicited proposals for Administrative Agent services from four (4) firms; and

WHEREAS, Community Grants, Planning & Housing (CGP&H) submitted the sole proposal which is attached to, and made part of this Resolution; and

WHEREAS, the Township's Chief Financial Officer has certified that funds are available in the Township's 2017 budget for said purpose.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon that it hereby authorizes an agreement with Community Grants, Planning & Housing for Affordable Housing Administrative Agent which is attached to and made part of this agreement.

Dana Desiderio
Mayor

Mr. Melick made a motion authorizing the Mayor to sign the Blue Light Permit for Jeffrey Fenton, seconded by Mr. DiMare. The motion was approved. Ayes: DiMare, Desiderio, Melick. Nays: none. Absent: Van Doren. Abstain: Voyce.

- Authorization to have Mayor sign Blue Light Permit for Jeffrey Fenton

Mayor Desiderio made a Mayoral appointment to name Hope Kaufman as the Alternate #1 member of the Environmental Commission through 12/31/17.

- Mayoral Appointment
Hope Kaufman Alternate #1 Environmental Commission to
complete unexpired term through 12/31/2017

8. Presentation

Mr. Melick was recused from the following discussion.

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- **AT&T Wireless Cell Tower proposal**

Christopher Quinn of Pinilis Halpern presented information to the Committee regarding his client's request to site a cell tower at the Oldwick Fire Company (OFC) location on Block 44 Lot 22.01. He noted that there is a deficiency of service in the area and the proposed 135 foot pole, which could be disguised as a tree, would address this matter. He outlined the benefits the OFC could realize with regard to accommodating their communication systems and receiving added revenue.

Mr. Quinn noted that the property's deed restricts the property to be "used only as a facility for fire-fighting purposes and for normal, customary meetings and social functions characteristically involved in the operation of a volunteer fire company..." He noted his understanding that the decision to remove this restriction is the purview of the Township Committee.

Discussion followed regarding alternate locations to site the proposed tower, including existing silos and the former church steeple in Oldwick. Additional discussion followed regarding newer technology that could replace the large towers. Mr. DiMare stated that he did not see any compelling reasons to remove the deed restriction.

David Pennesso, radio frequency engineer presented information related to small cell devices that cover small areas as opposed to macro cell devices that cover larger area. He explained the limitations in utilizing canister type devices on existing poles and how the shorter device will not general adequate coverage. He noted that towers need to be above the "clutter" that will negatively affect and obstruct the signal. He added that the existing PSE&G tower located further north of the proposed site would not help with the current coverage problems. Mr. Quinn stated that the transmission towers were looked at initially as a possible site.

Discussion followed regarding Mayor Desiderio's comments related to changing technology.

Mr. Pennesso explained options related to locating a tower on private property, the need to have a tower clear the existing tree line, constructing a tower on raw land, the fact that there are no existing tall structures in the Township and how one large tower could not successfully serve all subscribers. He explained how a cellular telephone device is limited by power and how a two- way path is needed for a network.

Jaynise Negron a representative from Jacobs stated that the tower could realize between \$1500-\$2500 monthly.

In response to a question from Dr. Voyce, Mr. Quinn explained that the OFC building could not accommodate a device within the existing cupola. He added that his firm also looked at the JCP&L transmission towers north of the OFC site, privately owned silos and Township owned ball fields (which would not be a possibility as they were purchased with Green Acres funds). He noted that public owned lands were looked at initially and the search for a viable location is an ongoing process.

In response to a question from Mayor Desiderio, it was stated a normal contract is for five years with a five year renewal. Ms. Negron stated that there is typically a 2% increase every five years.

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Ms. Held noted that she was advised (via an earlier occurrence) that the OFC is not considered a public facility. She requested that Mr. Pennesso draw a ring around the perimeter of the area that would be serviced by the proposed tower. She questioned if the existing tower are the Park and Ride by Route 78 or a new tower at the quarry would help with coverage.

Mr. Pennesso referred to his maps that delineate existing and proposed areas of service, taking into account all existing towers. He stressed that there is a gap in coverage that the proposed site would close.

In response to a question from Ms. Held, Mr. Pennesso stated that siting the tower at The Meadows would not be a viable location as the elevation is too low.

Discussion followed concerning Frances Spann's question as to whether the existing tower at the Park and Ride could be upgraded to improve quality of antenna.

She added that if the Committee were to "flash forward" and look at how they wish to envision themselves in the future, co-location should be pursued. She added that technology is changing so quickly and that the coverage issue should be seriously addressed.

Mr. Quinn noted that different structures such as a flag pole can also be considered, although additional devices would have to be stacked vertically.

Nadine Marran questioned the dimension of the proposed tower and how the various carriers would be placed on the structure. She opined that the area of Oldwick that would be served by the proposed tower is a small area for such a large expense.

In response to a question from Brandy Harkins it was stated that the proposed tower would address service to local businesses.

Steve Bonnano owner of the antique store in Oldwick stated that he has a pending lease with Verizon to locate a fixture in the steeple of the building. He stated that he is the "alternate" site in the Township that could provide service and not be an eyesore although Mr. Quinn disagreed with this statement.

Chris Teasdale started that the Committee should reflect on Mr. Bonnano's offer and should agree to not having any additional towers in the Township.

In response to a question from Mr. Cassa, Mr. Pennesso stated that the ground mounted cabinets such as Verizon is proposing would not be a feasible alternative for AT&T's needs of coverage.

In response to a question from Mr. Cassa, Mr. Quinn stated that he was unaware of a petition that had been submitted in opposition to the proposed tower as well as a letter to the editor of the Hunterdon Review regarding utilizing the cupola at the OFC for siting a tower.

Mr. Cassa also noted that if a tower were to be located on municipally owned property, construction would have to go out to for competitive bidding.

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Mr. Becker noted that Verizon has applied to the LUB several times in the past to site a tower in the Township and been denied. He noted that Mr. Bonnano does not have a pending application.

In response to a question from Richard Guido, it was noted that if a private party wishes to site a tower on their property, the application process would have to go to LUB.

Rilda Hone stated that the offer of utilizing the existing church steeple should seriously be considered as it sounds like a good alternative.

Wilma Frey agreed with Mrs. Hone's statement.

Ms. Held stated that she has lived in the Township for 20 years, knows where the "dead spots" are and would rather have a beautiful view than perfect cell phone service.

Discussion followed regarding Mayor Desiderio's statement related to payment by carriers.

Mayor Desiderio stated that she was not in favor of having a large tower located at the OFC, adding that the church tower should be looked as a viable alternative site that could hold additional carriers.

Mr. DiMare and Dr. Voyce stated that they were not in favor of removing the deed restriction and/or siting a tower at the OFC.

It was the consensus of the Township Committee to not approve the siting of a cell tower at the OFC site and to keep the deed restriction intact.

Mr. Melick returned to the meeting at this time.

- **Verizon Wireless request to place pole and attached equipment**

Kathryn Windsor of Tilson was present to request that additional small cell technology units be located on five additional locations, all located on County Routes. She explained that the issue is governed by the FCC, not the utilities and that the municipal approval is sought prior to bringing to the Freeholder level. Ms. Windsor explained that two separate Resolutions will be needed for the request as there is a need to set a new pole for one of the units.

Mr. Melick made a motion to adopt the two requested Resolutions at the upcoming meeting, seconded by Dr. Voyce. The motion was approved: Ayes: Desiderio, Melick, Voyce. Nays: DiMare. Absent: Van Doren.

Ms. Windsor will submit the necessary language for the Resolutions to be presented at the upcoming Township Committee meeting.

In response to a question from Mr. Cassa, Ms. Windsor stated that co-location is allowed. She noted that the units are either dark or light brown, and changing the color would void the warrantee.

**TOWNSHIP COMMITTEE
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In response to a question from Jane Pettrell, Ms. Windsor stated that coverage depends on the terrain, but normally the coverage ranges from 500 – 1500 feet.

9. Reports

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

Dr. Voyce noted that there are no pressing safety concerns in the Township.

Mayor Desiderio presented information to the Committee regarding the purchase and placement of monitors and tablets (for the Committee) for the Mountainville Meeting Hall for use at public meetings. Discussion followed regarding the need to solicit other quotes and to contact other municipalities to determine what equipment is used.

Brandy Harkins questioned if the Township has any sort of social media to bring Township activities and business to the attention of the public.

➤ **Township Attorney**

Mr. Selvaggi's comments were reserved for Executive Session.

➤ **Township Administrator**

Mr. Eskilson noted the following items:

- RFP's will be sent out for all Township professionals.
- Discussion followed regarding a request to have a lighted Christmas tree at the Oldwick Library. Mr. Eskilson is awaiting additional information from the requestor and will bring the matter back to the Committee for further discussion. Mr. Melick and Mayor Desiderio stated that they had no problem with having a tree at the Library.

10. Executive Session

At 10:20 PM Dr. Voyce moved adoption of the following Resolution, seconded by Mr. DiMare. The motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

**RESOLUTION #119-2017
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 Contract Negotiations, Personnel and Pending Litigation.

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

Dana Desiderio
Mayor

11. Reconvened

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The meeting reconvened at 11:08 PM.

Dr. Voyce made a motion to adopt Resolution #120-2017, seconded by Mr. Melick. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Voyce. Nays: None. Absent: Van Doren.

**TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

RESOLUTION 120-2017

**APPOINTING KEVIN PYATT TO THE POSITION OF SUPERINTENDENT OF PUBLIC
WORKS WITH THE TEWKSBURY TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

WHEREAS, there currently exists a vacancy in the position of Superintendent of Public Works with the Tewksbury Township Department of Public Works; and

WHEREAS, a Notice of Promotional Opportunity for the position of Superintendent of Public Works was posted in the Tewksbury Township Department of Public Works on July 18, 2017; and

WHEREAS, Kevin Pyatt, Assistant Foreman with the Tewksbury Township Public Works Department responded to the Notice of Promotional Opportunity by email to the Interim Township Administrator on August 3, 2017; and

WHEREAS, no other employee within the Tewksbury Township Department of Public Works responded to the Notice of Promotional Opportunity; and

WHEREAS, the Tewksbury Township Committee has determined it to be in the best interest of the Township to appoint the Superintendent of Public Works from within the Department; and

WHEREAS, the Tewksbury Township Committee has determined that Kevin Pyatt possesses the skills necessary to serve in the position of Superintendent of Public Works.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon that it hereby appoints, effective November 1, 2017, Kevin Pyatt to the position of Superintendent of Public Works in accordance with the terms and conditions attached to and made part of this Resolution.

Dana Desiderio
Mayor

APPOINTMENT OF

**TOWNSHIP COMMITTEE
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KEVIN PYATT

TO THE POSTION OF

SUPERINTENDENT OF PUBLIC WORKS

November 1, 2017

Terms & Conditions of Appointment

As Superintendent of Public Works Mr. Pyatt shall be responsible to

1. Satisfactorily perform all the duties described in the Superintendent of Public Works job description. Position may be subject to a performance evaluation process as may be established by the Township Committee and Township Administrator;
2. Serve as the New Jersey Department of Environmental Protection's (NJDEP)Licensed Sewer Operator for sewage treatment facilities operated by Tewksbury Township;
3. Submit monthly Departmental Reports to the Township Committee in a form agreed upon by the Township Committee and Township Administrator;
4. Work a forty (40) hour work week in accordance with the schedule set forth for the Tewksbury Township Department of Public Works and any additional hours that may be required to oversee the safe and efficient operation of the Department of Public Works;
5. Successfully complete the State of New Jersey's Certified Public Works Manager program within a reasonable period of time. Mr. Pyatt will receive a 5% increase in base pay upon notification by the New Jersey Department of Community Affairs of issuance of a Certified Public Works Manager certificate; Township will, at its cost, pay for certificate renewal and required continued education unit (CEU) training;
6. Maintain a Commercial Driver's License.

In recognition of the duties performed as Superintendent of Public Works, Mr. Pyatt shall be entitled to

1. An annual salary for 2017 and 2018 of \$95,000.00. 2017 annual salary shall be prorated to the period November 1, 2017 through December 31, 2017. Subsequent to 2018, Mr. Pyatt shall receive cost of living increases in amounts established by the Township Committee;
2. Receive merit pay increases in accordance with policies established by the Township Committee in amounts set forth by the Township Committee;
3. An annual stipend of \$1,000.00 each for the NJDEP S-2 and C-1 licenses currently held and an additional \$1,000.00 for any subsequent "S" or "C" licenses awarded by the NJDEP; Township will maintain policy of payment for license renewal and required contact hour training;
4. All benefits described in the Township's Personnel Policies and Procedures.

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5. Vacation, personal and sick time in accordance with the provisions of the agreement between the Township and Teamsters Local 469 dated and executed November 10, 2015

As an exempt employee as defined in the Federal Fair Labor Standards Act (FLSA), Mr. Pyatt shall not be eligible to earn overtime pay or to be credited with compensatory time.

12. Adjournment

There being no further business, the meeting was adjourned at 11:10 PM.

Roberta A. Brassard
Municipal Clerk