

**TOWNSHIP COMMITTEE  
NOVEMBER 6, 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 not present.

John Eskilson, Interim Township Administrator, Roberta Brassard, Municipal Clerk and Katrina Campbell, (sitting in for )Township Attorney were in attendance.

There were approximately four 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 October 17, 2017.

**2. Flag Salute**

Those present stood and pledged allegiance to the American flag.

**3. Public Participation**

Nancy Held noted a discussion from an earlier meeting related to the removal of Township personnel records and the allegations of sexual harassment against the former Township Administrator. She expressed her concern over the atmosphere that existed in the Municipal offices, adding that she has a true concern as to how it was handled and how the remaining employees are dealing with the matter.

In response to a question from Ms. Held, Mr. Eskilson stated that he is reviewing the list of questions previously submitted and will contact the Attorney to determine how best to respond. The questions will be forwarded to the full Committee for their review and comment.

Mr. Eskilson noted that he is looking into scheduling harassment training for Township employees, adding that he will be looking at these matters proactively and not retroactively due to his length of service with the Township.

Ms. Held thanked Mr. Eskilson for his action, adding that she believes there is a need for clear dialogue between the employees and the Committee and that the employees need to feel protected and in a safe work environment.

Mayor Desiderio stated that she felt the investigation and follow up were properly handled.

Mr. DiMare stated that he spoke with some of the employees who were involved in the allegations and, on behalf of the Township Committee, apologized to them for the situation they were forced to endure.

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Ms. Held reiterated her concern with the process for bringing grievances forward, adding that she believes “a majority of the employees felt their jobs were at risk if they approached the Township Committee” in this situation. She stressed that the Committee look at the language in the Personnel Policy regarding grievance procedures and other matter including, but not limited to outside employment.

She thanked the Committee for their time adding that she will await a response to her questions.

George Cassa, speaking as a member of the Scenic Roads and Bridges Commission (SRBC), stated that he was not opposed to adopting Resolution #122-2017, but would like to suggest an amendment to the DRO be considered to address multiple carriers not being located on one pole, and poles not being located on small, isolated locations. He added that he would like the SRBC to have the ability to give their opinion related to the placement of new poles and equipment. Mr. Cassa will draft language and forward to Ms. Brassard.

**4. Actions to be taken**  
➤ **Consent Agenda**

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

**RESOLUTION #121-2017**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON, STATE OF  
NEW JERSEY, AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT  
WITH THE BOROUGH OF CALIFON AND THE TOWNSHIP OF LEBANON**

**WHEREAS**, the Township of Tewksbury, the Borough of Califon, and the Township of Lebanon have previously entered into a valid Interlocal Services Agreement for the provision of State Uniform Construction Code Enforcement Services by the Township of Tewksbury; and

**WHEREAS**, the aforesaid municipalities have concluded that it would be in their best interests to extend this agreement prior to its expiration; and

**WHEREAS**, the agreement, in the form attached hereto, which sets forth the terms and conditions of the provision of the services and has been reviewed and approved by the Tewksbury Township Attorney.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Tewksbury, County of Hunterdon, New Jersey, that the Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with the Borough of Califon and the Township of Lebanon, for the provision of State Uniform Construction Code Enforcement Services by the Township of Tewksbury, as per N.J.S.A. 52:27D-119, et seq.

**BE IT FURTHER RESOLVED**, that the Tewksbury Township Construction Code

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Official is hereby authorized to provide the services to the Borough of Califon and the Township of Lebanon, in accordance with the terms of the agreement.

**BE IT FURTHER RESOLVED** that the Municipal Clerk and the Township Attorney are authorized to take any and all action required to complete this Agreement.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately upon adoption.

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Dana Desiderio  
Mayor

**AGREEMENT PURSUANT TO THE INTERLOCAL SERVICES ACT NJS 40:8A –1 ET SEQ.  
AND THE STATE UNIFORM CONSTRUCTION CODE ACT NJSA 52: 27D-119 ET SEQ., FOR  
THE PROVISION OF STATE UNIFORM CONSTRUCTION CODE ENFORCEMENT  
SERVICES BY THE TOWNSHIP OF TEWKSBURY TO THE BOROUGH OF CALIFON AND  
THE TOWNSHIP OF LEBANON**

**WHEREAS**, the Township Committee of the Township of Lebanon (“Lebanon”) and the Mayor and Council of the Borough of Califon (“Califon”) are of the opinion that it would be advantageous to the residents, property owners, taxpayers, builders and contractors of Lebanon and Califon to continue enforcement of the State Uniform Construction Code to the local enforcement agency of the Township of Tewksbury (“Tewksbury”); and

**WHEREAS**, Tewksbury already provides code enforcement for the Borough of Califon and the Township of Lebanon and both are willing to continue to have local code enforcement provided by Tewksbury through an interlocal services agreement to which Califon, Lebanon and Tewksbury are parties; and

**WHEREAS**, the present interlocal services agreement for local code enforcement between Lebanon, Califon and Tewksbury is a four year agreement which commenced on January 1, 2014 and continues until December 31, 2017 and under the provisions of NJAC 5:23-4.6 (b) a new interlocal services agreement amongst Califon, Lebanon and Tewksbury would be an agreement which continues until, but does not include, January 1, 2022.

**NOW, THEREFORE, BE IT RESOLVED** this 6<sup>th</sup> day of November, 2017, by and between the Borough of Califon, a municipal corporation of the State of New Jersey, with offices at 39 Academy Street, P.O. Box 368, Califon, NJ 07830, the Township of Lebanon, a municipal corporation of the State of New Jersey, with offices at 530 West Hill Road, Glen Gardner, NJ 08826, and the Township of Tewksbury, a municipal corporation of the State of New Jersey, with offices at 169 Old Turnpike Road, Califon, NJ 07830, as follows:

1. Califon, Lebanon and Tewksbury agree that as of the date on which Ordinances authorizing this Agreement adopted by all three municipalities hereto have become effective, enforcement of the New Jersey State Uniform Construction Code in Califon

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shall continue to be provided, and enforcement of such Code in Lebanon shall continue to be provided, by the Tewksbury Construction Department through its Construction Official and various sub-code officials.

2. The office hours of the Tewksbury Construction Department for members of the public from Califon and Lebanon shall be the same hours as for Tewksbury residents, presently Monday through Friday, during regular business hours. All secretarial, administrative and enforcement costs of the Tewksbury Township Construction Department for services provided to Califon and Lebanon residents and contractors shall be borne directly by Tewksbury.
3. All fees, charges and surcharges payable in connection with the enforcement of the Uniform Construction Code in Califon and Lebanon shall be payable to and collected by the Tewksbury Construction Department and, in consideration of the services to be provided hereunder, shall be the sole property of the Township of Tewksbury, except for surcharges and training fees payable to the New Jersey Department of Community Affairs as applicable.
4. Tewksbury shall provide for a waiver of enforcing agency fees for construction contracted for, or conducted by, Califon and Lebanon within their respective boundaries, pursuant to NJSA 52: 27D-126b.
5. A copy of the contract shall be filed and open to public inspection at the offices of the Municipal Clerks of Califon, Lebanon and Tewksbury in accordance with NJSA 40:55D-87.
6. The contract shall take effect immediately upon its full execution by Califon, Lebanon and Tewksbury, as said municipalities have previously adopted appropriate ordinances establishing a joint Interlocal Enforcing Agency.
7. All services provided by the Tewksbury Township Construction Department to the residents of Califon and Lebanon shall be in accordance with the New Jersey State Uniform Construction Code and the regulations adopted pursuant thereto.
8. Pursuant to NJAC 5:23-4.6, the parties agree as follows:
  - a. Upon the final adoption of Ordinances by Califon, Lebanon and Tewksbury pursuant to the Interlocal Services Act, copies of such Ordinances, this Agreement and any other pertinent information shall be forwarded to the Department of Community Affairs.
  - b. The term of this contract shall be until, but not including, January 1, 2022.
  - c. The term of office of any construction or sub-code official shall, except for good cause, continue to, but not include, January 1, 2022.
  - d. Should this agreement be invalidated by a court of competent jurisdiction or prove otherwise unenforceable, administration and enforcement of the Uniform Construction Code in Califon and Lebanon shall be provided by the Tewksbury Township Construction Department on an interim or emergency basis until permanent construction code serviced can be obtained for Califon and Lebanon.
  - e. To the extent applicable, the information contained in NJAC 5:23-4.7 (b) and 4.8 (a) is hereby incorporated in this agreement as is set forth fully herein.

**IN WITNESS WHEREOF**, the parties hereto have signed and sealed this agreement on the date so noted.

Attest:

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\_\_\_\_\_  
Laura G. Eidsvaag  
Municipal Clerk  
Borough of Califon

\_\_\_\_\_  
Charlie Daniel            dated  
Mayor  
Borough of Califon

\_\_\_\_\_  
Karen Sandorse  
Municipal Clerk  
Township of Lebanon

\_\_\_\_\_  
Marc Laul                            dated  
Mayor  
Township of Lebanon

\_\_\_\_\_  
Roberta A. Brassard  
Municipal Clerk  
Township of Tewksbury

\_\_\_\_\_  
Dana Desiderio            dated  
Mayor  
Township of Tewksbury

**RESOLUTION #122-2017**

**TO AUTHORIZE VERIZON WIRELESS TO 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**

**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 use such poles erected within the public right-of-way in the Township of Tewksbury; and

**WHEREAS**, New Jersey law permits such 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 assigns, to 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:

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- 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.
- 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. Consent is granted by the Township Committee to Verizon Wireless to utilize facilities located at the following approximate locations as specified in Verizon Wireless' supplemental application package: (i) 82 Fairmount Rd East (CR 512), Tewksbury, NJ 07830, (ii) 135 County Road 512 W (CR 512), Tewksbury, NJ 07830, (iii) 95 County Road 512 W (CR 512), Tewksbury, NJ 07830, (iv) 72 County Road 512 W, Tewksbury, NJ 07830, and (v) 17 Fairmount Rd W (CR 512), Tewksbury, NJ 07830.

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- H. 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.
- I. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

**STATEMENT**

This resolution authorizes Verizon Wireless to 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.

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Dana Desiderio  
Mayor

**RESOLUTION #123-2017**

**AUTHORIZING SQF, LLC D/B/A TILSON TO INSTALL ONE NEW WOODEN UTILITY POLE  
AT 82 FAIRMOUNT ROAD EAST**

**WHEREAS**, SQF, LLC d/b/a Tilson (“SQF”) is a telecommunications carrier authorized to provide service by the New Jersey Board of Public Utilities; and

**WHEREAS**, SQF has requested that the Township grant it permission to install one (1) new wooden utility pole located at approximately 82 Fairmount Road East (CR 512), Tewksbury, NJ 07830 for the purpose of installing, operating, repairing, and maintaining a telecommunications system; and

**WHEREAS**, N.J.S.A 48:17-10 authorizes the Township to grant municipal consent; and

**WHEREAS**, it is deemed to be in the best interest of the Township and its citizenry for the Township to grant municipal consent to SQF to occupy said public rights-of-way within the Township for this purpose; and

**WHEREAS**, New Jersey law permits such 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. Consent is granted to SQF to install one (1) new wooden utility pole located at approximately 82 Fairmount Road East (CR 512), Tewksbury, NJ 07830.

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2. SQF shall adhere to all applicable Federal, State and Local laws regarding safety requirements related to the use of the public right-of-way.
3. SQF 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.
4. Such permission be and is hereby given upon the condition and provision that SQF shall indemnify, defend and hold harmless the Township of Tewksbury, its officers, agents and servants, from any claim of liability or loss of bodily injury or property damage resulting from or arising out of the acts or omissions of SQF or its agents in connection with the use and occupancy of poles located within the public rights-of-way, except to the extent resulting from the acts or omissions of the Township of Tewksbury.
5. SQF 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. SQF shall include the Township of Tewksbury as an additional insured.
6. SQF 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.
7. Notwithstanding any provision contained herein, neither the Township of Tewksbury nor SQF shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.
8. 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.

**STATEMENT**

This Resolution authorizes SQF to install one (1) new wooden utility pole located at approximately 82 Fairmount Road East (CR 512), Tewksbury, NJ 07830.

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Dana Desiderio  
Mayor

**RESOLUTION #124-2017**

**TRANSFER**

**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 transfers and cancellations.

**2017 Current Fund Appropriations Transfers**

<i><b>From:</b></i>		<i><b>To:</b></i>		
Admin & Exec S&W	40,000.00	Public Buildings & Grounds OE	40,000.00	Funds to replace and related work Muni. Bldg
Affordable Housing S&W	10,000.00	Affordable Housing OE	10,000.00	To cover cost of with Affordable Administrative (Community Gr & Housing)
Admin & Exec S&W	47,000.00	Admin & Exec Misc. OE	47,000.00	Funds to cover Administrator
Telephone	5,000.00	Telecommunications	5,000.00	To cover cable
Police S&W	2,550.00	ER PFRS Contributions	2,550.00	Additional PFRS Contribution - R
Admin & Exec S&W	700.00	ER PERS Contributions	700.00	Additional PFRS Contribution - R
	<b><u>105,250.00</u></b>		<b><u>105,250.00</u></b>	

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Dana Desiderio

**TOWNSHIP COMMITTEE  
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Mayor

**RESOLUTION #125-2017**

**AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

**WHEREAS**, the Township Committee is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Township Committee is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

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

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Municipal Clerk.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9 and 2008-21.
- (4) A list of the surplus property to be sold is as follows:

2003 Ford Crown Victoria	Mid Atlantic 3 point fold up boom sprayer
2003 Ford Crown Victoria	Kifco B140P Water Reel gas powered water cannon
2007 Ford Crown Victoria	Hydr-O-Matic self priming sewage and trash pump
1990 International 4900 Single Axle Dump Truck	Tailgate/step bumper
1998 Swanson V-box salt spreader	Alamo Brushhog
NAPA 1500 lb. hydraulic wheel dolly	Stow gas powered plate tamper
Lincoln 3613 air operated oil drain tank	Various electronic equipment

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Hewlett Packard Z2100 Design Jet Printer	
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(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Township Committee reserves the right to accept or reject any bid submitted.

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Dana Desiderio  
Mayor

**MISCELLANEOUS**

- Claims as submitted by the CFO 10/24/17 and 11/06/17
- Correspondence List
- Regular and E/S minutes of 10-10-17
- Authorization to have Mayor complete and sign letter re: Municipal Alliance Program plan for HC Educational Services Commission to pay expenditures

**5. Reports**

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

Dr. Voyce wished all present a Happy Thanksgiving.

Mr. Melick noted that there are no candidates running for the High School Board of Education, adding that he was not in favor of having municipal and school board elections on the same ballot.

Mayor Desiderio stated that she was in contact with Mr. Dodds regarding having a monitor installed at the Mountainville Meeting Hall. Mr. Eskilson will contact Mr. Dodds and bring a contract to the next meeting.

Mr. Melick noted that recent passing of former Mayor Ted Koven and a moment of silence was observed.

➤ **Township Attorney**

Ms. Campbell stated that she has discussion for Executive Session.

➤ **Township Administrator**

Mr. Eskilson stated that he has discussion for Executive Session.

**6. Executive Session**

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At 7:53 PM Dr. Voyce moved adoption of the following Resolution, seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None. Absent: Van Doren.

**RESOLUTION #126-2017  
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 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.

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Dana Desiderio  
Mayor

**7. Reconvened**

The meeting reconvened at 8:23 PM.

In response to a question from Dr. Voyce, Mr. Eskilson stated that Kevin Pyatt has spoken with the Dillons and a representative from JCP&L regarding their e-mail concerning tree plantings and road conditions on Vliettown Road.

He added that the Township Engineer will be at the December meeting to discuss road projects for 2018-2019.

**8. Adjournment**

There being no further business, the meeting was adjourned at 8:29 PM.

Roberta A. Brassard  
Municipal Clerk