

**TOWNSHIP COMMITTEE
APRIL 11, 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, Shaun Van Doren and William Voyce.

Jesse Landon, Township Administrator, Roberta Brassard, Municipal Clerk and Michael Selvaggi, Township Attorney were in attendance.

There were approximately sixteen 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. Public Participation

Mayor Desiderio was recused from the following discussion.

Anthony Sposaro was present to request that the Committee consider discussing the Haddad matter further. He explained that action was taken without Dr. Staller's (husband) consent and both parties are trying to put the matter behind them and come to a resolution. Mr. Sposaro stated that only two parties would benefit by continuing the suit and he requested that the Committee allow Mr. Lavery (Township counsel) and him to speak. He apologized for "uncalled for and inappropriate" behavior on behalf of his client.

Mr. DiMare and Dr. Voyce stated that they had no problem with having the two attorneys talk to determine if an agreement could be reached.

Mr. Van Doren stated that he was not in favor of any further discussion as an offer was made (to Mrs. Haddad) and that should be adhered to.

Mr. Melick stated that he was in agreement that the two attorneys should speak and see what is presented.

It was the consensus of the Committee that Mr. Lavery and Mr. Sposaro be allowed to speak regarding settlement of the Haddad matter.

Mayor Desiderio returned to the meeting at this time.

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In response to a question from George Cassa, Mr. Selvaggi noted that a meeting was recently held with Judge Buschbaum and the attorney for Fair Share Housing, Kevin Walsh, to discuss COAH matters. He stated that the Township Engineer and Planner are working on a report for the Committee with regards to Highlands related matters, acreage that could support “reasonable housing” and other related concerns. The matter will be further discussed in Executive Session.

4. Actions to be taken

➤ **Ordinance Public Hearing**

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #03-2017, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ms. Brassard provided proof of publication dated 03-30-17 from the Hunterdon County Democrat.

Wilma Frey stated that she was in favor of adopting the Ordinance as she understood the reasoning behind the new language.

There being no additional comments from the public, Mr. Van Doren made a motion to close the Public Hearing on Ordinance #03-2017, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mr. Van Doren moved adoption of Ordinance #03-2017, seconded by Dr. Voyce.

Mr. Melick stated that he was not in favor of adopting the Ordinance as he felt it was “excessive bureaucracy” and the historic area should not be singled out.

A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Van Doren, Voyce. Nays: Melick.

**TOWNSHIP OF TEWKSBURY
ORDINANCE NO. 03-2017**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY TO AMEND CHAPTER 16.20 ENTITLED “TREE CLEARING AND
REMOVAL” OF TITLE 16 OF THE CODE OF THE TOWNSHIP OF TEWKSBURY, COUNTY
OF HUNTERDON, STATE OF NEW JERSEY**

BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, and State of New Jersey that Chapter 16.20, entitled “Tree Clearing and Removal” of the Code of the Township of Tewksbury is hereby amended as follows:

• **16.20.050 - Exemptions.**

Excepted from this chapter shall be:

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- A. Any *tree* located on a tract or parcel of land one and one-half (1½) acres or less in size on which a residential dwelling is located. This exemption shall not apply to properties located in the Township Local Historic Districts (Oldwick, Mountainville, Pottersville.)

BE IT FURTHER ORDAINED that all other provisions of Chapter 16.20 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

Mr. Van Doren made a motion to open the Public Hearing on Ordinance #04-2017, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ms. Brassard provided proof of publication dated 03-30-17 from the Hunterdon County Democrat.

As the Ordinance was not forwarded to the Land Use Board for Master Plan consistency review, the Public Hearing was adjourned until the 05-09-17 Township Committee meeting to convene at 7:30 PM in the Mountainville Meeting Hall.

ORDINANCE NO. #04-2017

TOWNSHIP OF TEWKSBURY

**AN ORDINANCE PROVIDING FUNDING FOR VARIOUS CAPITAL
PURPOSES FOR THE TOWNSHIP OF TEWKSBURY AND APPROPRIATING
\$670,000 FOR SUCH PURPOSE**

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➤ **2017 Budget**

Dr. Voyce read the 2017 Budget Statement in its entirety.

The State mandated User Friendly Budget has been prepared by the CFO for the municipality in addition to the full Budget.

Mr. Van Doren made a motion to introduce the 2017 Budget, seconded by Dr. Voyce. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

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The Public Hearing is scheduled for 05-09-17 at 7:30 PM in the Mountainville Meeting Hall.

➤ **Proclamations**

Proclamations for the following Eagle Scouts were read into the minutes of the meeting and presented to the Scouts and/or family members.

Andrew Fabiano
Peter Fiori
Clayton Grigg
Daniel Kolodziej
Ryan Reep

➤ **Consent Agenda**

Dr. Voyce requested that the Executive Session minutes of 03-24-17 be removed from the Consent Agenda and voted on separately.

Mr. Van Doren 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, Van Doren, Voyce. Nays: None.

RESOLUTION #50-2017

AWARDING A CONTRACT FOR LAWN CARE AND BRUSH HOGGING OF THE MUNICIPAL PROPERTIES

WHEREAS, quotes were sought for Lawn Care and Brush Hogging of Municipal Properties; 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 two (2) years through 2018 and the contractor will agree to a 5% discount.

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

COMPANY	ITEM	PRICE
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Cedar Ridge Lawn Maintenance, LLC 24 West Grand Street Hampton, NJ 08827 908-339-1328	2017-2018 Lawn Maintenance Agreement *see attached	\$31,202.75/annually
TOTAL		\$31,202.75/annually

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

Dana Desiderio
Mayor

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

**RESOLUTION #51-2017
SELF-EXAMINATION OF BUDGET**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Tewksbury has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2016 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Tewksbury that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

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2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Dana Desiderio
Mayor

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

RESOLUTION #52-2017

**2017 BUDGET- SPECIAL ITEMS OF REVENUE
PUBLIC AND PRIVATE REVENUES**

WHEREAS, the 2017 Local Municipal Budget was introduced on the 11th day of April, 2017; and,

WHEREAS, during the fiscal year 2017 the Township of Tewksbury has been allocated a state grant for various programs in the amount of \$6,705.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2016 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations:"

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Highlands LUP Conformance Grant	\$ 1,853.00
Recycling Tonnage Grant-2016	3,550.00
Body Armor Grant-2016	<u>1,305.00</u>
	<u>\$ 6,705.00</u>

Dana Desiderio
Mayor

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

RESOLUTION #53-2017

**2017 BUDGET- SPECIAL ITEMS OF REVENUE
OTHER SPECIAL ITEMS**

WHEREAS, the 2017 Local Municipal Budget was introduced on the 8th day of March, 2017; and,

WHEREAS, during fiscal year 2017, the Township of Tewksbury will receive revenue for various other special items in the amount of \$791,136.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2016 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items:

Capital Fund-Reserve for Debt Service	\$86,136.00
Reserve for Open Space-Debt Service	675,000.00
Lease of Municipal Facilities	20,000.00
Fire Safety Fees	<u>10,000.00</u>
	<u>\$791,136.00</u>

Dana Desiderio
Mayor

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

RESOLUTION #54-2017

**TOWNSHIP COMMITTEE
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2017 BUDGET INTRODUCTION

WHEREAS, the Township of Tewksbury is holding a meeting on April 11 2017, for the purpose of introducing the 2017 Municipal Budget and conducting other matters; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, that the Township of Tewksbury hereby petitions the Director of the Division of Local Government Services that the 2017 Local Municipal Budget be introduced and approved on April 11, 2017.

2017 TEWKSBURY TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 2,196,795.00
Total Miscellaneous revenue	1,860,114.00
Receipts from Delinquent Taxes	295,000.00
Local Property Taxes	<u>5,311,745.00</u>
Total General Revenues	<u>\$9,666,654.00</u>
Salaries and Wages	\$2,935,300.00
Other Expenses	2,641,388.00
Capital Improvements	400,000.00
Debt Service	1,921,000.00
Statutory Expenditures	625,840.00
Deferred Charges	10,000.00
Reserve for Delinquent Taxes	<u>1,130,126.00</u>
Total 2017 Municipal Budget	<u>\$9,663,654.00</u>
Municipal Tax Rate	\$0.3912

2017 TEWKSBURY TOWNSHIP MUNICIPAL SEWER UTILITY BUDGET

Surplus anticipated general revenues	\$ 4,000.00
Total Miscellaneous revenue	<u>184,300.00</u>
Total General Revenues	<u>\$188,300.00</u>
Total Operations	\$152,500.00
Statutory Expenditures	2,150.00
Capital Improvement	13,000.00
Debt Service	<u>20,650.00</u>
Total 2017 Municipal Budget	<u>\$188,300.00</u>

Dana Desiderio
Mayor

RESOLUTION #55-2017

**TOWNSHIP COMMITTEE
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ARBOR DAY 2017

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

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

WHEREAS, 2017 marks the 145th Anniversary of Arbor Day, which is now observed throughout the nation and the world; and

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

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

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

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

WHEREAS, the Township Committee of the Township of Tewksbury and the Tewksbury Township Parks Committee will hold a public celebration and tree planting at the Tewksbury Elementary School at 10:00 AM on April 28, 2017, to mark this occasion.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby proclaims Friday, April 28, 2017, as the 145th Anniversary Celebration of Arbor Day, in the Township of Tewksbury, and urge all Township residents to celebrate Arbor Day and support the efforts to protect the trees and woodlands; and

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

Dana Desiderio
Mayor

RESOLUTION #56-2017

**AWARDING A CONTRACT FOR PROFESSIONAL CLEANING SERVICES FOR
WHITTEMORE WILDLIFE CENTER**

**TOWNSHIP COMMITTEE
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WHEREAS, quotes were sought for Professional Cleaning Services for Whittemore Wildlife Center; 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 April 15,2018.

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 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 Whittemore Wildlife Center *see attached	\$175.00/monthly Commencing 04/15/17
TOTAL		\$175.00/monthly

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

Dana Desiderio
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO
- Correspondence List
- Regular minutes of 03-24-17

ITEMS REMOVED FROM THE CONSENT AGENDA

Mr. Van Doren made a motion to adopt the Executive Session minutes of 03-24-17, seconded by Mr. Melick. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren. Nays: None. Abstain: Voyce.

- Executive Session minutes of 03-24-17

5. Reports

TOWNSHIP COMMITTEE APRIL 11, 2017 MINUTES

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

Dr. Voyce noted that the TEF Barn Dance was well attended. He also reported on a ceremony to honor Mr. Miller who served as a principal at Township schools for 40 years. He noted that a public hearing on the school budget is scheduled for 4/27/17. He reported that 14 residents on Tiger Drive have requested an extension of the gas line and recommended that if paving were to be done, it be done late in the schedule. Mr. Landon stated that he would speak with a PSE&G representative tomorrow regarding the matter. Dr. Voyce also noted a lightning strike in the area and several motor vehicle accidents. He wished all present a Happy Easter and Passover.

Mr. Melick noted that there is a list of roads scheduled to be paved. He noted that there is talk of regionalizing the K-12 school. He congratulated Mr. Van Doren on receiving the party line designation for County Freeholder.

Mr. Van Doren thanked Mr. Landon for his years of service and wished him well in Clinton Township.

Mayor Desiderio echoed Mr. Van Doren's sentiments and wished him well on his race for Freeholder.

➤ **Township Attorney**

Mr. Selvaggi stated that he would speak of COAH matters in Executive Session.

➤ **Township Administrator**

Mr. Landon noted the following items from his report.

- Weather has made it difficult for the DPW to perform road work. Overlay work, measuring and marking should commence in May.
- Potterstown Road work should commence the second week in May.
- The Oldwick Fire Company (OFC) has requested a new unit to either lease or purchase. A contract from HGACBuy (a cooperative purchasing group from Texas) was noted.
- All work on Halsey Farm Road is complete so the Township can take over snow plowing responsibilities.
- At the March meeting, a representative from the TAA brought the issue of re-working ball fields in Oldwick to the attention of the Committee. A report from the Township Engineer was noted with a cost estimate of \$400,000 for re-working the Oldwick fields and \$25,000 for re-working the TES fields. It was the consensus of the Committee that the Engineer's report regarding the ball fields as noted in the Administrator's report be forwarded to the TAA representative, Mr. Ackerman.

Jim Conner, Chief of the OFC noted an upcoming County Fire Chiefs Association meeting scheduled for 4/13/17 in Three Bridges to discuss County matters and staffing at a County level. Mr. Landon stated that he would provide the Mayor with information so that the Committee could draft a Resolution of support if they deem necessary.

6. Executive Session

At 8:10 PM Mr. Van Doren moved adoption of the following Resolution, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**TOWNSHIP COMMITTEE
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**RESOLUTION #57-2017
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 Advice of Attorney and Litigation.

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

Dana Desiderio
Mayor

7. Reconvened

The meeting reconvened at 8:59 PM.

Mr. Melick left the meeting during Executive Session and was not present at the meeting at this time.

Mr. Van Doren made a motion authorizing the Settlement Agreement between the Township and Melick Fairmount LLC to be signed incorporating the three points as discussed in Executive Session, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Van Doren, Voyce. Nays: None. Recused: Melick.

Authorization was given to have Mr. Landon contact Ronald Cucchiaro to serve as counsel with regards to the Becker matter.

8. Adjournment

There being no further business, the meeting was adjourned at 9:01 PM.

Roberta A. Brassard
Municipal Clerk