

**TOWNSHIP COMMITTEE
AUGUST 15, 2017 MINUTES**

The Tewksbury Township Committee met on the above date at the Police Administration Building, 169 Old Turnpike Road, Township of Tewksbury.

The meeting was called to order at 7:30 AM, roll call held and a quorum established.

Officials in attendance were Township Committee members Peter Melick, Shaun Van Doren and William Voyce.

Dana Desiderio and Louis DiMare were not present.

Roberta Brassard, Municipal Clerk, Shana Goodchild, Land Use Administrator and John Eskilson, Interim Township Administrator were in attendance.

There were no members of the public in attendance.

1. Open Public Meetings Statement

Mr. Van Doren 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 August 10, 2017.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

No members of the public were present.

4. Actions to be taken

Dr. Voyce made a motion to adopt Resolution #89-2017, seconded by Mr. Melick.

Mr. Eskilson stated that he spoke with a representative from Hunterdon County and the Engineer in charge of the project related to Resolution #89-2017 and was advised that only one person submitted comments at the 7/25/17 public hearing. Those comments and responses are made part of the Resolution.

Mr. Selvaggi will forward a letter with a corrected date to Hunterdon County upon adoption of the Resolution.

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

RESOLUTION #89-2017

**RESOLUTION SUPPORTING THE STATE HOUSE COMMISSION FINAL APPLICATION TO
THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES
PROGRAM FOR THE COUNTY OF HUNTERDON ROUTE 523 OVER NORTH BRANCH OF
ROCKAWAY CREEK**

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WHEREAS, Block 49, Lot 5.02 is part of the Township of Tewksbury Creekside Conservancy which is encumbered with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's Green Acres Program; and

WHEREAS, in conjunction with the proposed Replacement of Hunterdon County Bridge RT-16 carrying CR 523 over North Branch of Rockaway Creek, it is necessary to remove the Green Acres restrictions from a 0.089 acre portion of Creekside Conservancy; and

WHEREAS, the removal of Green Acres restrictions from parkland requires the approval of the Commissioner of the Department of Environmental Protection and the State House Commission pursuant to N.J.A.C. 7:36-26; and

WHEREAS, the Township of Tewksbury wishes to apply for approval for Replacement of Hunterdon County Bridge RT-16 carrying CR 523 over North Branch of Rockaway Creek as a minor disposal of parkland under N.J.A.C. 7:36-26; and

WHEREAS, Resolution #54-2016 was passed on July 12, 2016 supporting the pre-application submission pursuant to N.J.A.C. 7:36-26.4(d)10; and

WHEREAS, a public hearing was held on July 25, 2017 and public comment was accepted until August 8, 2017; and

WHEREAS, in accordance with N.J.A.C. 7:36-26.6(f)4, it is necessary for the Township of Tewksbury to submit as part of the final application a Resolution endorsing the application to divert or dispose of parkland;

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

1. The Township of Tewksbury endorses the filing of a final application for the Creekside Conservancy/ Hunterdon County Bridge RT-16 carrying CR 523 over North Branch of Rockaway Creek project pursuant to N.J.A.C. 7:36-26;
2. The Township of Tewksbury has reviewed both oral and written comments accepted during the public comment period and have made a finding that the minor disposal of parkland is still in the public's best interest.
3. The Township of Tewksbury hereby finds that the Creekside Conservancy/ Hunterdon County Bridge RT-16 carrying CR 523 over North Branch of Rockaway Creek project would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d) by providing safer and more efficient travel along County Route 523;
4. The Township of Tewksbury acknowledges that in order to obtain the approval of Creekside Conservancy/ Hunterdon County Bridge RT-16 carrying CR 523 over North Branch of Rockaway Creek project, all substantive and procedural requirements of N.J.A.C. 7:36-26 must be met, including compensation requirements at N.J.A.C. 7:36-26.5; and
5. The Township of Tewksbury acknowledges that in the event the Green Acres Program classifies the of Creekside Conservancy/ Hunterdon County Bridge RT-16 carrying CR

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523 over North Branch of Rockaway Creek project as a major disposal or diversion of parkland, additional application information will be required under N.J.A.C. 7:36-26 before the application can proceed.

Shaun C. Van Doren
Committeeman

Dr. Voyce made a motion to adopt Resolution #95-2017, seconded by Mr. Melick. The motion was approved. Ayes: Melick, Van Doren, Voyce. Nays: none. Absent: Desiderio, DiMare.

RESOLUTION #95-2017

PARTICIPATION AS LEAD AGENCY IN THE VOORHEES MUNICIPAL ALLIANCE

WHEREAS, the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee supports the application of funding from the Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon.

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

1. The Township Committee does hereby support the submission of an application for the Voorhees Municipal Alliance grant for SFY 2018 in the amount of \$181,380.00.
2. As Lead Municipality for the Voorhees Municipal Alliance, the Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the reporting of programs within its cluster area for the period of July 1, 2017 – June 30, 2018.

Shaun C. Van Doren
Committeeman

Dr. Voyce made a motion to adopt Resolution #96-2017, seconded by Mr. Melick.

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Mrs. Goodchild explained that the applicants (Becker- Quinn) were sent a zoning violation for an illegal apartment and the applicants' attorney and Township counsel crafted a Consent Order with regard to the matter.

In regard to a question posed by Mr. Van Doren, Mr. Eskilson stated that the Order was written by Counsel.

Mrs. Goodchild stated that she suggested that language be included stating that the stove in the (illegal) apartment be removed and the line capped – this language is in the Order.

Further comments were made regarding removal of the current tenant prior to the 1/31/18 date.

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

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

RESOLUTION #96-2017

**APPROVING THE CONSENT ORDER FOR JUDGEMENT IN THE MATTER OF THE
TOWNSHIP OF TEWKSBURY VS. ROBERT BECKER AND DEIDRE QUINN**

WHEREAS, the Tewksbury Township Committee is in receipt of a Consent Order for Judgement, dismissing the complaint with prejudice, in the matter of the Township of Tewksbury vs. Robert Becker and Deidre Quinn (attached to, and made part of, this Resolution); and

WHEREAS, the Consent Order for Judgement has been reviewed by special counsel to the Township Committee.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon that it hereby approves the Consent Order for Judgement in the matter of Tewksbury Township vs. Robert Becker and Deidre Quinn and authorizes execution of same by Township special counsel Ronald D. Cucchiaro, Esq.

Shaun C. Van Doren
Committeeman

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Dr. Voyce made a motion to adopt Resolution #97-2017, seconded by Mr. Melick.

Mrs. Goodchild explained that the applicants (Garrett-Brause) were sent a zoning violation for running a business on their property that is not associated with their Right to Farm status. Mediation was conducted through the CABD/SADC regarding the matter. It was noted that the applicants wish to rebuild a sugar house that was destroyed by fire earlier in the year but cannot do so (without Township approval) as there is an existing zoning violation. The Memorandum of Agreement which is made part of Resolution #97-2017 would allow the rebuilding of the sugar house as it is a separate issue from the zoning violation.

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

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

RESOLUTION #97-2017

**APPROVING MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF
TEWKSBURY AND CHARLES GARRETT AND PAMELA BRAUSE**

WHEREAS, Pamela Brause is the owner of property located at Tax Block 26, Lot 21 in the Township of Tewksbury; and

WHEREAS, Charles Garrett and Pamela Brause have been issued zoning violation by the Township Zoning Officer for operating a lawn and landscape business on Tax Block 26, Lot 21 without the requisite land use approvals; and

WHEREAS, in response to the Township's zoning violation, Mr. Garrett and Ms. Brause filed an application with the Hunterdon County Agricultural Development Board (CADB) as the first step in seeking "Right to Farm" protection; and

WHEREAS, the Hunterdon County CADB declared that Mr. Garrett and Ms. Brause are operating a commercial farm; and

WHEREAS, the next step in seeking "Right to Farm" protection is proof to the CADB that the use is an acceptable agricultural management practice; and

WHEREAS, prior to the subsequent hearing of the CADB, Mr. Garrett and Ms. Brause requested mediation of the matter through the New Jersey State Agricultural Development Committee; and

WHEREAS, as a result of said mediation, representatives of the Township of Tewksbury and Charles Garrett and Pamela Brause reached an agreement which is memorialized in a Memorandum of Agreement (attached to, and made part of, this Resolution).

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon that it hereby approves the attached Memorandum of Agreement with Charles Garrett and Pamela Brause.

Shaun C. Van Doren
Committeeman

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5. Reports

➤ **Township Administrator**

Mr. Eskilson noted the following items.

- He apologized for not having Resolutions #96-2017 and #97-2017 on the 8-8-17 agenda.
- An update to the Committee members present regarding the search for a permanent Administrator followed. Discussion followed regarding how and where to advertise for a part time position, whether the position warranted full time status and if the idea of sharing an Administrator with another municipality would be feasible.

Mr. Van Doren made a motion authorizing the contract with the Canning Group to be amended to include an additional \$2500.00 to further the search for a part time Township Administrator, seconded by Mr. Melick. A roll call vote was taken and the motion was approved. Ayes: Melick, Van Doren, Voyce. Nays: none. Absent: Desiderio, DiMare.

- Four candidates for the position of receptionist/secretary were interviewed and a Salary Resolution can be prepared for the upcoming Committee meeting.
- Sergeant Barlow has expressed an interest in the position of Police Chief.
- Kevin Pyatt has expressed an interest in the position of Superintendent of Public Works. Further discussion will be held with Mr. Pyatt.
- The Long Valley Administrator would like to meet with representatives from the Committee to discuss the contract between the Township and the Fairmount Fire Company for the coming years. Dr. Voyce and Mr. Van Doren will meet to discuss as long as there is closure in 2017 (due to Mr. Van Doren's final term).
- The Tax Assessor has been working with staff and professionals to develop a timeline for a revaluation of Township properties. A meeting of the finance subcommittee should convene prior to the 9-12-17 Township Committee meeting to discuss the matter. Further discussion will be held regarding how to digitize the tax map.
- Mr. Eskilson suggested that Resolution #98-2017 be considered for adoption.

Mr. Melick made a motion to adopt Resolution #98-2017, seconded by Dr. Voyce. The motion was approved. Ayes: Melick, Van Doren, Voyce. Nays: none. Absent: Desiderio, DiMare.

RESOLUTION #98-2017

**URGING THE STATE LEGISLATURE TO EXTEND THE 2% CAP ON POLICE AND FIRE
ARBITRATION CONTRACT AWARDS**

WHEREAS, local municipalities require specific tools to address the rising cost of municipal government; and

WHEREAS, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

WHEREAS, salary costs, to a great extent, drive property tax increases; and

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WHEREAS, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

WHEREAS, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

WHEREAS, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

WHEREAS, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

WHEREAS, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

WHEREAS, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, is not due until the same day as the expiration of the cap on interest arbitration awards, December 31, 2017; and

WHEREAS, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date, and

WHEREAS, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Tewksbury urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Assemblyman John DiMaio, Assemblyman Erik Peterson, Senator Michael Doherty, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

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Shaun C. Van Doren
Committeeman

6. Township Committee Comments

Mr. Van Doren stated that he would like the Committee to approve the farmland application program for the Miller property with no structure at the upcoming meeting. In response to Mr. Eskilson's statement that he thought there was a time line that needed to be followed, Mr. Van Doren stated that he would forward an e-mail outlining the matter for his review.

Mr. Van Doren mentioned the petition that was forwarded from George Cassa, a member of the Citizens to Save Tewksbury (CST), and suggested that it be sent to Mr. Selvaggi for review and comment. He added that the report the Township Planner is preparing should be reviewed with regard to COAH numbers and Highlands Council participation.

7. Adjournment

There being no further business, the meeting was adjourned at 7:55 AM.

Roberta A. Brassard
Municipal Clerk