

**TOWNSHIP COMMITTEE
FEBRUARY 13, 2018 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. Deputy Mayor William Voyce presided.

Other officials in attendance were Township Committee members Robert Becker and Peter Melick.

Dana Desiderio and Louis DiMare were not in attendance.

Roberta Brassard, Administrator/Clerk and Michael Selvaggi, Township Attorney were in attendance.

There were approximately twenty members of the public in attendance.

1. Open Public Meetings Statement

Deputy Mayor Voyce 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 4, 2018.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Swearing in of Police Sergeant Wayne Beam.

Deputy Mayor Voyce swore in Wayne Beam Jr. as Police Sergeant for the Township Police Department.

4. Public Participation

Loren Spiotta – DiMare was present to request that the Equestrian Committee (EqC) be allowed to create a Face Book bulletin board for sending out equestrian related information to residents. She stressed that there would be no posting of comments or advertising. She added that the Police are working to be able to have the Nixle program utilized for sending out messages regarding equine related emergencies to registered residents.

Elissa Schlotterbeck, a member of the EqC stated that she would monitor the proposed bulletin board.

Mr. Becker stated that he would like to have a proposal from the EqC for discussion at the upcoming Township Committee meeting outlining the content, limitations, administrators, upkeep and maintenance of the proposed bulletin board.

Debra Dillon was present to ask the Committee if they had received her various correspondence regarding flooding on her property located on Vliettown Road. She noted that the problem has been going on for years and is getting worse.

Mr. Melick stated that he had spoken with a representative from Hunterdon County and was advised that the problem is that the culvert needs to be opened up for smoother water flow.

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Ms. Dillon opined that there is increased run off from recent development in the village of Oldwick. She added that she has spoken with the Township Engineer and the Superintendent of Public Works regarding her concerns.

She added that she has hired an Environmental Engineer and will share the report with the Committee upon receipt.

Ms. Dillon stated that she is a professional architect and has knowledge in green infrastructure and sustainable living, adding that something needs to be done to preserve the beautiful village of Oldwick.

Deputy Mayor Voyce requested that Ms. Dillon supply a copy of her engineer's report to the Committee for their review and discussion at an upcoming meeting.

George Cassa, speaking for various Township groups stated that there was alarm from the unexpected statement made by Mr. Selvaggi that the Township Committee had voted to withdraw from the lawsuit and dismiss the petition for substantive certification. He note that he attended many Committee meetings to request information on the progress towards settlement and was told that the information could not be made public as it was a matter of current litigation and therefore privileged information. He added that up until the beginning of 2018, he was under the impression that progress towards a settlement was being made.

Comments were made regarding the Committee's decision to draft the motion to Judge Miller. Additional comments regarding the Bellemead property were made. Mr. Cassa stated that Bellemead has been of concern for decades and is central to the matter as there is no other place in the Township to site affordable housing.

Mr. Cassa noted that the news was unexpected and seemed to be contrary to the methodical and deliberate work done by the Committee in "keeping their ducks in a row". He added that Tewksbury has done better than so many other municipalities around the State.

He added his concern that the declaratory action to withdraw could forfeit the affordable housing numbers as they currently exist and questioned the advantage and rationale for doing so. He noted that the various concerned Township groups are not specifically opposed to the decision, but are energized. He noted that a major concern related to the litigation is the Bellemead property and the clear need to identify what, if any development could work under the existing Highlands Act.

Mr. Selvaggi noted that the discussion regarding withdrawal has been ongoing over the past several months, noting the joint meeting with the Land Use Board that was held in November of 2017. He noted that the general topic of the debate concerns the number of affordable units and the numbers provided by e-consult and the Kinsey report.

Mr. Selvaggi commented further on the Bellemead property, noting that Juliette Hirsch has advised that Bellemead is not formally in litigation, but are an interested party. He noted that Bellemead is the only area of the Township where higher density development could occur. He added that the ongoing litigation related to the NJPDES permit on the property makes it next to impossible to determine a fixed number for the property, and if the permit is deemed invalid, the development potential would be severely affected. He added that the Bellemead property has other environmental constraints and if the NJPDES permit were disallowed, an on-site package plant would have to be constructed.

Further comments were made by Mr. Selvaggi regarding Fair Share not being willing to budge from their number of units and possibly putting units into a durational adjustment if appropriate infrastructure were to be built.

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He noted a case in West Windsor, NJ that has cost the municipality over \$150,000 to litigate over a period of seven months. He advised the Committee that it would be a huge expense if they chose to litigate.

Further comments were made regarding the Hills in Bedminster Township as being the “posterchild for a builders remedy.”

He stated that no development happens overnight and if Bellemead were to be developed, there would be ample opportunity to sit and talk and discuss numbers. He added that if Bellemead were taken out of the equation, the fact that 90% of the Township is in the Highlands Preservation Area, would translate to a difficult task to site affordable units. He opined that the Murphy administration could possibly reinstate COAH.

Regarding the afore mentioned law suit in West Windsor, Mr. Selvaggi stated that if the decision is appealed, the methodology for the entire State will be determined.

In closing, Mr. Selvaggi opined that in the short term, the Township will not see a builder’s remedy and there will be “no lawsuit the next day.” He added that the Township Engineer has stated that the number of units proposed by Fair Share is impossible and “arguing about the boogie man in the closet” is pointless.

Robin Love noted the ongoing litigation regarding the Bellemead NJPDES permit, adding that it seems that if the permit were to stand, residential development could move forward, but the basis for the renewal is for commercial development.

Mr. Selvaggi surmised that Bellemead may think that allowing low and moderate income may justify reverting the property from commercial to residential.

In response to a question from Ms. Love, Mr. Selvaggi stated that he has no idea if the DEP would get preference if affordable units were to be built on the (Bellemead) property. He added that he did not disagree with Ms. Love’s statements as they reinforce the decision. He argued that if there is mediation, Peter Buschbaum will have a difficult decision. He added that development in this part of the State is lower and the “millennials” don’t want to live far from major cities and available infrastructure. He added that to continue to spend money to get appropriate development on the (Bellemead) property is a risk as it may not happen.

Further comments were made regarding the durational adjustment aspects of the matter, the upcoming Round 4 and unmet needs. Mr. Selvaggi opined that the new Murphy administration will not get rid of the Highlands Act.

Frances Spann stated that she never understood the numbers proposed by e-consult as they were higher than what the Highlands build out allowed. She noted that the Township has done years of planning to conform with Master Plan.

Mr. Melick noted that the Highlands proposed numbers are no longer being factored in, as the e-consult and Kinsey numbers are the current data being utilized.

Ms. Spann stated that the Township is in conformance with all of the Highlands regulations and the Highlands Council stated that they would assist municipalities with their affordable housing plan.

Mr. Melick noted that the promised “legal shield” from the Highlands Council never came to fruition.

Ms. Spann stated that she was not certain that the wastewater management plan had been adopted by the DEP, and she was also not certain if there is accurate carrying capacity noted in the report. She stated that any planning project would have to look at available resources and what numbers can be accommodated. She added that moving forward; the Township needs to base their decision on the years of planning.

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Mr. Selvaggi noted that Chuck McGroarty, former Township Planner, did an analysis of the Township and the fact of the matter is that there realistically is no area for high density development and the many restrictions imposed by the Highlands Act and local zoning regulations make the “ground in the Township” very difficult to develop. He opined that spending money arbitrarily does not make sense, and it would be more efficient to react once the litigation is decided. He added his disappointment that a letter was written to the Highlands Council requesting assistance and protection and no response was received.

Mr. Melick reiterated his distrust of the promised legal shield.

Ms. Spann stated that she suspected that the legal shield would take effect once a decision was finalized. She expressed her thanks that the Township spent time and money, used their current planning to protect the natural environment and hopes the Committee will support and engage in discussion with COAH to work on a plan that will reflect a realistic number for Tewksbury.

Ms. Love surmised that the legal shield may kick in if builder’s remedy occurs and then that will go the Land Use Board for discussion.

Mr. Selvaggi stated that the Township understands the risks involved and will continue to monitor the judicial proceedings and act accordingly.

Mr. Cassa questioned if the Committee was aware of action taken in Washington Township (Morris) where the Highlands allowed the transfer of 200 units out of the planning area.

Mr. Selvaggi explained that Washington Township had a smaller number of affordable units, has public water and sewer and there are existing tracts of land that can accommodate low and moderate units. The transfer of development rights (TDR) was discussed as it pertains in the Highlands Act.

Mr. Cassa stated that the logic and reasons presented tonight that led to the Committee’s decision was sounder than he had thought. He added that he did not know if the breadth of risks is being addressed to a point where it is unnecessary to believe the worst outcome may occur. He mentioned the existing memorandum of understanding (MOA) between COAH and the Highlands Council.

In response to a question from Mr. Cassa, Mr. Selvaggi stated that the Mayor may appoint a citizen advisory committee to be included in discussion of COAH. The existing COAH subcommittee may have additional members appointed if deemed necessary by the Mayor.

In closing, Mr. Selvaggi noted that further discussion with the Committee is needed in Executive Session regarding additional language to be included in the letter to Judge Miller.

5. Actions to be taken

➤ **Appointments**

Mr. Becker made a motion to approve the following appointments, seconded by Mr. Melick. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

| | | | |
|-------------------|----------------------|---------|---|
| Jocelyn Gilmartin | Parks Committee | Alt. #2 | 2 years |
| Marin Resnick | Equestrian Committee | Regular | to complete unexpired term through 2019 (M. Caikoski resignation) |

➤ **Ordinance Public Hearing**

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Mr. Melick made a motion to open the Public Hearing on Ordinance #01-2018, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

Ms. Brassard provided proof of publication dated 01-18-18 from the Hunterdon County Democrat.

There being no comments from the public, Mr. Melick made a motion to close the Public Hearing on Ordinance #01-2018, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

Mr. Melick moved adoption of Ordinance #01-2018, seconded by Mr. Becker. A roll call vote was taken and the motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

ORDINANCE #01-2018

CALENDAR YEAR 2018

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Tewksbury in the County of Hunterdon finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$208,255.36 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Township of Tewksbury shall, in accordance with this ordinance and

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N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$208,255.36, and that the CY 2018 municipal budget for the Township of Tewksbury be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

William Voyce
Deputy Mayor

Mr. Melick made a motion to open the Public Hearing on Ordinance #02-2018, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

Ms. Brassard provided proof of publication dated 01-18-18 from the Hunterdon County Democrat.

There being no comments from the public, Mr. Melick made a motion to close the Public Hearing on Ordinance #02-2018, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

Mr. Melick moved adoption of Ordinance #02-2018, seconded by Mr. Becker. A roll call vote was taken and the motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

ORDINANCE NO. 02-2018

**ORDINANCE OF THE TOWNSHIP OF TEWKSBURY,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
TO AUTHORIZE THE ACCEPTANCE OF THE
DEDICATION OF HALSEY FARM ROAD,
BLOCK 32, LOTS 7 & 7.03 AND BLOCK 34, LOT 1**

WHEREAS, Lanesley Partners, was the developer of Lots 7 and 7.03, Block 32 and Lot 1, Block 34; and

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WHEREAS, the developer received preliminary and final major subdivision approval from the Township of Tewksbury Planning Board to develop said property for a residential subdivision as shown on the “Final Plat Lanesley Lots 7 & 7.03 Block 32 and Lot 1 Block 34” as prepared by Civil Engineering, Inc., PE, PLS of T&M Associates and filed in the Hunterdon County Clerk’s Office as Map No. 1352; and

WHEREAS, the approvals granted by the Planning Board required, among other things, that a public road be built in the approved subdivision which, upon its satisfactory construction and approval by the Township Engineer, be offered for dedication to the Township of Tewksbury; and

WHEREAS, the developer completed the requisite improvements in said subdivision and petitioned Tewksbury Township to accept the dedication of the road required to be built; and

WHEREAS, the Township Engineer inspected said road and certified that same is in conformance with the approvals previously granted by the Planning Board, as well as the ordinances of the Township of Tewksbury and the laws of the State of New Jersey; and

WHEREAS, the developer provided to the Township of Tewksbury evidence that the conveyance and offer of dedication of Halsey Farm Road is made with clear title; and

WHEREAS, the proposed Metes and Bounds description for Halsey Farm Road, (attached hereto as Schedule “A”), has been reviewed and approved by the Township Engineer; and

WHEREAS, the developer had previously posted the requisite Performance Bond, which was released by way of Resolution of the Township Committee of the Township of Tewksbury on May 9, 2017; and

WHEREAS, the developer subsequently posted a Maintenance Bond in accordance with the ordinances of the Township of Tewksbury; and

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WHEREAS, the Township is now desirous of accepting Halsey Farm Road.

Section 1:

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the Township does hereby accept Halsey Farm Road.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

William Voyce
Deputy Mayor

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➤ **Consent Agenda**

Deputy Mayor Voyce requested that Resolution #40-2018 be removed from the Consent Agenda and voted on separately.

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

**RESOLUTION #39-2018
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 2017 Tax Over Payment.

| Block | Lot | Name | Year | Amount |
|--------------|------------|--|-------------|---------------|
| 16 | 3.01 | Yefim Shoykhet/Vlasova Ludmila 210 Old Turnpike Road Califon, NJ 07830 | 2017 | \$4,769.81 |
| 12 | 1.03 | Denis & Iryna Hamilton 16 Guinea Hollow Road Lebanon, NJ 08833 | 2017 | \$543.65 |

William Voyce
Deputy Mayor

**RESOLUTION #41-2018
FUNDING OF LIVINGSTON & BERRY FARM**

WHEREAS: The Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Grants Program to provide County Funds in connection with preserving open space, natural areas, farmland and historic sites; to acquire, develop, improve and maintain county and municipal lands for recreation and conservation purposes; and preservation of historic structures, properties, facilities, sites, areas, or objects; or for the payment of debt service or indebtedness issued or incurred by the municipality for any of the purposes described above; and

WHEREAS, the Township of Tewksbury desires to further the public interest by obtaining funding in the amount of \$233,120.00 from the County of Hunterdon to fund the following project:

Livingston & Berry Farm

at a cost of \$1,165,600.00;

NOW, THEREFORE, the governing body resolves that Roberta Brassard is hereby authorized to:

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- (a) make application for such County Open Space Trust Funds,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named Municipality; and

WHEREAS, the County of Hunterdon shall determine if the application is complete and in conformance with the scope and intent of the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan, applicable Freeholder Board Policies and the Procedures Manual for the Municipal Grant Program adopted thereto, and notify the Municipality of the amount of the funding award; and

WHEREAS, the Municipality is willing to use the County funds in accordance with such adopted Policies and Procedures, and applicable state and local government rules, regulations and statutes;

NOW, THEREFORE, BE IT FURTHER RESOLVED, BY THE Township Committee of the Township of Tewksbury

- 1. That Roberta Brassard , Administrator/Clerk of the above named Municipality is hereby authorized to execute any documents and agreements with the County of Hunterdon known as Livingston & Berry Farm;
- 2. That the Municipality has its share of funds, if required, in the amount of \$233,120.00;
- 3. That, in the event the County of Hunterdon’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
- 4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
- 5. That this resolution shall take effect immediately.

William Voyce
Deputy Mayor

RESOLUTION #42-2018

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM**

ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Tewksbury has previously obtained a loan of \$500,000.00 and/or a grant of \$3,525,000.00 from the State to fund the following project:

1024-99-004 – Recreation and Open Space Plan

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WHEREAS, the State and the Township of Tewksbury intend to increase Green Acres funding by \$500,000.00; and

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above named project.

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

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as 1024-99-004 – Recreation and Open Space Plan, and
2. The applicant has its matching share of the project, if a match is required, in the amount of \$4,025,000.00.
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and
4. The applicant agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project.
5. This Resolution shall take effect immediately.

William Voyce
Deputy Mayor

**TOWNSHIP OF TEWKSBURY
RESOLUTION #43-2018**

**A RESOLUTION GRANTING FINAL APPROVAL OF THE
MILLER APPLICATION TO SELL DEVELOPMENT EASEMENT**

WHEREAS, the Township of Tewksbury submitted a Planning Incentive Grant (PIG) Application to the State Agriculture Development Committee pursuant to the State Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 *et seq.*, the Planning Incentive Grant Program, N.J.S.A. 4:1C-43.1 *et seq.*, and the regulations thereunder; and

WHEREAS, the application provided for the proposed acquisition of a Development Easement on property owned by Milene & Ruth Milene Miller and known as Block 30, Lot 6; and

WHEREAS, the State Agriculture Development Committee certified the fair market value (CMV) of the aforementioned development easement pursuant to N.J.A.C. 2:76-7.14 at \$13,500.00 per acre (for an approximate total of \$480,600.00); and

WHEREAS, the landowner has accepted the Township's offer of \$13,500.00 per acre for an approximate total of \$480,600.00; and

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WHEREAS, the estimated cost sharing breakdown for the acquisition of the development easement is as follows (based on an estimated 35.6 net acres), subject to the actual acreage to be covered by the development easement per the final survey which conforms to the farmland preservation program requirements:

| | Cost Share | Estimated Total |
|-------------------------|-------------------------|------------------|
| SADC | \$8,100 per acre | \$288,360 |
| Hunterdon County | \$2,700 per acre | \$ 96,120 |
| <u>Tewksbury Twp.</u> | <u>\$2,700 per acre</u> | <u>\$ 96,120</u> |
| Total Easement Purchase | \$13,500 per acre | \$480,600 |

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury in the County of Hunterdon that the Township Committee gives final approval to the proposed acquisition of a development easement to be held by the County of Hunterdon on the Miller Farm, block 30, lot 6 in the Township of Tewksbury County of Hunterdon State of New Jersey, on approximately 35.6 Net Easement acres pursuant to the municipal Planning Incentive Grant application subject to the following:

1. The conveyance of a development easement which shall provide for the following:
 - a. One, 3.4 acre nonseverable exception area limited to two (2) single family residential units.
 - b. No dwelling units on area under easement.
 - c. The conveyance of any and all proposed County rights-of-way from the owners of the fee simple title to the property as indicated by the office of the Township Engineer.
 - d. No Residual Dwelling Site Opportunities.
 - e. Preexisting non-agricultural use of a personal dirt bike track over an approximately eight acre area was approved by the Hunterdon County Agriculture Development Board on September 14, 2017 and a Schedule B outlining this approved use will be filed with the Deed of Easement.
 - f. Agricultural use(s): At the time of application the farm had approximately 13 acres in field crop production, 13 acres in tree fruit orchards and 8 acres pastureland.

IT IS FURTHER RESOLVED that this resolution be sent to the Hunterdon County Agriculture Development Board, Hunterdon County Board of Chosen Freeholders and to the State Agriculture Development Committee for their final approval;

FINAL APPROVAL and ACCEPTANCE of this application is contingent upon the approval and acceptance of the County of Hunterdon and the State Agriculture Development Committee.

William Voyce
Deputy Mayor

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MISCELLANEOUS

- Claims as submitted by the CFO 1/23/18 and 2/13/18
- Correspondence List
- Regular and E/S minutes of 1-09-18
- Authorization to have Mayor sign letter of support for NJCF and TLT application to purchase the Turnquist property
- Authorization to have Land Use Administrator sign letter to SADC re: 2019 PIG funding
- Authorization to have Mayor sign F&D for 5-5-18 America's Grow A Row event (50/50 raffle)
- Authorization to have Mayor sign F&D for 5-5-18 America's Grow A Row event (merchandise raffle)

ITEMS REMOVED FROM AND ADDITIONAL ITEMS FOR THE CONSENT AGENDA

Deputy Mayor Voyce stated that he and Ms. Desiderio met with two applicants for the position of Township Planner and their mutual recommendation was to name Darlene Green from Maser Consulting PA as the Township Planner for one year.

Mr. Melick made a motion to adopt Resolution #40-2018, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

RESOLUTION #40-2018

APPOINTING CERTAIN TOWNSHIP PROFESSIONALS AND AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR CERTAIN TOWNSHIP PROFESSIONALS

WHEREAS, the Township of Tewksbury has a need to acquire professional services of the professionals set forth below in Paragraph No. 1; and

WHEREAS, the Township of Tewksbury purchasing agent has determined and certified in writing that the value of each acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of each contract is noted below; and

WHEREAS, each Township professional set forth below in Paragraph No. 1 has submitted a proposal indicating each will provide the professional services described below in Paragraph No. 1 for the amount set forth in each professional's proposal; and

WHEREAS, each Township professional set forth below in Paragraph No. 1 has completed and submitted a Business Entity Disclosure Certification which certifies that each Township professional has not made any reportable contributions to a political or candidate committee in the Township of Tewksbury in the previous one year, and that the contract will prohibit each Township professional from making any reportable contributions through the term of the contract; and

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WHEREAS, a certification of availability of funds, specifying the line item appropriation(s) to be charged as to each contract set forth below in Paragraph No. 1 has been provided by the Chief Financial Officer of the Township of Tewksbury

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

1. The Mayor and Clerk are hereby authorized to execute a contract with each of the following as described below.

| | | |
|-------------------------------------|------------------------|---------------------------|
| Gibbons PC | Municipal Bond Counsel | One year |
| Lavery, Selvaggi, Abromitis & Cohen | Municipal Attorney | 60 days Through 5-2-18 |
| Maser Consulting P.A. | Township Planner | One year |

2. The Business Entity Disclosure Certification, Certification of Availability of Funds and the Determinations of Value are hereby placed on file with this Resolution.

3. These contracts are awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because these are recognized professions licensed and regulated by law and it is not feasible to obtain competitive bids.

4. A copy of this resolution shall be published in the Hunterdon Review and Hunterdon County Democrat as required by law, within ten days of its passage.

William Voyce
Deputy Mayor

Mr. Melick made a motion to adopt Resolution #40-2018, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

RESOLUTION #38-2018

**PROMOTING WAYNE J. BEAM JR. TO THE POSITION OF POLICE SERGEANT
OF THE TOWNSHIP OF TEWKSBURY**

WHEREAS, an opening for a Sergeant in the Tewksbury Township Police Department became available upon the promotion of Sergeant Timothy Barlow to Chief of Police on January 1, 2018; and

WHEREAS, a notice of promotional opportunity to police officers eligible for promotion to the position of Police Sergeant was filed on November 16, 2017; and

WHEREAS, Police Patrolman Wayne J. Beam, Jr. filed a required notice of interest in promotion to the position of Police Sergeant on November 26, 2017; and

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WHEREAS, Police Patrolman Wayne J. Beam, Jr. has served the Tewksbury Township Police Department, as a Park Patroller, Special Officer and Patrolman for the past twenty four years; and

WHEREAS, Police Patrolman Wayne J. Beam, Jr. meets all the requirements for the position of Police Sergeant of Tewksbury Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Tewksbury, County of Hunterdon hereby appoints Wayne J. Beam, Jr. to the position of Police Sergeant effective February 13, 2018.

William Voyce
Deputy Mayor

6. Reports

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

Mr. Melick stated that a meeting of the finance subcommittee was held and there are additional questions to be discussed regarding the 2018 budget.

Discussion followed regarding the draft resolution distributed to the Committee concerning the refund of prepaid taxes. Mr. Melick noted that Clinton Township is not currently adopting a Resolution as the rules coming from the State are not final and there is not a final determination if any 1099 forms will need to be submitted.

Mr. Selvaggi noted a recent DLGS memo regarding the matter, adding that any prepaid taxes will not financially hurt the taxpayer.

Further comments were made regarding the amount collected in prepaid taxes (over \$4 million) and the possibility of limiting the time parameters for a possible refund.

Mr. Becker read a statement from Mayor DiMare noting that his being in favor of allowing refunds, adding that including a deadline for applying should be included along with a possible administrative fee of \$50.00. It was added that this information, once formalized, should be included on the Township website.

Mr. Becker noted that the Township Finance Department was very busy in December and the idea to include a small administrative fee (½ of 1% of \$25-\$50) be charged because of the additional time that would be needed to manually complete 1099 forms. It was noted that refunds only be considered for prepayments from July and beyond. Mr. Becker stressed the need to have a clear policy in place moving forward.

It was the consensus of the Committee to discuss the matter at an upcoming meeting.

Mr. Becker noted a discussion at the finance subcommittee meeting regarding the need to reclassify certain expenses/income more closely within departments to have a more precise financial picture. He added that there was additional discussion regarding outsourcing maintenance.

Mr. Becker added that Chief Barlow is working on creating a stronger police presence at the Township schools.

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He noted that he invited the School Board President and School Superintendent to attend the April 10 Township Committee meeting to review next year's budget, capital project initiatives as well as the status of the regionalization efforts.

Deputy Mayor Voyce noted a recent house fire in Oldwick, a motor vehicle accident in the Dinner Pot and the recent outbreak of flu related incidents.

➤ **Township Attorney**

Mr. Selvaggi noted the recent County Construction Board of Appeals matter involving Mr. Clucas that is scheduled for 2/21/18. The Attorney for the Clucas', Mr. Sposaro, will contact Mr. Selvaggi's office to update him on the matter.

➤ **Township Administrator**

Ms. Brassard presented Resolution#44-2018 to the Committee for discussion and adoption.

Mr. Melick made a motion to adopt Resolution #44-2018, seconded by Dr. Voyce. The motion was approved. Ayes: Melick, Voyce. Nays: Becker. Absent: Desiderio, DiMare.

Mr. Becker stated that he was not in favor of the Resolution as he felt it set a bad precedent to allow wine to be served in Township parks.

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

RESOLUTION #44-2018

**PERMISSION, WITH CONDITIONS , TO ALLOW THE FRIENDS OF WHITTEMORE TO
SERVE WINE AT VARIOUS FUND RAISING EVENTS TO BE HELD IN 2018**

WHEREAS, the Township of Tewksbury is the owner of property designated as Tax Block 46, Lot 20.01 on the official tax map of the Township; and

WHEREAS, said property was bequeathed to the Township of Tewksbury in the Last Will and Testament of Helen A. Whittemore dated December 15,1978 for the benefit of the residents of Tewksbury in order to "promote the appreciation of woodland in its natural state and especially to establish and maintain a sanctuary for deer and birds and other wildlife"; and

WHEREAS, the Last Will and Testament of Helen A. Whittemore, further established a Board of Trustees to oversee the finance of her estate; and

WHEREAS, the Friends of Whittemore was established as a not-for-profit 501 c.3 corporation for the purpose of promoting community, culture and conservation on the Whittemore property; and

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WHEREAS, the Friends of Whittemore have scheduled eight fund raising events (some dates to be determined) during 2018 between May and November; and

- Event 1 - Artist Reception - May 4th
- Event 2 - May Concert Fundraiser - May 10th
- Event 3 - Artist Reception - June 14th
- Event 4 - Artist Reception - July 26th
- Event 5 - Farm-to-Table Dinner - AUGUST
- Event 6 - Artist Reception - September 7th
- Event 7 - Artist Reception - OCTOBER
- Event 8 - ARTGRAB Fundraiser - November 3rd

WHEREAS, the Friends of Whittemore have requested permission to serve wine as part of these fund raising events; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon that it hereby grants the request of the Friends of Whittemore to serve wine at their 2018 fund raising events to be held on the Township's Whittemore property subject to the following conditions:

1. The issuance of a Special Permit for Social Affair by the New Jersey Department of Law and Public Safety Division of Alcoholic Beverage Control;
2. The Friends of Whittemore shall provide proof to the Township of Tewksbury that they hold the following insurance:

General Liability: \$1,000,000 per occurrence/\$2,000,000 aggregate
Host Liquor Liability: \$1,000,000 per occurrence/\$2,000,000 aggregate

In addition, the applicant shall name the Township of Tewksbury as an additional insured, and the Certificate of Insurance shall be submitted to the Township at least thirty (30) days prior to the event. The Certificate of Insurance must specifically note that coverage is provided for Liquor Liability.

3. Alcoholic beverages, other than wine, shall not be served at any of the fund raising events.
4. The Friends of Whittemore, by accepting this approval, acknowledges and holds harmless the Township of Tewksbury and its municipal officials and employees from any and all claims, damages and cost of suit which may arise out of the approval granted hereunder.

William Voyce
Deputy Mayor

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It was noted that a representative from Community Grants, Planning & Housing will be available to attend the upcoming meeting to discuss their role as the Township's Affordable Housing agency.

7. Executive Session

At 8:50 PM Mr. Melick moved adoption of the following Resolution, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

**RESOLUTION #46-2018
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 Litigation and Contract Negotiations.

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

William Voyce
Deputy Mayor

8. Reconvened

The meeting reconvened at 9:00 PM.

Mr. Melick made a motion to adopt Resolution #45-2018, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

**RESOLUTION #45-2018
URGING THE STATE LEGISLATURE TO PERMANENTLY 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

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

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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, the Legislature did not pass legislation extending the December 31, 2017 sunset, therefore, any contract expiring on or after January 1, 2018 will no longer have the protections offered with the 2% interest arbitration cap; 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 faced with a cap on the SALT deduction 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, was never released by its December 31, 2017 deadline; and

WHEREAS, the Governor's Appointees to the Police and Fire Public Interest Arbitration Impact Task Force released a report confirming the positive impact the 2% cap has had on providing an efficient and cost-effective procedure to settle labor contracts, and curtailing the rise of property taxes, all without a negative impact on crime rates or the ability of public employers to recruit qualified candidates for police and fire positions; 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 Township Committee of the Township of Tewksbury urges the State Legislature to permanently extend the 2% cap on Police and Fire Arbitration Contract Awards; and

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

William Voyce
Deputy Mayor

Mr. Melick made a motion authorizing the Attorney to add the language to the letter addressed to Judge Miller regarding the dismissal of COAH litigation as discussion in Executive Session, seconded by Mr. Becker. The motion was approved. Ayes: Melick, Voyce. Nays: Becker. Absent: Desiderio, DiMare.

9. Adjournment

There being no further business, the meeting was adjourned at 9:05 PM.

Roberta A. Brassard
Administrator/Clerk