

**TOWNSHIP COMMITTEE
JUNE 12, 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. Mayor Louis DiMare presided.

Other officials in attendance were Township Committee members Robert Becker, Dana Desiderio, Peter Melick and William Voyce.

Roberta Brassard, Administrator/Clerk, Timothy Barlow, Police Chief and Francis Linnus, Township Attorney were in attendance.

There were approximately eighty members of the public in attendance.

1. Open Public Meetings Statement

Mayor DiMare 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. Public Participation

Debra Dillon was present to request if there was any additional information related to her concern with possible stormwater runoff adversely affecting her property.

Dr. Voyce noted that a letter was written to the adjoining property owner, but a response had not been received. Additionally, he read an excerpt from the Engineers' report related to the Tier B Stormwater Management Annual Report. Per Mrs. Dillon's request, a copy will be made available for her review.

Mrs. Dillon questioned if any of the Committee had any background in environmental issues, and/or matters related to erosion, water quality or engineering. She suggested that a stormwater advisory committee be created, stressing the need for transparency and better communication.

George Cassa stated that he would like to have more information available to the public regarding the ash tree decline. Mayor DiMare stated that this should be placed on the upcoming Township Committee meeting agenda.

4. Actions to be taken

➤ **Citizen of the Year**

Stephanie Koven received the 2017 Citizen of the Year Proclamation from Ms. Desiderio.

Ms. Desiderio made a motion to adopt the Proclamation naming the 2017 Citizen of the Year, seconded by Mr. Melick. The motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

**PROCLAMATION TO RECOGNIZE THE 2017 CITIZEN OF THE YEAR FOR THE TOWNSHIP
OF TEWKSBURY**

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Mr. Theodore "Ted" Gustav Koven

WHEREAS, it is the annual custom for the Mayor of the Township of Tewksbury to proclaim the virtues of an outstanding citizen and to award the title Citizen of the Year through Proclamation; and

WHEREAS, this award is in recognition of the many contributions made by individuals and groups over the years for the benefit of all Township residents; and

WHEREAS, this award is being awarded posthumously to a 55 plus year resident of the Township; and

WHEREAS, Mr. Theodore "Ted" Gustav Koven served on the Township Committee from 1987 to 1995: serving on the initial five member Township Committee in 1987 and served as Mayor in 1989 and 1994; and

WHEREAS, Mr. Theodore "Ted" Gustav Koven was responsible for creating the Citizen of the Year Proclamation; and

WHEREAS, Mr. Theodore "Ted" Gustav Koven served on the Township Planning Board, the Agricultural Advisory Committee, the Wastewater Maintenance Committee, the Affordable Housing Board and as Chairman of the Board of Health and the Environmental Commission; and

WHEREAS, Mr. Theodore "Ted" Gustav Koven served as the District 2 Hunterdon County Committee representative for twenty years and was active as a poll worker and Challenger in most elections; and

WHEREAS, Mr. Theodore "Ted" Gustav Koven was the co-founder of the Tewksbury Land Trust, past President of the Upper Raritan Watershed Association (now known as Raritan Headwaters Association) and had a passion for running and "whipping in" with the Tewksbury Foot Bassets where he served for many years as a Trustee and Honorary Secretary; and

WHEREAS, Mr. Theodore "Ted" Gustav Koven started the Tewksbury Soccer Club for adults in the late 1970's: and

WHEREAS, Mr. Theodore "Ted" Gustav Koven was involved in the preservation of many Township properties and spearheaded the preservation of the Christie Hoffman Farm; and

WHEREAS, the services Mr. Theodore "Ted" Gustav Koven rendered to the Township of Tewksbury have benefited the citizenry of our Township for years past and into the future.

NOW, THEREFORE, BE IT RESOLVED that as Mayor of the Township of Tewksbury, County of Hunterdon, State of New Jersey, I do hereby proclaim the 2017 Tewksbury Citizen of the Year to be Mr. Theodore "Ted" Gustav Koven; and

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BE IT FURTHER RESOLVED that this proclamation shall be presented in its entirety in the minutes of the Tewksbury Township Committee so that all may recognize the contributions that Mr. Theodore “Ted” Gustav Koven has made to the quality of life in the Township of Tewksbury and so that we may honor his contributions now and into the future.

Dana Desiderio
Mayor

Deputy Mayor Voyce read a Proclamation from the 23rd Legislative District recognizing Ted Koven for his many contributions to the Township and the State of New Jersey.

➤ **Ordinance Public Hearing**

Mr. Becker made motion to open the Public Hearing on Ordinance #05-2018, seconded by Dr. Voyce. The motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

Ms. Brassard provided proof of publication from the 05/16/18 Hunterdon Review and a letter from the Land Use Board noting their review of the Ordinance in finding it not inconsistent with the Master Plan.

There being no comments from the public, Dr. Voyce made motion to close the Public Hearing on Ordinance #05-2018, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

Dr. Voyce moved adoption of Ordinance #05-2018, seconded by Ms. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

ORDINANCE NO. 05-2018

TOWNSHIP OF TEWKSBURY

AN ORDINANCE PROVIDING FUNDING FOR VARIOUS CAPITAL PURPOSES FOR THE TOWNSHIP OF TEWKSBURY AND APPROPRIATING \$397,100 FOR SUCH PURPOSE.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF TEWKSBURY, IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Township of Tewksbury, in the County of Hunterdon, New Jersey, authorizes various capital purposes to be undertaken, including but not limited to acquisition of a pickup truck, acquisition of a police car scanner, acquisition of a finance server, acquisition of a backhoe for the Department of Public Works, acquisition of a forklift, acquisition of a dump truck, acquisition of mason dump truck with plow and acquisition of a Gasboy pedestal and fuel pumps, for the Township of Tewksbury, to be funded from the sources specified in Section 2 of the Ordinance.

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Section 2. The amount of \$397,100 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Improvement Fund in the amount of \$397,100.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Township determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Township of Tewksbury may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

Louis DiMare
Mayor

Mr. Melick made motion to open the Public Hearing on Ordinance #06-2018, seconded by Dr. Voyce. The motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

Ms. Brassard provided proof of publication from the 05/17/18 Hunterdon County Democrat.

Chief Barlow noted three changes to the proposed Ordinance that were amended based on input from local hunters. The changes are in section E, points 6. 7 1nd 16.

Mr. Linnus stated that the Committee needs to determine if they feel the changes are substantial in nature, and if they are not, the Ordinance may be adopted at amended.

There being no comments from the public, Mr. Melick made motion to close the Public Hearing on Ordinance #06-2018, seconded by Mayor DiMare. The motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

Mr. Melick stated that he did not feel that the changes as presented by the Chief were substantive in nature.

Mr. Melick made motion to re-open the Public Hearing on Ordinance #06-2018, seconded by Ms. Desiderio. The motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

There being no comments from the public, Mr. Melick made motion to close the Public Hearing on Ordinance #06-2018, seconded by Ms. Desiderio. The motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

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Mr. Melick moved adoption of Ordinance #06-2018 as amended, seconded by Ms. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

**ORDINANCE NO. 06-2018
TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

AN ORDINANCE AMENDING CHAPTER 12.24, ENTITLED “ PARK REGULATIONS,” OF THE CODE OF THE TOWNSHIP OF TEWKSBURY

BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, and State of New Jersey that Chapter 12.24, entitled “Park Regulations” of the Code of the Township of Tewksbury is hereby amended by adding the following section:

12.24.100 – White Tailed Deer Management on Township Park and Open Space Property

The Hunting, shooting, killing and removal of white-tailed deer shall be allowed solely for the purpose of reducing and managing the Township’s deer population and only in accordance with the following provisions, and shall otherwise be prohibited in any Township park or open space.

A. *Permit Required.* No person shall hunt, shoot, kill or remove deer from any park or open space, or carry or possess firearms of any description in which loaded or blank cartridges may be used, or air guns, spring guns, slings or any other form of weapon potentially dangerous to wildlife and human safety, unless that person has first obtained a municipal deer management permit for such activity. The permit shall be displayed on the dashboard of a parked vehicle and a copy carried in the hunting license holder of the individual engaged in deer management. Permittees shall clearly label their hunting stands with the permittees’ name and permit number.

B. *Dates and Locations for Hunting.* The number of permits issued each year, the properties for which the permits are issued and the dates on which those properties may be hunted shall be determined annually by resolution of the Township Committee. A press release and/or notice informing the public of said designated dates and locations shall be published on the Township's website and shall be submitted to the official newspaper(s) of Tewksbury Township for publication.

C. *Application Process.* A permit shall be obtained by application to the Tewksbury Township Police Department, which application shall contain the following:

1. The name and address of the applicant.

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2. The applicant's date of birth. Applicants must be eighteen (18) years of age or older to be eligible for the municipal deer management permit.
3. The applicant's social security number.
4. The applicant's license plate number(s).
5. A photocopy of applicant's current firearm or bow and arrow hunting license number.
6. A photocopy of any applicable State permits (fall and winter bow, permit shotgun or muzzleloader rifle).
7. A signed certification that the applicant is not prohibited by law from possessing a firearm and has not been convicted of any felonies. Any applicant who is prohibited by law from possessing a firearm or who has been convicted of a felony shall not be eligible for a permit.
8. A release authorizing the Township to conduct a background check for violations of the New Jersey Fish and Game Code, N.J.A.C. 7:25-5 et seq., and for violations of any local regulations pertaining to parks or to hunting. Any applicant who has violated any provision of the Fish and Game Code or violated any local regulation pertaining to parks or to hunting within ten (10) years of the date of the application shall not be eligible for a permit.
9. A copy of a certificate of insurance confirming general liability insurance with coverage with combined single limits for bodily injury and property damage of at least one million (\$1,000,000.00) dollars per single occurrence and one million (\$1,000,000.00) dollars annual aggregate.
10. The property for which a permit is sought.

Applications shall be available at the Tewksbury Township Police Department. Prior to any permits being issued, all applications will be reviewed by the Tewksbury Township Police Department for accuracy of information supplied and for compliance with the requirements set forth herein. All applications must be submitted in person by the applicant.

D. *Eligibility for Permit.* Permits shall be available to any resident of the State of New Jersey and Tewksbury Township employees who are involved in the administration and/or enforcement of this section. Permits shall be issued on a first-come, first-served basis, subject to the following limitations:

1. Upon receipt of a completed application packet by an established deadline, permits shall be issued in the following order:
 - (a) Township residents and Township employees.
 - (b) Residents of Washington Township (Morris County), Chester Township (Morris County), Bedminster Township (Somerset County), Readington Township, Clinton Township, Lebanon Township, and Califon Borough.

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- (c) Residents of Hunterdon County
- (d) Residents of the State of New Jersey
- 2. Permit holders from the previous season who have complied with all state and municipal hunting regulations will have first opportunity to obtain permits for the current hunting season upon receipt of a completed application packet by an established deadline.
- E. *Rules and Regulations.* The following rules and regulations shall apply to any permit issued to an individual:
 - 1. Individuals engaged in deer management shall produce a permit on demand to any law enforcement officer, or Township employee.
 - 2. Only deer may be hunted; the hunting, shooting, killing, pursuit or removal of any other wildlife is strictly prohibited.
 - 3. One antlerless deer must be taken prior to the taking of an antlered deer in each applicable season.
 - 4. The permit shall be displayed on the dashboard of a parked vehicle and a copy carried in the hunting license holder of the individual engaged in deer management.
 - 5. No unauthorized motorized vehicles are permitted beyond the designated parking areas.
 - 6. The use and/or construction of permanent tree stands is prohibited. Hunters found using a permanent tree stand will be subject to prosecution whether they built it or not. Only portable stands that do not harm the trees shall be permitted, but are used and left unattended at the user's risk. Only one stand per hunter is permitted. All stands shall be removed no later than fourteen (14) days following the expiration of the permit, hunters who fail to remove their tree stands during this period may be disqualified from the deer management program for two years. Hunters shall label their hunting stands with the permittees' permit number, so that it is visible from the ground. Hunting stands not labeled will be confiscated by the Township.
 - 7. Baiting with mechanical feeders is prohibited, any mechanical feeders will be confiscated by the Township.
 - 8. All deer must be checked in as prescribed by the New Jersey Division of Fish and Wildlife. Hunters shall provide on their annual harvest questionnaire their State issued harvest and confirmation number(s). A secluded, secure local site for field-dressing shall be used.
 - 9. All permits shall be site-specific and nontransferable. Except as set forth in subsection 10 below, permittees shall be authorized to hunt only the property for which they have been issued a permit and shall be responsible for knowing where they are at all times.
 - 10. Deer drives shall be allowed, subject to the following limitations:

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- (a) Only hunters that possess a Tewksbury Township Deer Management Permit for the property and/or those that possess a permit for other Tewksbury Township properties may participate in the drive.
- (b) No person shall carry a weapon of any kind while driving deer.
- 11. Vehicles shall be restricted to public roads and designated parking areas.
- 12. Hunting may begin one-half hour before sunrise and must end one-half hour after sunset.
- 13. Target practice is strictly prohibited.
- 14. Use or possession of alcoholic beverages or illegal substances while on the properties is prohibited.
- 15. Littering is prohibited.
- 16. All current New Jersey Division of Fish and Wildlife perimeter rules apply: 450 feet for firearm and 150 feet for bow.
- 17. Discharging a firearm or a bow and arrow from private property to Township property is prohibited. Discharging a firearm or a bow and arrow from Township property to private property is prohibited.
- 18. Discharging a firearm or a bow and arrow on or across highways, roads or trails is prohibited.
- 19. Discharging a firearm or a bow and arrow from a motor vehicle is prohibited.
- 20. Transporting an uncased firearm or bow in a motor vehicle is prohibited.
- 21. Possessing a loaded firearm in or upon a motor vehicle is considered proof of pursuing or taking of wildlife, and is prohibited.
- 22. Applicant agrees to abide by any additional rules, regulations and/or restraints set forth by the Township and applicable county or state government.
- 23. Any applicant who is prohibited by law from possessing a firearm or bow, who has been convicted of a felony or who within three years of the date of application has violated either the New Jersey Division of Fish and Game Code or any local regulation pertaining to parks or to hunting will not be eligible.
- 24. Possession of a permit does not give hunters permission to cross private property. Hunters are responsible for knowing the boundaries of Township parklands and open spaces open to hunting, as well as safety zones. When tracking a shot deer hunters must receive permission from private property owners prior to tracking the deer across private property.
- 25. Hunters in the Deer Management Program who receive a summons for any violation committed on Township parkland or open space, will have their permit revoked for 2 years and will not be able to purchase a permit. Permits will be permanently revoked for a second offense.

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26. Hunters must be aware that non-hunting visitors are allowed on park lands and open space open to hunting; non-hunting visitors are encouraged to wear brightly colored clothing. Non-hunting visitors must be treated courteously.
27. The permittee is not allowed to have any non-permitted person with him/her while engaged in active hunting.
28. Hunting is not permitted on Sundays.
29. All season dates and bag limits designated by the State of New Jersey Division of Fish and Wildlife and the Fish and Game Council for deer management zone 8 shall apply.
30. The Township and applicable county and state government have the authority to stop the hunt at any given time.

In addition, any permit issued by the Township to an individual may contain such additional conditions as the Chief of Police of the Township of Tewksbury determines are reasonably required to ensure the safety of Tewksbury's residents, including but not limited to limiting the days and times during which the permittees may hunt thereon and restricting the areas within the parks or open spaces on which the permittees may hunt.

F. *Duration of Permit.* Permits shall be valid only during the applicable State-approved deer hunting seasons, as said dates may be amended from time to time by the New Jersey Division of Fish and Wildlife and the Fish and Game Council.

G. *Permit Fees.* In order to defray increased maintenance, materials, labor and administrative costs incurred by the Township in connection with its deer management program, a permit fee of twenty (\$20.00) dollars is herewith established for Tewksbury residents and Tewksbury employees, and a permit fee of twenty five (\$25.00) dollars is herewith established for all others.

H. *Revocation of Permit.* The Chief of Police of the Township of Tewksbury shall be authorized to revoke a permit issued hereunder at any time if the safety of any persons or the safety of personal property, including that of the Township of Tewksbury, is threatened as a result of the activity authorized by the permit. Violations by any permittee of any applicable State or local rules and regulations pertaining to hunting or use of parkland shall also cause the permit to be revoked. Where such permit has been revoked or where persons or personal property are endangered as set forth above, the Chief of Police is authorized to require that such person or persons leave the park area immediately and take all steps necessary to eliminate the condition which endangers persons or personal property.

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I. *Violations and Penalties.* All State and local regulations pertaining to parks and to hunting shall remain in full force and effect and nothing herein shall be construed to abrogate same. Violation of this section, any special condition or any applicable State or local regulation will result in the immediate loss of hunting privileges on the property and will subject the hunter to any applicable penalties.

J. *Enforcement.* The provisions of this section and provisions of any rules and regulations adopted by the Township Committee shall be enforced by the Police Department of the Township of Tewksbury.

K. *Farmland Depredation.* The provisions set forth above shall in no way interfere with nor take the place of Farmland Depredation Permits or Permits to Kill Wild Deer issued and managed by the New Jersey Division of Fish & Wildlife, and/or the U.S. Fish & Wildlife Service for farmers who lease Township parkland or open space.

BE IT FURTHER ORDAINED, that all other sections of Chapter 12.24, entitled "Park Regulations" of the Code of the Township of Tewksbury will remain unchanged:

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and adoption and publication according to law.

Louis DiMare
Mayor

➤ **Consent Agenda**

Mr. Becker requested that Resolution #93-2018 be pulled from the Consent Agenda.
Mayor DiMare requested that Resolution #90-2018 be pulled from the Consent Agenda.

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

RESOLUTION #86-2018

TO RECOGNIZE CHIEF TIMOTHY BARLOW

WHEREAS, Chief Timothy Barlow has served the Police Department of the Township of Tewksbury since January of the year nineteen hundred and ninety three, starting his career as a Patrolman; and

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WHEREAS, Chief Timothy Barlow was promoted to the rank of Corporal and subsequently to the rank of Sergeant in two thousand and two; and

WHEREAS, Chief Timothy Barlow is very active working with the Township schools, Township seniors and with OEM; and

WHEREAS, Chief Timothy Barlow has worked countless hours to protect and serve the citizens of the Township of Tewksbury thus making the Township a safe community in which to reside.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby recognizes Chief Timothy Barlow for his service to the Township.

Louis DiMare
Mayor

RESOLUTION #87-2018

TO RECOGNIZE KEVIN PYATT

WHEREAS, Kevin Pyatt has worked with the Department of Public Works of the Township of Tewksbury since April of the year two thousand and four; and

WHEREAS, Kevin Pyatt started with the Department as a Public Works employee in 2004 and was promoted to Assistant Foreman in 2007 and to Assistant Foreman/Sewer Operator in 2009; and

WHEREAS, Kevin Pyatt has worked countless hours to serve the citizens of the Township of Tewksbury by keeping the community infrastructure maintained and safe; and

WHEREAS, Kevin Pyatt currently holds the position of Superintendent of Public Works and has been involved in all areas of the Department of Public Works which include the maintenance and repair of roads, drainage, sanitary sewers, park, buildings and grounds, snow and ice removal, storm damage and needed emergency response to effectively serve the citizens of the Township of Tewksbury and the Borough of Califon.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey hereby recognizes Kevin Pyatt for his service to the Township.

Louis DiMare
Mayor

RESOLUTION #88-2018

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**AUTHORIZING THE RENEWAL OF A LIQUOR LICENSE FOR TEWKSBURY FINE WINE
AND SPIRITS, INC.**

WHEREAS, Tewksbury Fine Wine and Spirits, Inc., has filed a renewal application through the POSSE –ABC Online Licensing System for a Plenary Retail Distribution License; and

WHEREAS, Tewksbury Fine Wine and Spirits, Inc. has filed with said application the required municipal fee of \$2000.00; and

WHEREAS, a copy of the renewal application, together with a filing fee of \$200.00 has been submitted for filing through the POSSE –ABC Online Licensing System; and

WHEREAS, no objections have been filed with the Township Clerk regarding the issuance of said license; and

WHEREAS, said application appears to be in proper order.

NOW, THEREFORE, BE IT RESOLVED, that said application is hereby granted to Tewksbury Fine Wine and Spirits, Inc and the Clerk of the Township of Tewksbury is hereby directed to issue a Plenary Retail Distribution License #1024-44-001-008, for the period from July 1, 2018 to June 30, 2019, effective July 1, 2018, and the Clerk is hereby designated to sign and deliver the License Certificate on behalf of the Township.

Louis DiMare
Mayor

RESOLUTION #89-2018

AUTHORIZING THE RENEWAL OF A LIQUOR LICENSE FOR THE TEWKSBURY INN, INC.

WHEREAS, the Tewksbury Inn, Inc. has filed a renewal application through the POSSE –ABC Online Licensing System for a Plenary Retail Consumption License, carrying Broad Package Privilege, to sell alcoholic beverages for premises situated at 55 Old Turnpike Road and King Street, Oldwick, in the Township of Tewksbury, Hunterdon County, State of New Jersey; and

WHEREAS, the Tewksbury Inn has filed with said application the required municipal fee of \$2000.00; and

WHEREAS, a copy of the renewal application, together with a filing fee of \$200.00 has been submitted for filing through the POSSE –ABC Online Licensing System; and

WHEREAS, no objections have been filed with the Township Clerk regarding the issuance of said license; and

WHEREAS, said application appears to be in proper order.

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NOW, THEREFORE, BE IT RESOLVED, that said application is hereby granted to Tewksbury Inn, Inc. and the Clerk of the Township of Tewksbury is hereby directed to issue a Plenary Retail Consumption License with Broad Package Privilege #1024-32-002-004, for the period from July 1, 2018 to June 30, 2019, effective July 1, 2018, subject to compliance with Township Ordinance No. 4-65 and amendments; and the Clerk is hereby designated to sign and deliver the License Certificate on behalf of the Township.

Louis DiMare
Mayor

RESOLUTION #91-2018

**A RESOLUTION SETTING THE 2018 SALARY AND WAGES FOR AN EMPLOYEE OF THE
TOWNSHIP OF TEWKSBURY**

BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the salary or wage to be paid to the employee of the Township of Tewksbury be, and the same are hereby determined and fixed, at the respective amount or rates for the calendar year 2018 and until same is amended.

NAME	TITLE	SALARY
DEPARTMENT OF PUBLIC WORKS		
Rosario Bove	Part-time summer Public Works Employee	\$15.00/hour *Effective 6-5-18 Not to exceed 29 hours/week
Andrew Rogers	Part-time summer Public Works Employee	\$15.00/hour *Effective 6-22-18 Not to exceed 29 hours/week

Louis DiMare
Mayor

RESOLUTION #92-2018

**TO ACKNOWLEDGE RECEIPT OF A \$500.00 DONATION FROM
THE ISABEL & DAVID MAHALICK FOUNDATION, INC. TO THE
TEWKSBURY POLICE DEPARTMENT**

WHEREAS, a charitable donation of \$500.00 was made to the Tewksbury Police Department by the Isabel & David Mahalick Foundation, Inc..

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that this donation has been gratefully acknowledged and the monies will be used to purchase Police equipment

Louis DiMare
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO 05/22/18 and 06/12/18
- Correspondence List
- Regular and E/S minutes of 05-08-18
- Authorization to have the Mayor sign contract for Valley Health System
- Authorization to have the Mayor sign Turn the Town Teal letter of endorsement

ITEMS REMOVED FROM THE CONSENT AGENDA

In response to a question from Mayor DiMare, it was noted that the cost of the sale related to the cancellation of the unpaid municipal lien is included in the total premium.

Mr. Melick made a motion to adopt Resolution #90-2018, seconded by Dr. Voyce. A roll call vote was taken and the motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

RESOLUTION #90-2018

**AUTHORIZING CANCELLATION
OF MUNICIPAL CERTIFICATE OF SALE**

WHEREAS, Certificate of Sale #2017-003 issued to the Tewksbury Township, 169 Old Turnpike Road, Califon, NJ 07830, for delinquent taxes on Block 34 Lot 7.01 (109 Rockaway Road), assessed to Edmund Pimpao, at a tax sale held on October 25, 2017; and,

WHEREAS, the assessed owner, Edmund Pimpao, has redeemed Certificate #2017-003 by paying the full amount of the delinquency.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Township of Tewksbury are hereby authorized to endorse Certificate of Sale #2017-003 for cancellation.

Louis DiMare
Mayor

5. Presentation/Discussion

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Francis Goger, North Hunterdon-Voorhees (NHV) Board President presented information on the 2018-2019 Budget. He outlined portions of the attached document including the goals to maintain a thorough and efficient program for the 2671 students, to maintain academics, sports, AP programs, safe and functional facilities, to comply with NJ mandates and to be fiscally responsible for tax payers. He noted that the overall budget carries a 2% increase and the last three budgets showed no increase. Comments were made regarding the increase in State aid and the reduction in debt services.

Mr. Groger noted that the total proposed revenue is \$59,278,963.00 which is a \$3 million reduction from last year.

Proposed expenditures for 2018-2019 include the following.

- Computer replacement which would allow each student to have their own tablet
- Security camera enhancement and the addition of Class 3 officers at both schools
- Equipment purchased for special services, fine arts, athletics and security. It was added that there are no capital projects included in the 2018-2019 budget.

Mr. Groger stated that the tax impact for Tewksbury would be 18.2% which is a reduction of .5% and equals 1 cent on \$100 assessed value. He added that the formula is complicated and takes into account real estate values and the number of students.

Further comments were made regarding various projects at both Voorhees and NHV. Included projects noted were the HVAC upgrades at Voorhees, new windows at NHV, ongoing work on the locker room (the Lion's Den), replacing the visitor area and tennis bleachers, library renovations, work on the bridge between the gym and the main school building at Voorhees, additional exterior upgrades at Voorhees, a new sign at NHV, work on wall cracks and tile replacements, and the creation of a safe visitor entrance utilizing bullet proof, shatter resistant glass.

The discussion turned to the declining enrollment, closing schools, shared services, consolidation and regionalization. Mr. Groger noted that Bethlehem Township schools can now receive special education students from any district at a savings. He added that Califon and Hampton also share services because of their low enrollment. Mr. Groger noted that there is also discussion concerning the creation of district clubs such as robotics and STEM that could utilize school space in the event a smaller school was to close. He stressed that schools will not be mothballed. He opined that the initial discussion regarding regionalization was not well received, but there is ongoing discussion to keep services and curriculum local.

In response to a question from Mr. Becker, Mr. Groger stated that there should be a savings if consolidation were to occur. Discussion followed regarding the costs associated with special education students.

Chief Barlow questioned which district (sending or receiving) would pay for transportation.

Mr. Groger noted that there has been 41 different school Superintendents over the past 17 years and he understands the lack of consistency and is hopeful for some stability.

In response to a question from Mr. Melick, Mr. Groger stated that he thought regionalization would occur but not for some time. He noted that discussion is ongoing; adding that teacher coaches are being sent into the classrooms and a five year curriculum plan is being created to

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include best practice procedures. He opined that the discussion is coming around and there are small positive changes.

Further discussion followed regarding the turf at Voorhees and NHV and the decision that needs to be made regarding upgrading and funding.

Randy Gottesman, President of Community Grants, Planning and Housing (CGP&H) was present to discuss the Township's affordable housing units. He presented information to the Committee noting rents currently being charged by landlords in the Township. Discussion followed regarding the current rates being charged and how they can be changed. Mr. Gottesman noted that current rents are based on 2014 COAH information and the process for calculating rental increases Statewide could involve court proceedings and an application for intervention. Mr. Gottesman stated that he is involved with the not for profit group, Affordable Housing Professionals of NJ who work closely with Fair Share Housing and are not opposed to this concept.

Additional comments were made regarding the total increase that the Township would realize if rental amounts were raised. Further comments were made regarding the state of leases of affordable units in the Township.

In response to a request from Wilma Frey, Mr. Linnus advised that a copy of the information presented to the Committee could be given to a member of the public.

A lengthy discussion followed regarding the concept of annual income recertification. Mr. Gottesman stated that of the 70 municipalities CGP&H represents, none of them do it. He added that it is neither popular nor required; adding that it is less costly than an initial certification and could cost no more than \$300.00. He added that if the Township wished to proceed with an annual recertification, Township Ordinances would have to be amended.

Mr. Melick suggested that the COAH subcommittee along with Mr. Linnus and Mr. Gottesman meet to look at changing the existing Ordinances and to look at the individual leases.

In response to a question from Mayor DiMare, Mr. Linnus stated that he just received information pertaining to the Taggart property which will be discussed in Executive Session. In response to a question from Mr. Becker, Mr. Gottesman stated that in order to be on the CGP&H waiting list for an affordable unit, a person must live or work in Somerset, Mercer or Hunterdon County, adding that there currently are 1000+ households on the waiting list. Mr. Linnus noted that the Committee needs to address the provision of the existing Ordinance dealing with the minimum time restriction for an accessory apartment. Reading from the Township Ordinance, Mr. Linnus noted a 30 year restriction for new construction and a 10 year restriction for accessory units.

Mr. Gottesman opined that accessory units are unique in that they are on a single family property and asking a homeowner to make a commitment for 30 years is much more difficult than making a commitment for 10 years. He noted that he has seen sales of homes (with accessory units) fall through because of the time commitment and associated restrictions. He surmised that the Township may see less interest if a 30 year commitment is in place.

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Mr. Linnus noted that any amendment to an existing Ordinance would not affect existing tenants.

Ms. Desiderio questioned why a copy of a renters' W2 form could not be submitted along with an annual lease renewal.

Mr. Linnus explained the history of COAH starting in 1985, noting that the Township is currently in the 3rd round which spans from 1999-2025 and in order to continue to maintain and claim COAH credits, the process has to continue through 2025. He further noted the various Judges handling the matter, adding that these super judges are making determinations for all participating municipalities and the issue goes far beyond Tewksbury.

Mr. Becker stated that the COAH subcommittee needs to look at the annual recertification and other sections of the existing affordable housing ordinances.

Mr. Melick was recused from this portion of the meeting.

Johnny Jones a representative of the Morris Company of Rutherford NJ presented documents and information related to the property located south of Route 78 commonly referred to as Bellemead. He noted that the two lots are vacant land, adjoin Route 78 and their location lends itself to commercial building. Mr. Jones noted that the properties pay minimum taxes, adding that the Township may want to consider the Morris Company's proposal.

Mr. Jones presented a rough map with plans for a 678,000 square foot facility on 114-116 Oldwick Road and an 863,000 square foot facility on 121 Oldwick Road. He added that the Morris Company would only lease to AAA tenants and the proposed warehouses would have little to no impact on the Township with regard to traffic. In response to a question from Chief Barlow, Mr. Jones stated that the bulk of the traffic would enter and exit the site from the existing Route 78 exit.

Mr. Jones stated that the plan being presented tonight is just a general layout and the Morris Company will work with the Land use Board and the Township Committee moving forward. He added that the proposed building coverage would be 30% and impervious coverage would be 56%, adding that the warehouses could employ over 400 employees and pay over \$1,000,000.00 annually in taxes.

Discussion followed regarding the current zoning of the property (residential) and the steps that would be needed to change the zoning if the plan were to move forward.

In response to a question from Mayor DiMare, Mr. Jones stated that he understood that the Township Committee gives direction to other Township boards, committees and commissions and to the residents of the Township. He stated that he hoped the presentation given to the Township Committee would prove that the plan has merit and to consider the proposal. Mr. Linnus outlined the changes that would need to be made if the property were to be developed under the current zoning or if there would be a need to go the Land Use Board (LUB) to seek a use variance. He outlined the possibility of needing to explore rezoning and Master Plan consistency review. Further comments were made regarding the possibility of the area being in need of redevelopment and how the Township Committee would have to initiate that

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process.

In response to a question from Mayor Dimare, Mr. Jones stated that building height would be between 36-40 feet. Further discussion followed regarding the number of proposed loading docks and the 24 hour operational schedule for the distribution warehouse. Mr. Jones surmised that 80% of the traffic would utilize Route 78 and not affect Township roads.

Blake Johnstone, Chairman of the LUB questioned how the Morris Company proposed septic for the 1.6 million square foot structure, adding that there is neither well nor septic capacity on the site. He added that adjoining Readington Township is not interested in having Tewksbury tie into their system. Mr. Johnstone added that the bulk of 121 Oldwick Road is wetland. In response to a question from Mr. Linnus, Mr. Jones stated that the Morris Company initially just wanted to speak with the Committee and had not discussed the possibility of a mixed use for the property such as commercial/residential.

Chris Teasdale, Chairman of the Environmental Commission noted the long history of the property that has had over 25 years of various proposals, lawsuits and discussions. He stated that if the Committee has the choice to walk away from the Morris Company's proposal, they do just that in order to "save everyone a lot of agita". He added that the DEP is also intrinsically involved with the property.

Mr. Johnstone noted that development of the property has been in front of the Board of Adjustment and the LUB at least 5-8 times. He suggested that the Morris Company speak with a representative from Bellemead in order to "get to know the pitfalls."

Mr. Jones thanked the Committee and the public for their feedback, adding that collectively, the Morris Company will make a decision on how to move forward.

In response to a question from Mr. Becker, Mr. Jones stated that they have not yet spoken with anyone from Bellemead.

Chief Barlow noted that Readington Township gets taxes from the Merck development and Tewksbury gets the traffic.

Mayor DiMare noted that the Morris Company came in good faith, but the Township Committee cannot grant approval: this is an LUB decision. He added that the presentation did not show anything clear and concrete and there was no clear description of the size and/or hours of operation. He thanked Mr. Jones for coming to the meeting, but added that no real request was presented for approval.

Mr. Jones noted that the Morris Company does not have any real information, but thanked the Committee for their time. He added that ratables and additional employment could help the Township.

In response to a question from Mr. Becker, Mr. Gottesman stated that 800 + additional employees in the Township would definitely impact COAH requirements, adding that the new numbers for 2025-2035 obligation will factor in employment in the Township. He surmised that the COAH number of units would rise.

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Mr. Jones added that each of the proposed building could generate between \$900,000.00 and \$1,000,000.00 in COAH fees for the Township.

Wilma Frey noted that the area is located in the Highlands and building would be inconsistent with the Highland Regional Master Plan.

6. Reports

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

Mr. Becker stated that he would like to discuss the request from the Equestrian Committee to host a Facebook page at the July meeting.

Mr. Melick noted that he met with JCP&L representative Stan Prater and a forester to look at the Township roads and come up with a plan for systematic tree cutting.

It was noted that the Tewksbury substation area is in the schedule for 2019/2020 for trimming.

Mr. DiMare noted that he had received a call from a resident regarding painted arrows on roadways for bicycle events.

Chief Barlow noted that he is made aware of many events and can request that the people running the event(s) use paint that is less permanent.

Ms. Desiderio noted that she received a call from a resident regarding a recent party in the Township at a property that might be being rented out as a bed and breakfast (B&B).

Mr. Linnus stated that he would obtain Ordinances from other municipalities regarding B&B for review by the Committee.

Ms. Desiderio also noted a discussion she had with Melanie Mason, Agriculture Resource Specialist with the County pertaining to the micro enterprise rule in the County.

Dr. Voyce noted that he and Ms. Brassard met with Robert Clifton to discuss the current Comcast contract.

➤ **Township Attorney**

Mr. Linnus noted the following items from his report: assisting the Zoning Officer with zoning matters, affordable housing discussion with CGP&H, assisting with the preparation of Rice Notices, bond sale closing and reviewing an outdated shared service agreement with the Board of Education.

Discussion followed regarding the Formisano property which is being monitored by the Construction Official. Additionally the Historic Preservation Commission is aware of the situation.

His office is assisting the Tax Assessor with several tax appeals.

Additional items on the Attorney's report will be discussed in Executive Session.

➤ **Township Administrator**

In response to a question from Ms. Brassard, it was the consensus of the Committee that they were not in favor of looking into or adopting a Property Maintenance Ordinance.

7. Executive Session

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At 10:00 PM Mr. Melick moved adoption of the following Resolution, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

RESOLUTION #94-2018

**A RESOLUTION AUTHORIZING AN EXECUTIVE SESSION
OF THE TEWKSBURY TOWNSHIP COMMITTEE**

WHEREAS, the Township Committee of the Township of Tewksbury is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Tewksbury to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- 1) Affordable housing leases and renewals,
- 2) Personnel matters
- 3) Anticipated litigation – affordable housing leases

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, assembled in public session on this 12th day of June, 2018, that an Executive Session closed to the public shall be held on June 12, 2018, at 7:30 p.m. in the Mountainville Meeting Hall, 60 Water Street, Lebanon, New Jersey, for the discussion of matters relating to the specific item(s) designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public at the time official action is taken and upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Louis DiMare
Mayor

8. Reconvened

The meeting reconvened at 11:50 PM.

Mr. Melick made a motion to adopt Resolution #95-2018, seconded by Dr. Voyce. A roll call vote was taken and the motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

RESOLUTION NO. 95-2018

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**RESOLUTION OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF
HUNTERDON, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING
THE CREATION OF AN ACCESSORY APARTMENT UNIT FOR
AFFORDABLE HOUSING PURPOSES AND A RELATED \$20,000 PAYMENT
IN ACCORDANCE WITH ALL LOCAL ORDINANCES THAT IMPACT SAME**

WHEREAS, Andrew and Kathryn Platt plan on constructing an accessory apartment on their property, located at Block 23, Lot 26.03 and more particularly at 32 Church Street; and

WHEREAS, said accessory apartment will be governed by all applicable statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit including but not limited to N.J.A.C. 5:80-26.1 et seq for a minimum of ten years; and

WHEREAS, the property owner has requested approval to construct one affordable unit; and

WHEREAS, the Township of Tewksbury has ordinances and a related procedures manual in place that allow for the construction of an accessory apartment; and

WHEREAS, the Township has funds in its Trust Fund to extend a grant to Andrew and Kathryn Platt following full execution of the necessary deed restriction and any other required documents, and satisfactory completion and an approved certificate of occupancy in the amount of Twenty Thousand, 00/100 DOLLARS, (\$20,000.00);

NOW THEREFORE BE IT RESOLVED on this 12th day of June, 2018, by the Township Committee of the Township of Tewksbury, County of Hunterdon and State of New Jersey, that:

1. The Mayor, the Township Administrator or the Township Clerk are hereby authorized to execute the necessary Deed Restriction, to be drafted by the Township's Administrative Agent, with Andrew and Kathryn Platt in connection with an Affordable Housing unit located at 32 Church Street Block 23 Lot 26.03.
2. The fully executed Deed Restriction shall be kept on file with the Clerk and Chief Financial Officer. The original shall also be recorded at the County. Additional copies shall be provided to the Affordable Housing Municipal Housing Liaison and to the Administrative Agent.

Louis DiMare
Mayor

Mr. Melick made a motion authorizing the Attorney to proceed with action as discussed in Executive Session pertaining to the Antaki, Platt and Taggart's affordable housing matters, seconded by Dr. Voyce. The motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

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Mr. Melick made a motion to follow the recommendation of the Chief of Police regarding the promotion to Sergeant within the Police Department, seconded by Dr. Voyce. The motion was approved. Ayes: Becker, Desiderio, DiMare, Melick, Voyce. Nays: None.

Authorization was given to review the Personnel Policy as it pertains to additional compensation for an employee for work done outside of their job description and to award if appropriate as discussed in Executive Session.

No action was taken on proposed Salary Resolution #93-2018. This will be referred to the July meeting.

9. Adjournment

There being no further business, the meeting was adjourned at 11:55 PM.

Roberta A. Brassard
Administrator/Clerk