

WEST AMWELL TOWNSHIP COMMITTEE MEETING

February 3, 2010

CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The regular meeting of the West Amwell Township Committee was called to order at 7:08 p.m. Present were Mayor Molnar, Deputy Mayor Frank P. Masterson III, Committeeman George Fisher and Attorney Philip J. Faherty III. Also in attendance were Ron Shapella, Sean Pfeiffer, Zach Rich, Hal Shute, Tim Lelie, Bill Corboy, Gary Robinson, Dave Beaumont, John Dupuis and reporter Renee Kiriluk-Hill.

Mayor Molnar announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was included in the Resolution faxed to the Lambertville Beacon, Hunterdon County Democrat and Trenton Times on January 1, 2010, was posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

The meeting was recorded via digital recording system and a copy of the CD is on file in the Office of the Municipal Clerk.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Renee Kiriluk-Hill led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 9. Garden Solar; 10. County Request on S-1; Resolution Supporting Elimination of 4% Levy Cap; 12. Zoning Report. Deleted were: 7.C and 8.B.

ANNOUNCEMENTS

The following announcements were made:

- PSE&G Power Line Mowing in Various ROWs – Through March 31, 2010 (map on file in Clerk's office)
- Township Offices Closed – February 15th for Presidents Day
- Next Regular Township Meeting – March 3rd
- 2010 Dog Licenses are Due - \$12/altered; \$15/non-altered
- WA Fire Company Auxiliary – Membership Drive (**approved for website posting**)
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The January 6, 2010 Regular, January 25, 2010 Special and January 28, 2010 Special (with minor correction) and Closed Sessions were unanimously approved on motion from Fisher, seconded by Masterson.

Mr. Masterson noted that Attorney Howard Cohen will be 'called when needed.'

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Tim Lelie, a resident of George Washington Road, relayed the condition of the road is worse now than when he addressed the Committee a year and half ago. With the former Boy Scout property now a State park, traffic on the road has increased a lot. Mr. Lelie inquired about possible plans to do some type of re-surfacing as someone will wind up in the ditch. The number of homes on the road was mentioned by Mr. Fisher and determined to be around 10. Mr. Molnar relayed that it's strictly patch and repair at this time but that Road Supervisor Hoagland will be contacted.

Attorney Faherty extended a 'welcome home' and 'thank you for your service' as Mr. Lelie has recently returned from Iraq. This sentiment was echoed by the Committee. A deployment to Afghanistan in 2013 is a possibility for Mr. Lelie.

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING AND/OR SPECIAL PRESENTATION

Public Hearing: Ordinance 1, 2010 AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY.

Proof of publication in the January 7, 2010 issue of the Hunterdon County was presented. The ordinance has been posted and available to the public since its introduction at the January 1, 2010 Township Committee meeting. The Ordinance was read by title and public hearing opened.

Bill Corboy advised that, although Township Committee member pay should be re-instated, it may be pre-mature to do so given the circumstances. He recommended holding off until there's word from Trenton concerning CMPTRA.

Sean Pfeiffer requested clarification on how salaries were handled last year. He was advised that the ordinance sets the ranges and a resolution sets the actual salaries. Last year's resolution was revised when the cuts were instituted. The resolution for this ordinance was adopted January 1st and contingent of passage of Ordinance 1, 2010. Mr. Pfeiffer stated that his concern is based on the new governor's short fall in the current budget and inquired what would happen if CMPTRA disappears. Mr. Molnar offered that this will be dealt with when something happens. Last year's salary to the Township Committee was '0' and the Committee is flexible to changing circumstances.

Ron Shapella relayed that in 2008 the State removed all CMPTRA revenue. The Committeemen took no salary then or in 2009. He expressed the opinion that it is pre-mature for the Committee to take a salary given the dire circumstances that exist.

Hal Shute inquired if this ordinance restores salaries to the 2008 level with no raise. This was answered in the affirmative.

Hearing no further comments, the public hearing unanimously was closed.

Fisher moved for adoption of the Ordinance and Molnar seconded. Roll Call: Fisher-aye, Masterson-abstain, Molnar-aye

Introduction: Ordinance 2, 2010

The following ordinance was read by title and introduced on first reading:

AN ORDINANCE ACCEPTING A DEED CONVEYING ROADWAY EASEMENTS FOR VARIOUS STREETS IN MOUNT AIRY ESTATES

WHEREAS, Orleans Corporation was the developer of Mount Airy Estates, lying adjacent to Mount Airy Village Road, within the Township of West Amwell; and

WHEREAS, Orleans Corporation was required to provide various roadways to West Amwell Township pursuant to Planning Board approvals for subdivisions; and

WHEREAS, Orleans Corporation has presented a Deed of Roadway Dedication over parts of Block 11, Lot 5; and

WHEREAS, the Township of West Amwell desires to accept said Dedication and record same with the Hunterdon County Clerk.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, as follows:

Section One: The Township of West Amwell hereby accepts the Deed of Dedication from Orleans Corporation for Williamson Lane, Surrey Lane, Rose Run,

Steepleview Court, Dairy Farm Lane, Stagecoach Lane and Milkhouse Lane as described in Schedules A through H of said Deed. The Mayor, Township Clerk and Township Attorney are hereby authorized to take all steps necessary to finalize these documents and file same with the Hunterdon County Clerk.

Section Two: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section Three: If any section, paragraph, subdivision, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

Section Four: This ordinance shall become effective upon final passage and publication according to law.

Attorney Faherty advised that Orleans neglected to include one road schedule with the deed and that Section one should be amended to read A through H prior to publication.

Fisher moved to introduce the Ordinance on first reading and Masterson seconded. Motion carried unanimously. The public hearing will be held March 3rd.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Open Space Invoices:* An invoice for \$3,856.70 from Attorney Sharon Dragan for work on West Amwell LLC was unanimously approved for further processing.

- *Project Status Updates:* 1) Final documents are still pending at the SADC for the **Toll** closing. Toll Brothers also has to deal with a couple of things at the State level and the driveway encroachment issue has taken time and money to resolve. The SADC has yet to approve the grant agreement but there is still hope that a closing can take place this month. 2) **Gulick III**, which is a 17 acre parcel adjacent to Gulick I & II and on which the Township has an option easement through 2013, ranked high in the County PIG. County money will cover soft costs and the project now goes to the SADC for certification. 3) The **Kilmer** application for a lot line adjustment will require further information from the Township.

Parks & Recreation

- *Request for Use of Logo:* The committee is working with the high school on another project at Hewitt Park. They would like to place the township's logo on the snack shack and dugouts once the block portions of the buildings are painted. A color copy of the logo is requested. Approved.

John Dupuis arrived a bit later and spoke about the Open Gym program. The past two months there's been 40-45 attendees. A scheduling problem occurred this past week when the gym was doubled booked. The weight room is currently not being used but is being investigated. He also mentioned some drainage concerns at Hewitt Park and was advised that the use of the logo was approved for the dugouts. A couple members of the Parks & Rec committee will attend East Amwell's counterpart group meeting at the end of the month to discuss the area off of Gulick Road. Mr. Dupuis also noted that the group is interested in bringing back the Country Fair and offered their services to get it going. Mr. Molnar relayed that there's no money for this activity in the budget but that suggestions are welcomed. The membership needs to be polled to ascertain direction and meeting date.

Community Forestry

- *Annual Accomplishment Report:* Gary Robinson presented this required document noting that the State requires three particular areas of endeavor—outreach, hazardous trees, and self education—and these have been accomplished. The report was approved for submission, with Mayor Molar extending appreciation to those involved for all the work that was completed.

Mr. Robinson relayed that the grant applied for earlier has been approved. This money

is to be used for the production of a second 5-year plan. Documents should be received shortly that will need to be submitted in order to get the funds. The grant is for \$3000 and no Township match is required. There is ample money for the Forest Consultant but they've been advised that the new plan can be produced without his input as long as the intent is met.

UNFINISHED BUSINESS

Continuation of 2010 Appointments – Mr. Molnar presented the following for possible appointment:

John Ashton - 2 year term as Alternate #1 on the Zoning Board of Adjustment
Randy Hoagland – Stormwater Coordinator
Cathy Urbanski and Joel Coyne – Sourlands Municipal Alliance
Gary Hoyer, Hal Shute, Anton vanSaase, Dan Malek, Steve Bergenfeld and
Jim Hamptil – Finance Advisory Ad Hoc Committee

The appointments were unanimously approved on motion by Fisher, seconded by Masterson.

Mr. Molnar then made the following mayoral appointments:

Rob Tomenchok – 3 year term on Environmental (replacing the Jan 6th appointee)
Cathy Urbanski – Environmental Commission Chair

Update on Police Study & Outreach – Mr. Molnar relayed that his take from the meeting on January 25th was that West Amwell was not in favor. There were a lot of unanswered questions, especially concerning cost. He questioned whether this should continue. Mr. Fisher offered that what was presented was just a framework and if there is interest in continuing, there needs to be further talks on the details on police pay, what group would be in charge, etc. as these were not addressed. More information is needed to see if there's any common ground...something that has not been investigated yet. He noted that it is the job of the governing body to look at the details but expressed concern about not being overpowered, although he feels that the issue is basically dead. This was a rough study and one not done by an accomplished consultant. Mr. Masterson offered that the consultant wanted four meetings but to continue in the fashion of the first would be a problem in educating residents. He also noted that he didn't like the free-for-all style; is personally is against a merger; and, has his own ideas. The proposed scheduling will cost the township even more money and his advice to the other Committee members was to 'go slow' on this and that a fully staffed department is needed before implementing any change in rotation. Mr. Masterson also would also like to see State and County information included. Several problems with the set up—person responsible for scheduling, unions, schedule change bargaining, and uneven salaries were mentioned. The fact that the consultant interjected the 12 hour schedule at the meeting when a 7 hour one is more plausible was noted. If the merger 'takes all', savings are a wash. The consultant also hedged on dropping bad employees if the current departments are dissolved, which is the entire key to pulling this together. Mr. Masterson indicated that it is okay to talk but the Committee should be prepared for a 'snow job' as whoever does the scheduling, has the control.

Ron Shapella intoned that he could hardly believe what he is hearing. The Committee should just say 'no' and the study should be DOA. When he started three years ago with the concept of shared services, he said there had to be two components—savings and improved service. There is no savings with this merger or improved service. He questioned what the Committee's expectation from Lambertville would be and why this is not just a flat no. If additional talks are contemplated, the Township will see Lambertville City police in West Amwell.

Bill Corboy observed that this study was commissioned because the governor had decided not to fund State Police coverage to rural municipalities. At that point there was

a potential of cost savings or cost neutrality for police. With the decision reversed, there is no savings as East Amwell is out. While there is some information in the study that might be useful at some point for a South County police department with similar communities—availability of training, promotion opportunities, one-man patrols, and a chain of command—the primary motivation is gone. This study does not play well with West Amwell and the money will not accrue to the Township. Mr. Corboy then recounted the history of the West Amwell Police Department, something that evolved due to burglaries 25 years ago. He noted that the Township is not any different than East Amwell but that over the years, West Amwell has spent approximately \$15 million for police coverage, a cost that East Amwell did not incur. He advised that this study is not for West Amwell and that the Committee should look at potential for savings and leave the door open.

Hal Shute commented that there was a lot of West Amwell opposition expressed at the meeting and that real numbers are needed as the calls per hour don't add up. Any additional conversations should be just with Lambertville City as further participation by East Amwell just muddies the water. The last meeting was dominated by a group that is not a player. Mr. Shute offered that the newly appointed Finance Committee will volunteer their services.

Mr. Capabianco will be contacted to set up a meeting with, or without, the consultant and Lambertville sometime later in the month. In the meantime, Mr. Molnar will institute talks with Delaware Township and East Amwell.

Audit Services Agreement – Mayor Molnar was authorized to sign this agreement with Auditor Case.

Rocktown Hill Drainage Project Update – A letter was received from the Delaware River Joint Toll Bridge Commission announcing its award of a Compact Authorized Investment Grant to West Amwell in the amount of \$100,000 for the Rocktown Hill Road Drainage Improvement project. Grant paperwork is expected shortly. The CFO and Township Engineer will consult as an ordinance will be needed.

Garbage & Trash – Mr. Molnar relayed that the Hampton Borough **garbage truck** under consideration for possible purchase was too small for Township needs. If a truck purchase is the current direction, this option has to be in place by October. The possibility of using **container service** for municipal waste went nowhere because no bids were received. The use of a **Lambertville garbage truck** for Saturday collection is not an option as they would need an empty truck first thing Monday morning. The number of **permits** sold is down, although a number of cars were turned away at the last card check. An up to date count will be obtained.

Report on Newly Elected Officials Seminar – This orientation session sponsored by the NJ State League of Municipalities provided an overview of the League and its programs and perspectives; overviewed topics such as budget, contracts and open public meetings laws; access to public records and ethics; and tips from experienced mayors and clerks. Mr. Fisher attended and was amazed at the number of young people that are involved in government. He met League officials; found the orientation to be worthwhile; and stated that the experience will pay dividends.

Report on Contact with American Approved Energy Services – Mr. Fisher spoke with an energy broker with the company. The idea is to lock in cheaper generation rates for a specific number of years with a 20-50% savings potential. There is no additional cost to change over and the estimate savings would run approximately \$1000/yer. Only the generator of electricity would change; the supplier would still be JCP&L. Mr. Fisher was requested to investigate further as to whom else has done this and to get references.

Mr. Molnar commented that Engineer Clerico put him in touch with Tim Ferguson of

Garden Solar. Mr. Ferguson contracts with municipalities that have land to host solar panels for wholesale generation. He was to send additional information but nothing has been received to date.

SHREC Energy Audit Proposal – A summary of the history of this endeavor was distributed to the Committee. The Township entered into a cooperative pricing agreement with several local entities and the South Hunterdon Energy Solar Co-op was approved by the DCA. The RFPs for an energy audit and power purchasing for the participating entities await advertising approval.

Ron Shapella, who was the Township's representative to the group, noted that the RFP is slanted towards vacant land in West Amwell and there's nothing in it about maintenance and insurance.

Mr. Fisher noted that Rob Tomenchok is also involved as a member of the school board and will keep the Township informed.

This item will be added to the request for meeting when contacting Mr. Capabianco.

Resolution to Enter Closed Session –

RESOLUTION #36-2010

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and WHEREAS, this public body is of the opinion that such circumstances presently exist, NOW, THEREFORE, BE IT RESOLVED by the Committee of West Amwell Township, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
PURCHASE, LEASE OR ACQUISITION OF REAL PROPERTY
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This Resolution shall take effect immediately.

The Resolution was unanimously approved on motion by Fisher, seconded by Masterson.

NEW BUSINESS

Report on Employee Meeting – Mr. Molnar overviewed his recent meeting with the employees. Police, garbage, and staff morale were primary areas of discussion.

Mr. Pfeiffer inquired about the number of cards sold (less than 300) and commented on the random card check held recently and that many folks were turned away. He was advised that WSO Hoagland collected money on site as well and that cards were subsequently mailed to the residents.

Request for Link on Website for SHRHS Work Group Press Release – Approved.

Wendy Williams re: Ordinance Concerns – Ms. Williams feels that there is a great need for a more thorough review of ordinances. The consensus of the Committee was that the Clerk's responses have calmed the situation.

Consideration of Resolution re: 100th Anniversary of the Boy Scouts of America – The following Resolution was read into the record by Mayor Molnar. It was unanimously approved on motion from Fisher, seconded by Masterson.

RESOLUTION #37-2010

WHEREAS, the Boy Scouts of America celebrates its centennial on February 8, 2010, the date of incorporation in the United States; and,

WHEREAS, West Amwell has a long tradition of scouting in Hunterdon County, with almost 80 yrs of continuous Troop and Pack activity, currently made up of Troop 49 and Pack 32 ; and,

WHEREAS, scouting has been and continues to be an integral part of life in Hunterdon County with the recent formation of the Pahaquarra District in 2008 from two merging districts, the Jenny Jump and Hunterdon-Arrowhead Districts; and,

WHEREAS, the Pahaquarra District Council is comprised of about 70 Cub Scout Packs, Boy Scout Troops, and Venture Crews with nearly 2900 youth; and,

WHEREAS, there are over 2.8 million youth members and 1.2 million adult volunteers in the Boy Scouts of America in more than 300 Councils throughout the United States, sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in their local communities; and,

WHEREAS, the Boy Scouts of America has provided a program of character development, physical fitness, and mental awareness to over 111 million youth of the United States in the past 100 years; and,

WHEREAS, the Boy Scout Oath "On my honor I will do my best, to do my duty, to God and my Country and to obey the Scout Law; to help other people at all times; to keep myself physically strong, mentally awake, and morally straight" inspires members to become good citizens, encourages high ethical standards, and promotes good will and service in their community,

NOW, THEREFORE, BE IT RESOLVED, that West Amwell Township does hereby proclaim February 8, 2010, as

BOY SCOUTS OF AMERICA, CENTENNIAL CELEBRATION DAY

to be celebrated by the Pack 32 Cub Scouts on February 20th at their annual Blue & Gold Dinner and encourages all citizens to join in recognizing the Boy Scouts of America for 100 years of service to youth in our community and throughout this great nation.

Thomas J. Molnar

Frank P. Masterson, III

George A. Fisher

Thomas J. Molnar
Mayor

Frank P. Masterson, III
Deputy Mayor

George A. Fisher
Committeeman

S-82 Time of Decision Legislation – This legislation was just re-introduced and is under consideration by the Senate Community and Urban Affairs Committee. The Township has submitted three resolutions since 2006 plus a letter this past December in opposition to this bill. The latter will be resurrected for the mayor's signature.

S-1 Abolishing COAH & Local Implications – Attorney Faherty commented that there's no question what the Committee should do with this but that it's early in the process. He spoke with Attorney Shurts about it and he's not aware that the Planning Board is doing anything on Senator Lesnick's bill to abolish COAH. He has also received a synopsis from Shirley Bishop. The key is that there will many amendments before this comes to final resolution. There's not much to do right now. Mrs. Olsen noted that this really doesn't abolish COAH, it just moves it to the Office of State Planning. However, municipalities are supposed to have more say and the Township will be able to pass judgment on its own plan according to Attorney Faherty.

Sean Pfeiffer stated that this is something that he takes very seriously as before his time on the Planning Board it cost the Township dearly for not having an affordable house plan. Last year, the Township was in the first 6% to receive COAH certification.

He's been reading some third-party analysis but realizes that everything is subject to change. However, a lot of these things won't go away...just moves them down the hall to the State Planning Commission, which means that our friends at the Office of Smart Growth will be meddling. He expressed concern that anytime the State talks about empowering the State Planning Commission, caution is needed as it means that they can come in and start changing things such as local zoning based on some State perceived need. Another issue expressed in the analysis is that the bill will result in more litigation by throwing things back to court(s). Although towns may have the ability to come up with their own plan, if there's no COAH certification, builders could sue the town based on that plan. This then winds up in the courts and would cost more money. Mr. Pfeiffer acknowledged that this opinion is solely based on his readings. Abolishing COAH would be great but he's not sure this legislature will solve the problem. He believes that a Constitutional amendment is needed to correct the situation made by activist judges who created this in the first place.

Correspondence has been received from the County Planning Board who is considering a response to this proposed bill for submission to the legislators. Municipalities are encouraged to submit written comments by February 26th. The memo has been forwarded to the Planning Board. If the Township Planning Board decides to respond, perhaps Committee action could be taken at a special meeting.

There were conflicting sentiments expressed from the floor about whether to voice opinions on the bill now, and spend money on a response, or wait to see what amendments are made before so doing.

Conversation with Assemblyman Peterson re: Mandates & Funding – Mr. Fisher spoke with the new assemblyman concerning State mandates and CMPTRA. Although, he had nothing to say about the latter, he was given information to read. In return, Mr. Peterson imparted insight on handling lawyers. Also mentioned was the Texas Eastern situation as the local OEM is out of the deal since 911, according the Harry Heller, and a conversation is desired.

Meeting with Congressman Holt re: Appropriation Opportunity – The meeting was held at East Amwell and was lightly attended. Mr. Fisher relayed that there is stimulus money for 'earmarks' although the money would be a 2011 disbursement. Although not particularly happy about earmarks, the money is there and he mentioned the following ideas: 1) municipal building elevator; 2) Rock Road West resurfacing; and, 3) George Washington Road improvement due to the new State park. Applications are due February 17th and have to be made on-line.

Zach Rich inquired about Mr. Fisher's position on earmarks. Mr. Fisher replied that although he doesn't believe in them and that the size of government should be cut, if a neighbor is getting money, the Township should also try as it is tax/stimulus money.

Mr. Pfeiffer suggested that the park is a national heritage site, a good argument for paving could be made if the money is there.

Dave Beaumont suggested speed bumps for Rock Road West as re-surfacing would only make the current situation worse. The road is used as a cut off and when he runs, he uses the ditch. He also offered to help with the application.

Mr. Shapella mentioned the STOP sign at Corsalo discussed previously. The new regulations will be checked.

DRB Flood Mitigation Plan re: Resolution of Adoption – A synopsis of the history of this plan was distributed as the current Committee members were not around when this project started in 2006/7. There are not a lot of flood problems to mitigate in West Amwell but continued participation is needed to remain eligible for federal funds. The Township used, as its mitigation tool, the open space preservation along streams for

reduced run-off. A public hearing was held on the plan; a notice was published in the newspaper, with letters and brochures sent to affected residents. The brochure and questionnaire were sent to the website and were available in the lobby. The West Amwell plan was adopted following a public hearing held on October 17, 2007. West Amwell was one of forty-three municipalities to participate and a copy of the entire plan is available in the Clerk's office. Formal adoption is requested by resolution to demonstrate commitment by each jurisdiction to fulfill mitigation goals and objectives as outlined in the Plan.

RESOLUTION #38-2010

WHEREAS, the Multi-Jurisdictional Flood Mitigation Plan for Municipalities in the Non-tidal, New Jersey portion of the Delaware River Basin has been prepared in accordance with FEMA requirements at 44 C.F.R. 201.6; and,

WHEREAS, West Amwell Township, has participated in the preparation of the multijurisdictional Plan; and,

WHEREAS, West Amwell Township, is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, West Amwell Township, has reviewed the Plan and affirms that the Plan will be updated no less than every five years.

NOW THEREFORE, BE IT RESOLVED by Township Committee that West Amwell Township, adopts the Multi-Jurisdictional Flood Mitigation Plan for Municipalities in the Non-tidal, New Jersey portion of the Delaware River Basin and resolves to execute the actions in the Plan.

The Resolution was unanimously approved on motion from Fisher, seconded by Masterson.

Resolution Eliminating the 4% Cap Levy –

RESOLUTION #39-2010

Resolution Urging the Elimination of 4% Cap on Local Tax Levy

WHEREAS, as a result of the 2006 Legislature's Special Session on Property Tax, P.L. 2007, c. 62 implemented the Joint Committee's recommendations of establishing homestead credits to reduce property taxes, imposing a 4% cap on local tax levies and permits the Local Finance Board to define capital and non-bondable current expenses; and

WHEREAS, in the preamble of the law it states that the "...Joint Committee found that property tax levy caps have been shown to hold down rising property taxes, and therefore, the Legislature should develop a property tax levy cap that accomplishes this goal but does not lead to unintended, adverse consequences"; and

WHEREAS, in the face of its own budget problems, the state eliminated the availability of the homestead relief to all but seniors and the disabled, yet failed to adjust the levy cap, which continues to cause problems in local budgeting; and

WHEREAS, the 4% cap on local tax levies was touted as crucial to controlling government spending and would force governments to "live within their means and encourage public officials to elevate the public interest" has adversely impacted not only municipal budgets but the ability of local officials to make sound decisions that meet the needs of their town and the demands of the taxpayers; and

WHEREAS, the 4% tax levy cap has proven to be counterproductive to sound fiscal policies forcing municipalities to draw down fund balances and reserves during good economic times and increase taxes during bad economic times; and

WHEREAS, the tax levy cap has forced municipalities to postpone infrastructure maintenance, eliminate programs and services for the needy and defer statutory expenses; and

WHEREAS, the 4% cap does not take into consideration expenses outside the control of local officials such as tax appeals, utility and other energy costs, state mandates, library appropriations or arbitrator's decisions; and

WHEREAS, prior to the levy cap municipalities could reduce their debt, realize savings and use that savings to implement new programs without increasing taxes; with the levy cap municipalities must reduce their levy by the savings; and

WHEREAS, after several budget cycles municipalities have attempted to make short-term and long-term structural changes to their budget to bring down long term cost;

NOW, THEREFORE, the governing body of West Amwell Township, in the County of Hunterdon, State of New Jersey, hereby urge the Legislature to eliminate the arbitrary 4% tax levy cap.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senator Doherty, Assemblymen Di Maio and Peterson, the New Jersey State League of Municipalities and the Office of the Governor.

The Resolution was unanimously approved on motion from Fisher, seconded by Masterson.

OPEN TO THE PUBLIC

Mr. Pfeiffer re-iterated that the National Heritage angle be investigated for George Washington Road. As for Rock Road West, it is part of the March to Monmouth. He also inquired about the mandate of the Finance Committee. Mr. Molnar explained that this group will look for ways to both save and generate money. The meetings will be open but a meeting date is not yet set.

Mr. Beaumont came forward with an update on the South Work Group. They met on January 26th. Discussion points were:

- 1) special education funding to understand the high percentage of spec ed students
- 2) group determination source issue as the students are classified throughout the elementary school years
- 3) recommendations to be made to the Board concerning the budget

The latter will be finalized in a week or so to realize the ramification. The next meeting will be held in February on a date TBD. Mr. Beaumont noted that concerns have been expressed about representation from West Amwell as there has not been as much and that input is missing. Questioned about the percentage of special education students per sending district, it is roughly Lambertville – 20%+; West Amwell and Stockton 8% each. The financial burden is set as part of the budget and property valuations determine proportional cost—Lambertville 50%; West Amwell 30-40%; Stockton picks up the remainder. Mr. Beaumont reminded the Committee that this work group has no authority on special needs at the school. They can only ask and partner. Also relayed is movement to hold school elections in November or remove the vote on school budgets. There is some concern about whether the voting machines can handle the former.

Mr. Shute advised that the Committee needs to prepare a worse and best case scenario on the Township budget; assume that State aid will be hit; and, build this into the budget, noting that a 25% loss of CMPTRA will incur a fight. He noted that West Amwell School has two tracks going—a 10% reduction and a category of what to give

up—in their budget process. Mr. Shute also inquired as to the liaison to the new Finance Committee. Mr. Molnar stated that he will serve in this capacity.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #40-2010

WHEREAS, it has been determined by the Township Committee of West Amwell Township that the following escrow fees can be refunded

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell that the Treasurer is hereby authorized to refund the following amount to the applicant:

Applicant	Amount Refunded
Douglas Olshansky	\$ 62.00
Proline Construction	\$ 37.50

The Resolution was unanimously approved on motion from Fisher, seconded by Masterson.

RESOLUTION #41-2010

WHEREAS, N.J.S.A. 40A:4-58 permits appropriation transfers during the first three months of the fiscal year between line items of the prior year's municipal budget; and

WHEREAS, it has been determined that certain line items are in excess of the sums needed and certain line items have insufficient funds to complete the operation of the fiscal year

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, that the following transfers be made between the Budget Appropriations as follows:

	From	To
Fire Bureau: Other expense	\$ 500.00	
Police Department: Salaries & wages	\$ 8,000.00	
Streets & Road Maintenance:		
Salaries & wages	\$ 1,500.00	
Other Code Enforcement:		
Other expenses	\$ 1,000.00	
Social Security: Other expenses	\$ 2,000.00	
Planning Board: Other expenses		\$ 1,000.00
Legal Services: Other expenses		\$ 10,000.00
Public Health: Other expenses		\$ 2,000.00
Total	\$13,000.00	\$ 13,000.00

The Resolution was unanimously approved on motion from Fisher, seconded by Masterson.

Presentation of Bills for Approval: Fisher motioned to approve the evening's bills for payment, seconded by Masterson, and carried unanimously.

Statement of Cash and 2009 Revenue Report and Statement of Receipts and Disbursements: As of this date there is a cash total of \$4,571,904.21 between the operating and capital accounts. Revenue report for 2009: \$2,466,932. Receipts and Disbursements for the year ending December 31, 2009 were \$19,598,738.15 and \$18,841,401.52, respectively.

Tax Collector – The monthly report for December 2009 was received showing receipts in the amount of \$10,124,871.52. The required Annual report was also received reflecting the \$10,124,871.52 deposits for the year.

Construction – The December 2009 Permit Fee Log details (12), Monthly Activity Report-Permits (6), Payment Summary Report (\$8,529.00), Monthly Activity Report-

Certificates (9) and Certificate Log Detail (9) were received for PermitsNJ.

Clerk/Human Resources – Personnel Manual Updates/Revisions were distributed, along with a couple policies for possible inclusion. The first five sections comprise the Employee Handbook. Updates are required every two years. A Public Officials training credit of \$250 per attendee is available. A tentative date in West Amwell is March 16th. There is also an incentive program that qualifies both deductible and rate reductions. To receive these, the completion of several items, including training for managerial and supervisory staff and police leadership and verification via checklist by the Township Attorney no later than April 30th is needed. A new requirement this round is a civil rights resolution. There are also videos on the Rights & Duties of an Employee in Local Government and the Rights & Duties of a Volunteer in Local Government.

Zoning Officer Report -- The January 2010 report of activities was received. Numerous phone calls, interpretations and site visits were noted.

The Tax Collector, Construction, and Zoning reports were unanimously accepted on motion by Fisher, seconded by Masterson.

The Committee entered their previously approved Closed Session at 9:25 p.m., returning to Open Session at 10:05 p.m.

CORRESPONDENCE

Mr. Molnar inquired about several items listed but none were brought forward for further discussion. The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 10:12 p.m. on motion from Fisher.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk