

# **WEST AMWELL TOWNSHIP COMMITTEE MEETING**

## **July 23, 2014 - 7:00 p.m.**

### **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 7:07 p.m. Present were Mayor Zachary T. Rich, Deputy Mayor George A. Fisher, Committeeman John Dale, Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance were Dave Beaumont, Harry Heller, Ron Shapella, Cathy Urbanski, Sharon Dragan, John Crouce and Mr. & Mrs. Gerald Rygg

Mayor Rich 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 Hunterdon County Democrat and Trenton Times on January 6, 2014, 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.

### **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

The mayor led the assembled group in the pledge to the nation's flag.

### **AGENDA REVIEW BY TOWNSHIP CLERK**

The following items were added: Closed Sessions for Purchase, Lease or Acquisition of Real Property and Contract Negotiations in which the Public Body may become a Party; Attorney/Client Privilege.

Mayor Rich requested that his resignation letter listed under Unfinished Business be moved up on the agenda. The request was unopposed. The letter of resignation cited growing commitments at home and work that prompted this move. Mr. Rich's resignation as mayor was unanimously accepted.

Nominations were opened for the selection of a new mayor. George Fisher was nominated and confirmed on motion by Rich, seconded by Dale. Attorney Faherty administered the Oath of Office to Mr. Fisher.

Mr. Fisher took over the conduct of the meeting.

### **ANNOUNCEMENTS**

The following announcements were made:

- Next Regular Township Committee Meeting – August 27, 2014
- Hazardous Waste Day – November 8<sup>th</sup>; Electronics Recycling, October 11<sup>th</sup>, all 9 a.m. – 1 p.m., County Complex, Rt 12
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

### **PRESENTATION OF MINUTES**

The June 25, 2014 Regular and Closed Session minutes were unanimously approved on motion from Rich, seconded by Dale.

### **OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA**

Gerald Rygg questioned the status of the jurisdictional agreement and the Township's responsibility for mowing operations along the roadways, guide rails and over the creek. He advised that he and Road Supervisor Hoagland had met concerning mowing but that the latter was waiting for word from the Township Committee as to the matter. Mr. Rygg was advised that the jurisdictional agreement is still under review by Attorney Faherty. The frequency of mowing, once determined as to where and what, will be determined by the Township Committee. Mr. Fisher will speak with the Road Supervisor concerning this issue. Mr. & Mrs. Rygg left the meeting.

At the conclusion of this segment, the first closed session was called.

### **RESOLUTION #103-2014**

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 Rich.*

The meeting returned to Open Session at approximately 7:37 p.m.

### **SPECIAL PRESENTATION(S)**

None

### **INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING**

**Public Hearing:** Ordinance 11, 2014 AN ORDINANCE TO AMEND CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL

Proof of publication in the July 3, 2014 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the June 25, 2014 Township Committee meeting and mailed to surrounding municipalities and the Hunterdon County Planning Board. As the Planning Board did not hold a meeting this month, no letter was received; therefore, the public hearing can be opened but will have to be continued to the August 27<sup>th</sup> meeting. Mr. Fisher read the Ordinance by title and opened the public hearing.

Ron Shapella of Lake View Drive came forward with concern over items that have been omitted from the new ordinance that were to protect environmental features. Specifically mentioned was section 144.d on page 16. The original intent was to prevent not minimize and the prohibition of not more than 10% of existing priority woodlands being removed for development in the Sourlands is no longer there. Mr. Fisher offered that the current ordinance made things more restrictive by designating as priority all woodlands and that the ordinance was reviewed by the Environmental Commission.

Cathy Urbanski, Environmental Commission Chair, commented that priority woodlands were addressed and are mostly found in the Sourland ridge. She has looked at every block/lot and there are very few developable areas, due to the underlying solid diabase, for major development. Also, rocks cannot be removed as this would be considered mining. The only potential, not landlocked piece, is the Fulper parcel. The current thinking is if a property is self-preserving, why spend money to preserve it.

Mr. Shapella returned to the table and stated that there is at least one large parcel in the Sourlands owned by a central Jersey aggressive developer whose intent is to build. He also referenced the construction in Mt. Airy where blasting occurred to remove rock and that there is newer technology now available for septic systems. Even with the protection of woodlands, this is still a concern.

Hearing no comments, the public hearing was temporarily suspended and will resume at the August meeting.

**Public Hearing:** Ordinance 12, 2014 AN ORDINANCE TO AMEND CHAPTER 53 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY NEW JERSEY

Proof of publication in the July 3, 2014 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the June 25, 2014 Township Committee meeting. Mr. Fisher read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was unanimously closed.

*The Ordinance was unanimously adopted on motion by Dale, seconded by Rich.*

**Introduction:** Ordinance 13, 2014

Mrs. Olsen explained that having mandatory direct deposit was discussed during the policies and procedures review earlier in the year. It only became legal for municipalities to require this on July 1<sup>st</sup>. The following ordinance was read by title and introduced on first reading:

**AN ORDINANCE TO MANDATE DIRECT DEPOSIT FOR MUNICIPAL EMPLOYEES BY THE TOWNSHIP COMMITTEE OF WEST AMWELL TOWNSHIP PURSUANT TO C. 52:14-15f et. seq.**

**WHEREAS**, P.L. 2013 c. 28, authorizes local governments to mandate direct deposit for certain governmental employees effective after July 1, 2014; and

**WHEREAS**, P.L. 2013 c. 28 permits governing bodies to grant exemptions on such terms and conditions as they deem necessary.

**NOW THEREFORE, BE IT ORDAINED**, by the Township of West Amwell, located in Hunterdon County, State of New Jersey according to the following:

Section 1. All full time employees and elected public officials who receive compensation from the Township of West Amwell are mandated to have direct deposit of their compensation as of August 29, 2014 in accordance with Chapter 28 P.L. 2013, as defined under C.52:14-15f (b).

Section 2. Seasonal and temporary employees who are employed by the Township of West Amwell are exempt from the direct deposit mandate.

Section 3. Municipal employees may request, in writing, an exemption from the direct deposit mandate to the Township of West Amwell Clerk. Such requests will be presented to the Township Committee within one month of hire. The Township Committee may grant such an exemption by resolution and only for good cause.

Section 4. 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 so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 5. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect after final passage, adoption and publication according to law.

*Rich moved to introduce the Ordinance on first reading and Dale seconded. Motion carried unanimously. The public hearing will be held August 27<sup>th</sup>.*

**Introduction:** Ordinance 14, 2014

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

**AN ORDINANCE PROVIDING FOR THE FUNDING OF THE FEE SIMPLE ACQUISITION OF CERTAIN REAL PROPERTY KNOWN AS BLOCK 28, LOT 35 IN THE TOWNSHIP OF WEST AMWELL AND APPROPRIATING THE SUM OF \$32,000.00, FROM THE OPEN SPACE TRUST FUND OF THE TOWNSHIP OF WEST AMWELL**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON, NEW JERSEY**, as follows:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by the Township of West Amwell, New Jersey. For the said improvements or purposes described in Section 2, there is hereby appropriated the sum of \$32,000.00, said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Township of West Amwell is authorized to fund the acquisition of certain real property known as Block 28, Lot 35 as part of the Open Space Program, including all related costs and expenditures incidental thereto.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition or improvement is not a current expense of the Township of West Amwell, but rather a capital expense and the estimated cost of said work, acquisition or improvement of said purpose is \$32,000.00

Section 4. The sum of \$32,000.00 is therefore appropriated for said purpose. The funding is provided by appropriating \$32,000.00 from the Open Space Trust Fund of the Township of West Amwell for said purpose as required by law and now available in one or more previously adopted budgets of the Township of West Amwell.

Section 5. There is no debt authorized for this improvement or purpose.

Section 6. The Mayor, Deputy Mayor, Township Clerk and Attorney, as the case may be, are authorized pursuant to N.J.S.A. 40A:12-1 et seq., and any other applicable law, to prepare and sign any and all necessary documentation to effectuate the Township's cost of the acquisition in fee simple of the property known as Block 28, Lot 35 including, but not limited to, any agreements and amendments thereto and any closing documents needed to complete the purchase.

Section 7. This Ordinance shall become effective immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

*Rich moved to introduce the Ordinance on first reading and Dale seconded. Motion carried unanimously. The public hearing will be held August 27<sup>th</sup>.*

**Introduction:** Ordinance 15, 2014

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

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AS BLOCK 28, LOT 35 IN THE TOWNSHIP OF WEST AMWELL FROM USMIANI**

WHEREAS, there is within the Township of West Amwell ("the Township") certain real property known as Block 28, Lot 35 on the official tax map of in the Township ("the Property") which is owned by John Usmiani and Anita Usmiani ("Owner") and consists of approximately 1.03+/- acres of land; and

WHEREAS, the Township of West Amwell (hereinafter "Township") has determined that there is a need to the Property for open space and/or other public purposes and that such acquisition is in the best interests of the Township, as it is surrounded by other lands dedicated to open space purposes; and

WHEREAS, in the interest of negotiating a timely and mutually acceptable voluntary transaction between the Township and the owner of the Property, it is and has been the policy of the Township to negotiate with the owner of the Property on the basis of fair market value; and

WHEREAS, the Township is authorized pursuant to N.J.S.A. 40A:12-1 et seq. to acquire property for public purposes; and

WHEREAS, the Owner is willing to sell the property to the Township for the proposed price of \$23,000.00 (after partial charitable contribution), so as to preserve it for open space, conservation and recreation purposes; and

WHEREAS, the purchase is made subject to and in accordance with the conditions set forth in the Contract of Sale between the parties, as may be amended, which Contract is on file with the Township Clerk; and

WHEREAS, a satisfactory Deed, Affidavit of Title and other necessary closing documents from the Owner of the Property, in accordance with New Jersey Green Acres Program policy, rules and regulations, shall be submitted to the Township upon closing of title on the Property.

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

Section One. The Township hereby authorizes the fee simple acquisition of the property known as Block 28, Lot 35 for conservation, open space and passive recreation purposes from John and Anita Usmiani for the amount of \$23,000.00 which purchase agreement is also hereby authorized, subject to adjustment as permitted in the contract of sale and contingent upon the Township's receipt of the funding as applied for from the N.J. Green Acres program.

Section Two. On behalf of the Township Committee of the Township of West Amwell, the Mayor, Deputy Mayor, Township Clerk and Attorney, as appropriate, are hereby authorized and directed to take all reasonable, necessary and lawful steps including preparation and execution of any and all contract and closing documents, documents needed to process the funding request through the N.J. DEP Green Acres Program in order to accomplish the fee simple acquisition of the property, including acceptance of the Deed and recording of same with the Hunterdon County Clerk's Office; they are further authorized and directed to make payment to the Owner of the Property, subject to the terms and conditions specified above.

Section Three. All ordinances or parts of ordinances deemed to be inconsistent with this Ordinance are hereby repealed.

Section Four. This Ordinance shall become effective immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

*Dale moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held August 27<sup>th</sup>.*

## **STANDING COMMITTEE REPORTS**

### **Open Space**

- *Project Status Updates:* John Cronce reported that **Toll N** is getting closer. Work on the **Lambert** property was credited to Hal Shute and that the project is moving along at a steady pace. The committee has decided not to fund the **Zink** property on Woodens Lane as it was determined that it is 'self-preserving.' Comments have also been received from the public along this same line. The committee has also recommended that there be no parking along the **Wooden N** roadway, as this was under consideration by D & R. Hunters will park along the fence line.

- *Permission to Post Links, Maps & Preservation Information on OS Web Page:* Mrs. Urbanski would like to update the site with this information. Approved.

### **Environmental**

- *Authorization to Post June 12, 2014 Minutes to Website:* Approved

- *Conservation Easement Documentation:* Mrs. Urbanski relayed that the wonderful high school project that was envisioned and described at the last meeting was nixed by the DEP. Their suggestion was to plant a rain garden! They have also refused to pay for the newsletter. Mrs. Urbanski stated that it's never been like this before. She and Steve Souza will be meeting later this week to discuss the matter and inquires will be made. Both she and Dr. Souza are quite upset about the turn of events. Mr. Rich requested that information be shared with him once things are lined up.

Mrs. Urbanski then presented a loose leaf notebook of conservation easements. The project is not totally completed, as Mr. Cronce has been busy, but there are 47 documented easements with pictures and dates. The Calton development is complete. Easements have been mapped, including a picture, for the Hills at Hunterdon. Other easements have been mapped and documented although inspections are still pending. Appreciation was expressed to Mrs. Urbanski as this project constituted a lot of work.

### **Finance Advisory**

- *Authorization to Post June 18, 2014 Minutes to Website:* Approved

- *Recommendation Concerning Equipment Repair Orders:* John Dale relayed that there is a lack of documentation in the DPW log book for vehicle maintenance. A log is a legal document proving that work has been done. He suggested that numbered three-part forms be obtained, complete with the Township's name and address, so that a copy can be maintained at the DPW as well as in an equipment folder filed in the Clerk's office. A sample form was requested.

### **Ag Advisory**

- *Authorization to Post May 1, 2014 Minutes to Website:* Approved

## **UNFINISHED BUSINESS**

### **Changes** –

- *Letter of Resignation from Zach Rich as Mayor.* Moved to earlier in the meeting.
- *Election of New Mayor.* Moved to earlier in the meeting. However, nominations were opened for the selection of a new deputy mayor. Zach Rich was nominated and confirmed on motion by Fisher, seconded by Dale. Attorney Faherty administered the Oath of Office to Mr. Rich.
- Resolution Amending Meeting Start Time

RESOLUTION #104-2014  
(Resolution to Amend Resolution #01-2014 as to Meeting Time)

BE IT RESOLVED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, that for the remainder of 2014 the Township Committee will meet in regular session at **7:30** p.m. in the Municipal Building, 150 Rocktown-Lamb. Road, Lambertville (West Amwell), New Jersey.

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

### **Block 28 Lot 35**

- *Proposed Contract.* Mr. Fisher noted that the result of the earlier closed session was to offer \$23,000 for the purchase of this property, which abuts Hewitt Park.

*The mayor was unanimously authorized to sign the contract on motion by Rich, seconded by Fisher.*

- *Award of Appraisal Quotes:*

RESOLUTION #105-2014

WHEREAS, an appraisal has been solicited for Block 28 Lot 35 (Usmiani) for a potential acquisition; and

WHEREAS, only one appraisal is required for the project; and,

WHEREAS, an appraisal request was solicited from Tom Rodriguez and received as follows:

\$1800.00 for appraisal work with report to be completed 30 days from date of engagement; and,

WHEREAS funds are available in the Reserve for Preliminary Expenses for Open Space and Farmland Preservation

THEREFORE BE IT RESOLVED by the Township Committee that Tom Rodriguez of Tom Rodrigues Associates be awarded the requested appraisal work on Block 28 Lot 35.

*The Resolution was unanimously approved on motion from Dale, seconded by Rich.*

**COAH Letter** – Comments were received from Housing Consultant Bishop for review and subsequent submission to COAH. These were approved as received and will be forwarded prior to the August 1<sup>st</sup> deadline. Also noted was that Mrs. Bishop has filed an OPRA request with COAH to obtain information on and calculations used in determining West Amwell's Buildable Limit Capacity.

**Result of Gas Boy Sale; Resolution of Award** – There were no bidders at yesterday's auction. As this was the second no bid event, other negotiations for their sale can be made. Mr. Fisher offered to get them on Craig's List.

### **Resolution Amending S & W Resolution #95-2014** –

RESOLUTION #106-2014  
Amending Resolution #95-2014

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2014 Salary and Wage Resolution, adopted June 9, 2014 be amended as follows:

Position	Salary/Compensation
Delete: Police Administrative Secretary Parsons	\$15.00/hr
Add: Police Administrative Secretary Parsons	\$15.33/hr

*The Resolution was unanimously approved on motion by Rich, seconded by Dale.*

**Letter from County re: Chip Seal Program/Gulick Road** – The cost for this project came in at just under \$26,000. Due to heavy salt purchases earlier in the year, there is not enough money in Roads OE to proceed with the work.

**Updates** – 1) Mr. Fisher reviewed the status of the proposed **generator** for the firehouse. With the projected change-over of the remaining furnace from oil to gas, there will be no charge for the installation of the high pressure main by Elizabethtown Gas. The plumber will install the required regulators on all the appliances. With the free gas line installation, a natural gas generator became more attractive. Therefore, the recommendation is for the Township to go with a 60 KW natural gas generator. The cost would be \$26,255.81 under State contract, the price of which will include an enclosure and automatic transfer switch. Also mentioned was the receipt of a letter from the Department of Law and Public Safety concerning the \$30,000 grant from the Hazard Mitigation Program-Energy Allocation Initiative. Harry Heller advised that although approved for the money, the Township cannot move forward with any generator purchase until a final approval letter is received. In the meantime, there's some type of scoring taking place and some final questions to be answered regarding the installation. There will also be papers to be signed stating that the unit will work as intended.

RESOLUTION #107-2014  
Resolution Authorizing Contracts with Certain Approved Stated Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40a:11-12A

WHEREAS, the Township of West Amwell, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.20 ©), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of West Amwell has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Township of West Amwell intends to enter into contracts with the attached Referenced State Contract Vendor(s) through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Township of West Amwell authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Township of West Amwell pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED, that the duration of the contract(s) between the Township of West Amwell and the Referenced State Contract Vendor(s) shall be from July 23, 2014 to December 31, 2014.

Referenced State Contract Vendors

<u>Commodity/Service</u>	<u>Vendor</u>	<u>State Contract #</u>
Gas Generator	F&M Generator Power Systems	T-2710

*The Resolution was unanimously approved on motion from Rich, seconded by Dale.*

RESOLUTION #108 -2014

**WHEREAS**, there is a need to purchase a generator for the Firehouse for the Township of West Amwell, in the County of Hunterdon, State of New Jersey; and,

**WHEREAS**, this item can be purchased through the following State Contract vendor

**F&M Generator Power Systems**

*One, Blue Star Power Systems GM60-02 Natural Gas Engine Generator Set. Rated 60KW  
Standby 1800 RPM, 240/120 volt, 3 Phase, 60 Hz 0.8 PF*

**WHEREAS**, the maximum amount of the purchase is \$30,000.00; and

**WHEREAS** the CFO has certified to the Township Clerk that funds are available in the Ordinance 7, 2013; and

**WHEREAS**, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of West Amwell, in the County of Hunterdon that the CFO is hereby authorized and directed to approve and forward Purchase Requisitions to the stated vendor for the commodity listed above.

*The Resolution was unanimously approved on motion from Rich, seconded by Dale.*

The 'no charge' **Elizabethtown** gas extension agreement was signed by Mayor Fisher. 2) The closing on Block 8 Lots 20 & 36 finally took place on July 8<sup>th</sup>. 3) The Orleans **jurisdictional agreement** was discussed earlier in the evening. 4) Mr. Rich relayed information from his recent conference on the **turf field** at South. The application is being handled by Maser and is due July 31<sup>st</sup> to Green Acres for a low interest loan. According to the State, Hunterdon is too wealthy for grant funding. Various items have to be accomplished here such as advertisement of a public hearing to be held prior to August 21<sup>st</sup>, an affidavit of publication, minutes, a signed application, a letter of recommendation from the Planning Board, a copy of the ROSI, and the signed 25 year lease agreement. Even with all of this, the chances are not great. Mr. Counce stated that he is okay with the application as long as there is no effect on the Township's program at Green Acres. He also questioned which entity would be responsible if the field is built and whether the field would be restricted to the high school or be open to others as well. He was advised that the responsibility would be on the school and Green Acres rules would apply. Dave Beaumont questioned liability if a problem surfaces after the field is built, specifically mentioning drainage issues. The answer given was that there has to be a warranty and that there's no obligation to the Township. A special meeting for the public hearing was scheduled for August 6<sup>th</sup> at 7:30 p.m. *The mayor was authorized to sign the **lease agreement** on motion from Dale, seconded by Rich.* 5) Attorney Faherty commented on the first amendment to the **facility site lease agreement/solar PPA** noting that the missing Exhibit B is now here; that the Township will be the recipient of the monies once the typo is corrected; and, that he is still reviewing the document. *Rich motioned to authorize the mayor to execute the agreement once Attorney Faherty's approval is received and Dale seconded. Motion carried unanimously.* 6) A letter is to be sent on August 1<sup>st</sup> reserving the Township's right not to renew the **PAIC** Insurance coverage in order to explore other options. Mr. Rich requested that he be provided with a copy of the final letter.

**Appointments** – Held

**Policy Review** – Held

**NEW BUSINESS**

**Resolutions for Consideration**

- *Ballot Question re: Five Member Township Committee:* August 15<sup>th</sup> is the deadline for receipt by the County Clerk of municipal body questions for inclusion on the November general election ballot. It was specifically noted that these questions are non-binding in nature.

RESOLUTION #109-2014

BE IT RESOLVED that the West Amwell Township Committee have the following Resolution placed on the 2014 November Ballot:

“Shall the membership of the Township Committee of the Township of West Amwell, in the County of Hunterdon, be increased from three to five members.”

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

- *No Passing Zone, Route NJ 29:* NJDOT has investigated their inventory of existing centerline markings and has determined that the existing centerline markings along Route NJ 29 will remain as is. However, to update their records, this has to be legally established. The initial step is to receive a resolution of support from the municipal governing body.

West Amwell Township  
Hunterdon County

Lora L. Olsen, RMC  
Office of the Township Clerk  
150 Rocktown-Lamb. Road  
West Amwell Township, New Jersey 08530  
609-397-8634

West Amwell Township  
RESOLUTION #110-2014

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 29 in West Amwell Township; and

WHEREAS, NJDOT investigation revealed the current centerline pavement markings on Route 29 meet and conform to current design standards; and

WHEREAS, NJDOT will update existing records to reflect current No Passing Zone conditions along NJ Route 29

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, County of Hunterdon, in the State of New Jersey, that it supports the use of a “No Passing Zone” on Route 29 in West Amwell Township as recommended by NJDOT.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

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

- *Transportation Funding:*

RESOLUTION #111-2014  
A RESOLUTION IN SUPPORT OF A NEW FEDERAL TRANSPORTATION PROGRAM

WHEREAS, transportation is fundamental to the vitality and strength of West Amwell Township and the State of New Jersey, its people, businesses and neighborhoods, its economy and public safety; and

WHEREAS, the transportation infrastructure is underfunded and in many ways inadequate to facilitate economic growth, businesses' distribution needs, downtown revitalization, and future population trends; and

WHEREAS, key projects remain incomplete, despite widespread support and decades of study, due to inadequate available funding; and

WHEREAS, public transportation continues to gain riders yet suffers from a shortfall in funding; and,

WHEREAS, public transportation and other alternatives help alleviate traffic, minimize pollution and accommodate under served and environmentally aware residents; and

WHEREAS, road, highway, transit and bridge improvements have traditionally enjoyed bipartisan support in Congress; and

WHEREAS, federal transportation programs expire on September 30, 2014 and federal funding may run out before that time; and,

WHEREAS, the federal tax on gasoline has not been raised since 1993; and,

WHEREAS, the US Department of Transportation has warned states that funding for projects will cease; and

NOW, THEREFORE, in order to improve the economy and quality of life in West Amwell Township, and to better ensure the safety of our citizens, it is hereby resolved and enacted by the Governing Body of West Amwell Township does hereby endorse and support efforts to pass a bipartisan, long term funding program for transportation; and,

BE IT FURTHER RESOLVED, that Congress move quickly on a long-term program for highway, bridge, and transit that provides local officials a voice in selecting the projects that encourage economic vitality, strengthen neighborhoods and public safety, and

BE IT RESOLVED, that uncertainty in funding will cause projects to be delayed, result in the loss of economic activity and hurt business mobility and threaten economies, and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to Senators Robert Menendez and Cory Booker and our Congressman Leonard Lance, to Governor Chris Christie and New Jersey's Acting Commissioner of the Department of Transportation Joseph Bertoni and to the New Jersey League of Municipalities.

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

- Award In-car Police Computers: Held
- Oppose A-9747/S-2216, Release of Bidder's List:

Resolution #112-2014  
*Opposing the passage of A-947/S-2216*

**WHEREAS**, A-947/S-2216 would require municipalities, counties and local authorities to release the names, upon request, of all parties who have received bid documents prior to the bid opening once three or more bid packets have been obtained; and

**WHEREAS**, the release of the bidders' list would have to be made available in a timely manner in accordance with the Open Public Records Act and the municipalities will have the option to post the list on their websites; and

**WHEREAS**, failure to release this information would prohibit a municipality from accepting the bids and require the re-advertisement for bids; and

**WHEREAS**, the Appellate Division's decision in O'Neill Electric Co., Inc. v. the Board of Chosen Freeholders of the County of Warren, 297 N.J. Super. 473 (App. Div. 1997) stated that "access to a bidders list facilitates collusive or bid-rigging arrangements and that withholding disclosure makes this more difficult." Id. at 480. The Court went on to say that bid rigging is an "extremely serious problem, which costs the public enormous sums of money. The relatively insignificant interest of plaintiff and amici in obtaining bidders lists cannot overcome the grave danger to the public resulting from a failure to keep the door tightly closed to potential corruption in public bidding." Id.; and

**WHEREAS**, the governing body of West Amwell Township agrees with the court in the O'Neill decision and we are concerned that the release of the bidders' names prior to the receipt of bids could lead to collusion and bid rigging; and

**WHEREAS**, the benchmark of "three or more bids" before the release of the bidders' list is an arbitrary benchmark that will lead to costly litigation; and

**WHEREAS**, the provisions of A-947/S-2216 will require a municipality to create and maintain a record; and

**WHEREAS**, contractors have long argued that release of the bidder's list may force contractors to "sharpen their pencils." The governing body of West Amwell Township question why can't these "pencils be sharpened" regardless of the number of bidders or who is bidding on the project; and

**WHEREAS**, that the governing body of West Amwell Township strongly supports an open and competitive bidding process and the release of bidders after a bid opening;

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of West Amwell Township strongly opposes A-947/S-2216;

**BE IT FURTHER RESOLVED**, that a copy of this duly adopted resolution be sent to Governor Christie, Senate President Sweeney, Senator Shirley Turner, and the League of Municipalities.

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

**Bike MS re: Permission for Annual Ride** – Approved. The information will be relayed to the requestor as well as the Fire Company and Police Department.

**Possible Short Term Shared Service Agreement with Raritan Township for Plumbing Sub-Code/Inspector Work** – A brief discussion over payment concerns and liability as well as potential future value for backup services ensued. The item was held for further discussion and possible action later in the meeting.

**Closed Session** – Held until later in the meeting.

#### **OPEN TO THE PUBLIC**

Mr. Beaumont expressed appreciation for the new 4-way STOP intersection currently in progress; questioned the status of the LED sign at the high school; and, whether the change to a 5 member board would change the form of government. As to the latter, he was advised that there would be no change to the form of government, just that the membership would be increased. He also noted that the turf field's low interest loan would increase the schools' debt situation.

Mr. Beaumont provided an overview of his research on the school tax/tax bill situation. A rather lengthy discussion ensued over the process and how things were determined. The constant changes in position were noted and frustration expressed over the lack of urgency by the school system. A meeting has been scheduled for Monday at 6:30 p.m. with various officials/entities involved. However, there is some question about the participation of school personnel involved as the Board also has a meeting scheduled for that evening. Mrs. Olsen was requested to locate AF4 forms from the basement archives and several years of County rate certifications were distributed. The who, what, where, when and how to resolve questions remain open.

#### **ADMINISTRATIVE REPORTS**

**Treasurer –**

##### **RESOLUTION #113 -2014**

WHEREAS, it has been determined by the Township Engineer of West Amwell Township that the following applicant's escrow fees are in excess of what was needed to cover their inspection charges

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 applicants:

Applicant	Amount Refunded
Brent Pursell	\$ 150.00
ABC Supply c/o Strober Wright Roofing	\$1,321.92

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

RESOLUTION #14-2014

WHEREAS, it has been determined by the Zoning Board of Adjustment of West Amwell Township that the following applicant's escrow fees are in excess of what was needed to cover their charges, and

WHEREAS, the Zoning Board of Adjustment has approved a refund of the following amount, and further requests that TD Bank Escrow Account #7200053294 be closed

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 applicants:

Applicant	Amount Refunded
Cell Co Partnership DBA Verizon Wireless RE: Block 20 Lot 35 (c/o Richard Stanzione, Esq.)	\$2,060.00

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

Presentation of Bills for Approval: Mr. Fisher questioned bills from the Assessor and health benefits. Information provided and item satisfied.

RESOLUTION #115 -2014

BE IT RESOLVED by the Township Committee of the Township of West Amwell that the vouchers listed on the Bill List, in the amount of \$1,754,737.47, dated July 23, 2014, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

*Dale motioned to approve the evening's bills for payment. The motion was seconded by Rich, and carried unanimously.*

Treasurer Report: Appropriations through July 23, 2014 were provided and reviewed.

**Tax Collector** – The monthly report for June 2014 was received showing receipts in the amount of \$283,659.04. Also provided was a report of uncollectible taxes for 2013 and for the first half of 2014. All were municipally owned.

**Construction** – The Permit Fee Log details (22), State Permit Surcharge Fee Report Detail (\$1,203.63); Monthly Activity Report-Permits (18), Tax Assessor Report-Permits (22), Payment Summary Report (\$5,169.00), Monthly Activity Report-Certificates (18), Tax Assessor Report-Certificates (18), Certificate Log Summary were received for PermitsNJ.

*The reports were received as filed without comment.*

The following items, originally scheduled as 11.C and 11.D, respectively, and held, were now addressed.

**Possible Short Term Shared Service Agreement with Raritan Township for Plumbing Sub-Code/Inspector Work** – The discussion over payment methods and related concerns for the staff involved continued. The decision was to provide personnel for two of the three positions requested with a rate of \$30.00/hr plus social security and medicare taxes. This information will be relayed to Raritan Township for their concurrence at their meeting on Thursday morning.

*The mayor was unanimously authorized to sign the agreement, should it be accepted with the pending changes, on motion by Dale, seconded by Fisher.*

The following resolutions were presented for action so that the agreement can move forward should it be accepted by Raritan Township.

RESOLUTION #116 -2014

Authorizing a Shared Services Agreement for Building Sub-Code & Plumbing Inspection Services

WHEREAS, the municipality of West Amwell Township has proposed to share Building Sub-Code and Plumbing inspections services with the municipality of Raritan; and

WHEREAS, shared services are authorized by N.J.S.A. 40A:65-1, et seq; and,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of West Amwell, County of Hunterdon and State of New Jersey, that the Mayor and Clerk are authorized to sign the Shared Services Agreement for Building Sub-Code & Plumbing Inspection Services as presented under the terms and conditions agreed to by the signatories.

BE IT FURTHER RESOLVED that the terms of the Shared Services Agreement shall be sixty (60) days, beginning on or about August 1, 2014

BE IT FURTHER RESOLVED that a copy of this Resolution and the executed Shared Services Agreement be forwarded to the Department of Community Affairs.

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

*- Appointment of Substitute Plumbing Inspector.*

RESOLUTION #117-2014

WHEREAS, the Township of West Amwell is in need of a substitute Plumbing inspector for a short term project; and

WHEREAS, the Victor Rose has been recommended to temporarily fill this position for a period not to exceed 60 days; and

WHEREAS, Victor Rose has expressed an interest in serving in this capacity for the time period specified

THEREFORE, BE IT RESOLVED that Victor Rose be appointed as substitute Plumbing inspector effective August 1, 2014.

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

*- S & W Amendment.*

RESOLUTION #118-2014  
*Amending Resolution #95-2014*

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2014 Salary and Wage Resolution, adopted June 9, 2014 be amended as follows:

Position	Salary/Compensation
<u>Add:</u> Substitute Plumbing Inspector Rose	\$28.97/hr

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

**Closed Session** –

RESOLUTION #119-2014

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:  
CONTRACT NEGOTIATIONS IN WHICH THE PUBLIC BODY MAY  
BECOME A PARTY / ATTORNEY/CLIENT PRIVILEGE
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 from Fisher, seconded by Dale.*

The meeting returned to Open Session at 10:08 p.m.

**CORRESPONDENCE**

The correspondence as listed on the Agenda was ordered filed.

**ADJOURNMENT**

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

Respectfully submitted,

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Lora L. Olsen, RMC  
Township Clerk

APPROVED: August 27, 2014