

WEST AMWELL TOWNSHIP COMMITTEE MEETING

October 13, 2014 - 7:30 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 7:30 p.m. Present were Mayor George A. Fisher, Deputy Mayor Zachary T. Rich, Committeeman John Dale, Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance were Hal Shute, Gerald Rygg, Cathy Urbanski, Dave Beaumont and Erin Law of Bond Counsel.

Mayor Fisher 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

There were no additions or deletions to the agenda.

ANNOUNCEMENTS

- Last Day to Register for November 4th General Election – October 14th
- 300th Anniversary Event – Mt. Airy Walking Tour – October 19th
- PennEast Pipeline Representatives Will NOT Attend October 22nd Meeting
- Day Light Savings Time Ends 2 a.m. on Sunday, November 2nd
- General Election Day, November 4th, 6 a.m. – 8 p.m., Municipal Building
- West Amwell Rabies Clinic, Municipal Complex, November 8th, 1-3 p.m.
- Municipal Offices Closed November 11th for Veterans Day
- Hazardous Waste Day – November 8th; Electronics Recycling, October 11th, all 9 a.m. – 1 p.m., County Complex, Rt 12
- Community Paper Shredding Day, County Complex, Rt 12, Nov 1st, 9-1 p.m.
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The September 24, 2014 Regular session minutes were unanimously approved on motion from Rich, seconded by Dale.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Gerald Rygg of the Hills of Hunterdon development came forward requesting an update on the maintenance agreement and his July letter concerning mowing. Attorney Faherty advised that he had nothing to report on the former. As to latter, Mr. Rygg acknowledged that mowing had occurred but he requested that a written response to his letter be given.

SPECIAL PRESENTATION(S) - none

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING - none

STANDING COMMITTEE REPORTS

Open Space

- *Letter on Lambert Project*: Hal Shute relayed that Lambert's attorney has been grappling with the option agreement from the County as there is a clause stating that if the Township doesn't provide the 20% share, the family would have to provide. A letter was requested to document the Township's commitment. This was provided and approved for the mayor's signature.

- *Toll North*: Mr. Shute reported that there's some 'noise' that a tree service is a possible buyer of the property, which is something frowned upon by the SADC. There's no confirmation of this but no change to status either, although the SADC anticipates forward movement. An inquiry as to a signed contract will be made at Thursday's CADB meeting. Mr. Shute also noted that Toll wants to be sure of a sale before signing a contract to preserve.

- *Usmiani Closing*: This closing took place as scheduled on October 7th. A copy of the appraisal, donation letter for tax purposes, and a check have been forwarded to the seller. The survey is completed and three concrete monuments installed per Green Acres regulations. The only unmarked corner is to the inside which abuts current Township property. It was noted in the survey that no deed was found for Hewitt Park. It was requested that Township files be searched for this document. It is possible that the property was not surveyed but it would be good to know the actual boundaries. Open Space funds were offered for this purpose, if needed. The environmental report was flagged due to the agriculture use of the property in 1930 through 1950 and the possibility of long lingering pesticides and tainted soil. In order to receive Green Acres money, there needs to be either soil testing or a form signed that there will be no active recreation or a tot lot on this newly acquired property, although it was noted that the two properties were part of the same farm. Mr. Shute relayed that once Attorney Dragan's bill is received, a submission for reimbursement will be made.

- *Holcombe Mill Road Property*: This corner property is owned by the Elks and is under contract to Mr. Holcombe, who wants to subsequently preserve the 20 acre site. Mr. Shute noted that there are all kinds of complications with the property, e.g., the paper Mt. Airy Bypass, the cell tower, and the development. However, it's a nice property and has a fine view shed. This project will be discussed further at the Open Space meeting. Asking the Planning Board to dissolve the paper road is one consideration, or perhaps something else can be done with the property. Mr. Shute commented that a new firehouse was once mentioned for the site.

- *Project Status Updates*: Green Acres has closed with Halper's. D&R has done work on the Wooden North property via a grant received for re-forestation. The area has also been fenced against deer damage. This work was part of the Management Plan for the property but water is needed for the seedlings.

Environmental

- *Authorization to Post July 10, 2014 Minutes to Website*: Approved
Cathy Urbanski relayed that bear sightings need to be reported to the DEP hotline. Apparently they are not aware of the number of bears in this vicinity. She suggested that this information be posted on the website.

An e-mail was received from Sustainable Jersey that re-certification has been achieved.

- *PennEast Pipeline & Availability of Signs*: A draft resolution was presented opposing the pipeline. Mrs. Urbanski stated that the Delaware River Keeper was questioned on the necessity of these type of resolutions and has advised that townships are the bargaining power and that there is a need to be strong now. Hopewell Township has the resolution on their agenda this evening. The resolution prepared by Mrs. Urbanski, based on the one from Delaware Township but modified for West Amwell, was requested to be an agenda item for the October 22nd meeting. It was also noted that an article appeared on Philly.com concerning the Marcellus shale and that all of the gas would go for export, commenting that the pipeline would 'rip through our beautiful area' for export. New facilities in Philadelphia are being built as this is the intended hub.

Aq Advisory

- *Authorization to Post July 3, 2013 Minutes to Website*: Approved

UNFINISHED BUSINESS

Possible Appointments – A letter of resignation was received from Zoning Board member Bob Borden. The following appointments were made and approved. Kevin Koveloski to full membership to replace Mr. Borden. This is an unexpired 4 year term ending 12/31/2017. Frank Sabatino replaces Mr. Koveloski as Alternate #1 filling an unexpired term ending 12/31/2015. The Alternate #2 slot is now open.

Refunding Form & Sale Resolutions (for adopted bond Ordinances 16 & 19, 2014) and Authorization for CFO to Borrow

– Erin Law of McManimon, Scotland & Baumann overviewed the proposal and responded to Committee questions, noting that in order to keep the process moving, the resolutions need to be adopted or the rate will be lost. This is a complicated tax bond situation and the outreach to five banks resulted in two replies. The interest rate of 2.6% on the tax exempt bond and 3.65% on the taxable one received from TB Bank is open until November 7th. These form and sale resolutions are the last step in approving the bonds. A lengthy exchange over borrowing; BANs; the percentage amount of savings that has to occur; risk involved with interest rates; cost of processing; the linkage between the two bonds; and, the time frame involved ensued. The following resolutions were presented as follows:

RESOLUTION #149-2014
(See attached)

Dale motioned to adopt the Resolution and Fisher seconded. Roll Call: Dale-aye, Rich-no, Fisher-aye

RESOLUTION #150-2014
(See attached)

Dale motioned to adopt the Resolution and Fisher seconded. Roll Call: Dale-aye, Rich-no, Fisher-aye

Further authorization for the CFO as to the amount to be borrowed was then discussed, with the mayor advocating for the full \$990,000 as it is owed to the school; is needed in the budget; that cutting to the bone is not a prudent path; and, rates are low. A range was also discussed but no agreement was forthcoming. Mr. Dale suggested that there be \$400,000 to \$500,000 in surplus after paying what is owed to the school.

Dale motioned that there be enough borrowed to meet the recommended criteria after paying the school and Rich seconded. The motion carried unanimously.

Updates – 1) A meeting was held today on the SHREC **Power Purchasing Agreement** and the document was approved, per Mayor Fisher. A copy of the Townships insurance coverage limits has to be provided to Attorney Blank. 2) Now that the PPA is in place, **the First Amendment to Facility Site Lease Agreement** can be considered. Attorney Faherty relayed that the \$2500 previously removed is back in. The original \$30,000 payment to the Township was based on 6 acres; however, the amount has been reduced to \$26,375 due to the size of the panels. Mr. Rich questioned why the contract was not with Marina as they now own Swan Creek. It was explained that the rights were assigned. The company has the needed equipment and are ready to go, according the mayor. The possibility of a sit-down between Marina and the Planning Board was proposed. The mayor was authorized to sign both documents on motion by Dale, seconded by Fisher. Mr. Rich opposed.

Continued Discussion re: Shared Service with East Amwell for Building Dept. – Mr. Fisher has been in touch with Tim Matthews of East Amwell and has spoken with our construction department concerning this possibility. The former has to speak with other East Amwell committeemen but that East Amwell is also talking to Delaware Township was noted. Item is in limbo. Mr. Fisher will also follow up with Raritan Township as to the status of plumbing inspection services.

NEW BUSINESS

SHR Band Parents Association – An application was received and reviewed by Captain Bartzak, who has indicated that he has no concerns. The Findings and Determination were reviewed and no exception taken to the issuance of a license.

RESOLUTION #151-2014

WHEREAS, application has been received the Township of West Amwell to grant a raffle license, and

WHEREAS, no objections have been received the Clerk of the Township, nor were any objections made at the regular meeting.

NOW, THEREFORE BE IT RESOLVED that the raffle license be granted

TO: South Hunterdon Regional Band Parents Association
BENEFIT: Support Band Activities, Band Camp, Competitions, Trips
DATE: November 27, 2014
TIME: 10:00 a.m.
LOCATION: South Hunterdon Regional High School Football Field
301 Mt. Airy-Harb. Road, Lambertville NJ 08530

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

Computer Service – The Clerk has been in contact with Princeton Computer Services and has been offered a ‘no-contract, contract’ from them for our IT work through the end of the year.

They offer several different levels of service but what would work best for the Township will need further discussion and determination. The cost offered is \$125.00/hr and no additional for travel time. Approved.

Resolutions for Consideration

- Recognize & Preserve Strength of Local Pension Funding:

RESOLUTION #152-2014

**RESOLUTION URGING GOVERNOR AND LEGISLATURE TO RECOGNIZE AND PRESERVE
STRENGTH OF LOCAL PENSION FUNDING WHEN CONSIDERING THE
RECOMMENDATIONS OF GOVERNOR CHRISTIE'S PENSION AND HEALTH BENEFIT
STUDY COMMISSION**

WHEREAS, State actuaries confirm that the bipartisan pension and benefit reforms that were enacted in 2010 and 2011, coupled with the consistent pension payments made by responsible local governing bodies, are delivering the savings that had been promised by their advocates; and

WHEREAS, when analyzing the fiscal health of public employee pension and benefit systems, the experts make a distinction between local commitments for local employees and retirees, and the commitments that are the State government's responsibility; and

WHEREAS, according to the latest valuation reports, the local government Public Employees Retirement System (local PERS) and the local Police and Fire Retirement System (local PFRS) are actuarially sound, in large part due to the fact that municipalities and counties have made full employer contributions as required under the law for over a decade, with local PERS currently funded (comparing assets to liabilities) at 73.9% and local PFRS is currently funded at 76.9%, according to the experts; and

WHEREAS, the State PERS, on the other hand, is currently funded at 48.1%, and State PFRS is a little better, at 50.8%; and

WHEREAS, the Officers of the League of Municipalities have submitted a statement to Governor Christie's Pension and Health Benefit Study Commission, urging that the Final Report and Recommendations of that Study Commission not, in any way, weaken the vitality of the local pension plans; and

RESOLVED, that the governing body of West Amwell Township urges State policy-makers to recognize and protect the strength of the local PERS and local PFRS systems, and reject any recommendations that would threaten municipal budgets and property taxpayers; and be it, further,

RESOLVED, that, while we recognize the State's budget problems and we are anxious to help in any way we can, we cannot help in any way that shifts new burdens to our property taxpayers and our dedicated public servants; and be it, finally,

RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris Christie, State Treasurer Andrew Sidamon-Eristoff, our State Senator Shirley Turner, our two representatives in the General Assembly Bonnie Watson Coleman and Reed Gusciora, and to the New Jersey League of Municipalities.

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

- Transportation Infrastructure Funding:

RESOLUTION #153-2014

**RESOLUTION URGING TRANSPORTATION TRUST FUND REAUTHORIZATION AND
INCREASED FUNDING FOR LOCAL TRANSPORTATION**

WHEREAS, local officials know that investments in our rapidly deteriorating transportation infrastructure must be made, since failure to do so can compromise the safety of the public, the economic vitality of our communities and the security of our neighborhoods; and

WHEREAS, the New Jersey Department of Transportation (DOT) reports that New Jersey's municipalities are responsible for 64 percent (28,539 center line road miles) of our roads,

county governments are responsible for another 22 percent (6,649 center line road miles), and together, local governments are responsible for 39 percent of our bridges; and

WHEREAS, local roadways and bridges carry about 55 percent of all of New Jersey's traffic; and

WHEREAS, just last year, the American Society of Civil Engineers reported that 651 of the 6,554 bridges in New Jersey (9.9%) are considered structurally deficient and 1,717 (26.2%) are considered functionally obsolete, and that driving on roads in need of repair costs New Jersey motorists \$3.476 billion a year in extra vehicle repairs and operating costs – \$601 per motorist, and that 66% of New Jersey's roads are in poor or mediocre condition; and

WHEREAS, in the first year of the Transportation Trust Fund (FY 1985), Local Aid funding represented almost 22 % of total Transportation Capital funding, but over the years, the Local Aid portion was reduced to 16% in FY 1997, 12% in FY 2004, and 15% in FY 2013, so that the average Local Aid funding over the first 29 years of the Transportation Trust Fund was just under 15%, and

WHEREAS, the need for investments in local roads and bridges has not decreased since 1985, and no one has suggested that it will decrease in the future; and

WHEREAS, On May 1, New Jersey DOT then-Commissioner Jim Simpson announced that the State's Transportation Trust Fund is just 14 months away from a \$620 million deficit; now, therefore, be it

RESOLVED, that the governing body of West Amwell Township joins with the New Jersey League of Municipalities in supporting the "Forward New Jersey" coalition, and we call on State policy-makers to:

1. Reauthorize the Transportation Trust Fund to ensure adequate and reliable funding to meet State and local transportation infrastructure funding needs for the next 10 years;
2. Increase Local Aid funding to ensure adequate and reliable funding to meet all local transportation infrastructure needs; and
3. Increase the municipal share of Local Aid funding and ensure fair funding for all municipalities; and be it, further,

RESOLVED, that given the extent of the local infrastructure, and given the need for strong and steady investment in that infrastructure, we will call for assurances that Local Aid will represent, at a minimum, 25% of annual Transportation Capital spending, and for adjustments in funding, to account for the effects of inflation; and be it, finally,

RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris Christie, Commissioner of the Department of Transportation Jamie Fox, our State Senator Shirley Turner, our two representatives in the General Assembly Bonnie Watson Coleman and Reed Gusciora, and to the New Jersey League of Municipalities.

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

Discussion Concerning Possible Advertisement of CFO & CTC Positions – This item was requested by Mr. Rich and it was relayed that the next appointment would result in tenure for the personnel holding these positions. The situation and needs of surrounding municipalities was noted and briefly discussed. Mr. Dale and Mr. Rich favored advertisement of the positions in order to 'shake the tree'. Positions will be advertised.

Closed Session

RESOLUTION #154-2014

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
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 Dale, seconded by Rich.

OPEN TO THE PUBLIC

Dave Beaumont extended appreciation to the Committee for 'being there' for him as a taxpayer and resident as well as for meeting the challenges and exploring alternatives. He expressed the opinion that the rest of the community would be appreciative as well if they were here to see what the Committee does. Mr. Beaumont also inquired whether the Committee, as a body, has a position on the pipeline. The response by the mayor was 'no' but is something that will happen at some point, citing the draft resolution presented earlier for their review. The Delaware River Keeper has presented initial information but the pipeline side is still to be heard. Mr. Fisher also advised that PennEast will hold an open house in mid-November which will be more of a one-on-one situation for residents with various stations providing specific information.

Mr. Shute inquired whether the SHREC project is ready to move and was advised in the affirmative. He noted that the lessee of the property will need to be notified. The farm contract term was also mentioned and that this needs to get on a calendar year basis. Concerning the refinancing discussed earlier, he recommended that \$400,000 of Open Space funds be used to reduce the amount to be borrowed, as this is money not needed for current projects. He also mentioned the goal of Open Space to eventually reduce the six cent tax given the fact that there's over 6,000 acres preserved and all interested owners have been dealt with.

Dale motioned to apply \$400,000 from the Open Space Trust to reduce the bonded debt to under \$200,000 per year, with a seconded provided by Rich. Motion carried unanimously.

The Committee entered their previously approved Closed Session at 9:14 p.m., returning at 9:25 p.m. No results were reported at this time.

ADMINISTRATIVE REPORTS

Construction – The Monthly Activity Report-Permits (31), Monthly Activity Report-Certificates (76), and the Payment summary Report (\$7,726) were received for PermitsNJ.

Police – The September 2014 Monthly Report showing 960 incidents, 165 summonses and 0 warnings was received.

The reports were unanimously accepted as presented.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 9:26 p.m. on motion from Rich.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk