

# WEST AMWELL TOWNSHIP COMMITTEE MEETING

~~November 26, 2014~~ December 1, 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 7:36 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 Dave Beaumont, John Cronce, and Hal Shute

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 notice to re-schedule this meeting to December 1, 2014 due to a storm was faxed to same and posted on November 26, 2014. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

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The meeting was recorded via digital recording system.

## PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Fisher led those in attendance in the flag salute.

## AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 10.B. Updates/Penn East; 11.H. South Hunterdon sign; 11.I. Fire Prevention Shared Service; 11.J. Police Escort for South Football. Deleted were: 7.A. Princeton Hydro presentation; 11.F. Planning Board Letter.

## ANNOUNCEMENTS

- Municipal Offices Closed December 25<sup>th</sup> & 26<sup>th</sup> for Christmas
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

## PRESENTATION OF MINUTES

The November 10, 2014 Regular minutes were unanimously approved on motion from Rich, seconded by Dale.

The following Closed Session minutes were recommended for release by Attorney Faherty.  
04/02/2003 Real Estate Contract Negotiations-Open Space  
05/22/13 Purchase, Lease or Acquisition of Real Property #2      10/07/13 Personnel  
10/29/2013 Contract Negotiations      10/29/2013 Personnel  
02/26/14 Contract Negotiations      04/23/14 Unwarranted Invasion of Privacy  
05/28/14 Unwarranted Invasion of Privacy      05/28/14 Personnel  
05/28/14 Protecting the Safety & Property of the Public      05/28/14 Litigation  
06/25/14 Personnel      06/25/14 Litigation      07/23/14 Purchase, Lease or Acq. of Real Property  
08/27/14 Personnel #1, #2, and #3

*The Closed Session minutes as above were unanimously opened on motion by Dale, seconded by Rich.*

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

No one came forward and the segment unanimously closed.

## SPECIAL PRESENTATION(S) - none

## INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING - none

## STANDING COMMITTEE REPORTS

### Open Space

- *Authorization to Post October 14, 2014 Minutes to Website:* Approved
- *Toll North:* John Cronce reported that a re-appraisal is underway for a larger exception area and that the farm will be preserved whether or not the previously referenced sale takes place. He was initially concerned about potential purchaser Bio-Char but approval will happen.
- *Lambert:* Appraisals are underway.

- *Usmiani*: The Township is to receive money from the County for this purchase. The mayor signed the "Potential Historic Pesticide Contamination Certification Form required by DEP due to the land's former farm use.

- *Project Status Updates*: The Holcombe Mill Road farm is being considered. The sub-committee will meet soon to rank farms for the program.

### **Finance**

- *Authorization to Post September 11, 2014, October 15, 2014 & November 19, 2014 Minutes to Website*: Approved

Hal Shute advised that a new debt service schedule has been compiled that includes the two re-fi's and the school deferral. A copy will be provided to the Clerk for distribution.

### **UNFINISHED BUSINESS**

#### **Possible Appointments** –none

**Updates** – 1) A request for information (RFI) prepared by NJ OEM for FEMA was received from Harry Heller concerning the **generator**. Additional information is sought and the questionnaire is due 12/11. Mayor Fisher will follow up. 2) West Amwell was not included in the County's **ACO** RFP due to conditions placed on participation. A shared service employee with Lambertville or advertising for a part-time ACO just for the Township was discussed. The decision was to advertise for a part-time Township employee for this function. 3) Attorney Faherty spoke on the recent non-binding referendum for a 5 person township committee, noting that N.J.S.A. 40A:63-3 (c) provides that in order to change the current composition, a petition with signatures of at least 15% of the voters who cast votes in the preceding general election must be presented to the Township Clerk. This equates to a minimum of 147 signatures. The question would then be put on the ballot at the next General Election. A sample petition statement was provided. 4) Dave Beaumont advised that it is currently too late to appeal the **table of equalized valuation** and that it is his understanding that there's not much of a case. He continued by overviewing how the number is arrived at and noted that procedures were followed leading to the director's ratio. His recommendation was for the Finance Committee to oversee and keep track going forward. 5) Mr. Fisher relayed his conversation with the Hopewell Township Administrator Paul Pogorzelski concerning the **PennEast pipeline**. Mr. Pogorzelski has proposed an alternate route and several maps were provided showing the use of existing ROWs on particular areas of concern. This proposal would have West Amwell, together with Hopewell Township, lobby for an alternate route. It was reported that Mr. Pogorzelski is apparently confident, after speaking with a contact at UGI Engineering and Safety, that with both municipalities on board, and the right paperwork on file, the company would follow the recommendation. Mr. Fisher continued that he still needs to come up with a letter but this proposal coincides with his thinking in that there are certain things that he found problematic with the pipeline. He doesn't believe that the pipeline can be stopped but expressed concern over it running through the firehouse and police department, as well as so close to the high school. Although he finds it aggravating that the route also goes through preserved farmland, he does not think that this is even a consideration on the part of the company or that the federal government cares. Neither does he believe that concern over the Sourlands would hold any weight at that level; however, the provision of an alternate route may. The proposal calls for following existing PSE&G easements all the way from Delaware through the terminus in Hopewell. There are already power lines in those easements which are 200 feet wide. He noted that although the Delaware River Keeper and Sierra Club and similar groups say 'no' to alternatives in order to squash the pipeline and avoid people fighting, practically speaking he sees no way that the project would not go through. The real world news about natural gas is that Russia just cancelled their pipeline into Europe and the United States is trying to build liquefied natural gas plants, making this this geo-political and something that the Sourland mountains argument will not be able to interrupt. Discussion ensued about the stance of the Hopewell Township Committee and apparently they've been begging Mr. Fisher to get involved. At this point, action involves sending a letter from each party individually and is something that Mr. Fisher was going to do anyway. Mr. Rich was supportive and Mr. Dale offered that this course of action certainly kills the argument about disturbing virgin land. Also noted was that although it gets the township out of it, it doesn't help anyone else; however, the mayor's focus is on West Amwell. Referring to the maps, Mr. Fisher relayed that the alternate route marked on each is the same with only the overlap changing, e.g, environmentally sensitive areas, historic, preserved farmland, etc.

In a somewhat related matter, the mayor relayed that he toured the JCP&L blasting site, noting that the operation is very controlled. Although more blasting than originally anticipated is occurring, the project is moving along. It was also relayed that JCP&L purchased the two

building lots along the route so now own from the ROW to the substation.

Returning to the posted maps, Mr. Shute inquired about the direction of the power lines and why they stop going North at a particular point. Mr. Fisher overviewed the easement route and explained that one of the lines along the Alexauken tees off; drops down through West Amwell; and, makes a 90 degree turn. The line does not go into Delaware; there is no continuation of East-West lines; and, that nothing goes North except the wooden pole lines. Mr. Shute also questioned why the easements of the latter could not also be used and was advised that the easements for these are only 50 feet wide. Mr. Fisher stated that once his letter is in, he'll speak with Delaware but wants to make sure that West Amwell is protected and by doing what is advocated by Hopewell, the alternate route should be obtained. Mr. Dale observed that it may be an issue of cost in that it would be cheaper for them to go through virgin land; that they may have to do a couple different things on the pipeline; but, it would be doable. A brief discussion ensued about line height and electro-static problems with using these easements. Mr. Dale also commented that the company may very well go for the alternate route because otherwise they'll have a big fight on their hands. The mayor agreed, stating that this is the strategy.

**Shared Services Resolution for Construction Office** – The signed contract has been received, although there are still details to be worked out. The resolution is needed for filing the document with DCA.

RESOLUTION #170-2014

*Authorizing a Shared Services Agreement for Construction Office Services*

WHEREAS, the municipality of West Amwell Township has proposed to provide Construction Office services for the municipality of East Amwell; 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 Construction Office 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 4 years, beginning on or about January 1, 2015

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 by Dale, seconded by Fisher.*

**Construction Office Staffing Considerations for 2015** – Transition notes prepared by the Construction Office Coordinator with additional information added by the Clerk were reviewed. Concern was expressed about the number of East Amwell open permits as there are 350 of them. Discussion ensued about whether or not West Amwell would have to close these out; the cost of the program needed to do so; if these could be inputted into the Township's system; that the types of permits and status of same are unknown; and, as both parties signed the contract, the Township is committed to do the work. According to DCA, the Township has assumed the responsibility for close outs but the fees for the work have already been paid to Raritan. An initial suggestion was for only doing finals as called in but this would still necessitate the \$80/month charge for Road Runner to access them. Mr. Dale observed that, even if possible to input the permits into our system, it would not be worth it in time and money to do so. Mr. Rich offered to follow up on the issues mentioned.

The additional staff needed was then discussed. The request is for someone 15-20 hours/week. Previously stated options from an earlier meeting were mentioned and the decision made to advertise for the office assistant position.

Discussion turned to inspection hours and days. It is anticipated that hours and number of inspections will double, with pay increases accordingly. Inspections are projected to take place Mondays, Tuesdays and Thursday...an increase of one inspection day over the current schedule and there is now a central dispatch for inspection work. This seems to be working well and the inspectors are on board with the new venture. Concern was expressed over whether this will be enough time but at this point no one knows exactly how much time will be needed. Other budget items for consideration include increasing the weekly stipend for mileage and salaries.

An e-mail from the Construction Official concerning the shared service agreement and a salary proposal was received. Basically, the proposal is to double current salaries. Mr. Fisher questioned this as they are only increasing the work by one day. He also noted that were items included that were not going to fly. The consensus was that salary increases would be discussed during budget time with adjustments made then. However, provision for the increases will have to be reflected in the temporary budget.

A copy of the proposed ad for the construction assistant was reviewed and approved.

**Resolution Consenting to Proposed County WQM Plan Amendment** – There's a sixty day window to respond and the letter was received October 20<sup>th</sup>. To wait until after the next Planning Board meeting would be beyond that time frame.

RESOLUTION #171-2014

*A Resolution Consenting to the Proposed Water Quality Management (WQM) Plan Amendment Entitled "Amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans (WQMP)"*

WHEREAS, the Board of Chosen Freeholders of Hunterdon County desires to provide for the orderly development of wastewater facilities within **Hunterdon County**; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on October 20, 2014 for the above Amendment has been prepared by the Hunterdon County Planning Department

NOW, THEREFORE, BE IT RESOLVED on this 1<sup>st</sup> day of December 2014, by the governing body of West Amwell Township that:

1. West Amwell Township hereby consents to the amendment entitled "Amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans (WQMP)," as publicly noticed on October 20, 2014, prepared by the Hunterdon County Planning Department, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

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

**Tax Collector & CFO Positions** – Applications for the two advertised positions have been received; three for tax collector; one for CFO. Mr. Fisher noted the receipt of Mary Hyland's letter of resignation and stated that he tried to see if she would re-apply but this met with no success. The Clerk expressed the opinion that this was most likely due to the fact that she already holds the position; didn't think an application was needed; construed that she was being let go; therefore, the letter. The mayor commented he hates to lose her because she's been doing an excellent job and questioned what was to be gained by the Committee's action. With the assumption that the tax collector is leaving, the decision was made to interview all three applicants. A special meeting will be scheduled for December 8<sup>th</sup> at 6:30 p.m. for this activity.

Discussion turned to the single application for the CFO position. The applicant has the license but no municipal experience and is quite a distance away. Mr. Fisher inquired whether the applicant would be considered in lieu of the person already in place. The decision was not to interview. Mr. Rich questioned if consideration would be given to taking a look at East Amwell and a shared service. A brief discussion ensued over this in light of recent history, with the mayor questioning whether the township should consider letting go their current CFO for one that was fired from the County. Mr. Rich offered some insight into the East Amwell arrangement, noting that they have high praise and exceptional comments concerning this person. He added that East Amwell is currently interviewing other people for the slot to keep their options open but seem willing to overpay to keep this one on board. Also noted by Mr. Rich was the similarity of the two towns in that a full time person is not needed and that some kind of shared service may be a viable option. This direction also met with agreement with Mr.

Dale as it might be helpful for both municipalities. Mr. Fisher was not as sure about this move as the track record with CFO's at East Amwell has not been good; expressed concern over how the township's position would be explained should there be a problem, noting that there would certainly be some horrendous criticism given the history and limited municipal experience of this particular person; and, is of the opinion that things are being stretched to do whatever can be done to replace the current CFO. Questioned as what problems are perceived to exist, Mr. Rich relayed that he has experienced problems that put him in a bad position; has budget issues; and, that the finance committee has had difficulty getting information. He realizes the stakes involved but with this being a tenured position, whether things would improve was of concern. Mr. Shute relayed his concern over being cut out of the re-finance deal, noting his opinion that the township could have done better. He supported an interview with the East Amwell person. Why the CFO hasn't come to a meeting was questioned given the situation. During the ensuing conversation, it was revealed that the only person who has had a conversation with the CFO (or tax collector) about the changes was the mayor, and that the CFO had indicated feeling threatened by the finance committee. Mr. Beaumont also weighed in on the issue of school taxes and his inability to get an answer as to where the money had gone and how the loss would be covered. He concurred with Mr. Shute's suggestion about holding an interview.

Mr. Rich relayed that East Amwell had eight applicants for their CFO position and why West Amwell only received one application was curious as both municipalities were advertising at the same time. Mr. Fisher commented that the township needs to have a CFO for end of year close out and new year start up, both of which involve considerable work, and if someone has never done this, the proposed is really not an option. A question was raised about perhaps doing this per diem with an interim until things get worked out but it was noted that someone would still have to be hired. Attorney Faherty was asked to respond and he relayed a situation whereby a governing body was sued, and lost, over an interim appointment with a tenure situation. There was agreement to interview the East Amwell person and Mr. Rich will reach out to the administrator to arrange it.

#### **NEW BUSINESS**

**Municipal Alliance Sub-grant Agreement for July 1, 2014 through June 30, 2015** – Held pending further review. Agenda items for December 8<sup>th</sup>.

**Resolutions for Consideration** – No action was taken on the proclamation for Radon Action Month.

**2015** – 1) A Resolution to Set the Re-organization Meeting was presented. The decision was to hold the activity on January 5<sup>th</sup> at 7:30 p.m. A notice of this action needs to be published.

#### RESOLUTION #172-2014

BE IT RESOLVED that the West Amwell Township Committee will hold its Annual Reorganization meeting on January 5, 2015 at 7:30 p.m.

BE IT FURTHER RESOLVED that the Reorganization meeting be held in the municipal building located at 150 Rocktown-Lamb. Road, West Amwell, New Jersey. The public is invited to attend.

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

A listing of the Professional Services for which letters have gone out for the submission of contracts was presented. The decision made earlier was for a non-fair and open process this year.

**Traffic Enforcement with East Amwell for 2015** – The current agreement expires December 31<sup>st</sup>. A new agreement will be prepared for the December 8<sup>th</sup> meeting, in anticipation of East Amwell's continued satisfaction with the arrangement.

**Insurance** – The situation has resolved itself and the Broker of Record letter is no longer needed. The items are mute at this time.

**Requests** - Boy Scout Troop 49's request for use of Hewitt Park was approved. Also approved as Mr. Henn's request to distribute flyers at the depot about the pipeline. This information will be relayed to the parties involved.

**Sign at South Hunterdon** – The LED sign at the high school has raised some questions. Mr. Fisher relayed that this was discussed at the Planning Board and schools are exempt from local zoning. However, permits are still required and were not obtained. Mr. Dale commented on the unequal treatment of this matter as Quick Check is also looking for LED signage.

**Possible Shared Service for Fire Prevention** – Inquiries have been received from East Amwell, Delaware Township and Stockton to share our employee. Concern about this leading to a full time position, due to the amount of work involved, led to the decision that the employee could pick up these municipalities on his own, if so desired.

**Police Escort for Upcoming Football Game** – The South Hunterdon football team will travel to Kean College for a State championship game on Saturday. A request to provide a police escort was approved.

**OPEN TO THE PUBLIC**

No one came forward.

**ADMINISTRATIVE REPORTS**

**Treasurer –**

Presentation of Bills for Approval:

RESOLUTION #173-2014

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 \$2,381,574.15, dated November 26, 2014, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

*Fisher motioned to approve the evening's bills for payment. Rich seconded. Motion carried unanimously.*

Mr. Hunter was contacted about a deficiency in the escrow account but nothing has been received. Therefore, the bill from Maser cannot be paid. A call was received from Mr. Etchells complaining about one of the charges, although there's been no further word. Item held.

Treasurer Report: Appropriations through November 26, 2014 were provided and reviewed.

**Tax Collector** – The following redemption resolutions were presented:

RESOLUTION #174-2014

WHEREAS Tax Sale Certificate #201403 for Block 21, Lot 4; 333 Rocktown-Lambertville Road assessed to Mark C & Denise Lelie was sold on October 14, 2014 to Ridgeback Ventures, LLC and,

WHEREAS the amount of \$1,660.23 has been received from Wells Fargo for the owner of the property for the redemption of this certificate,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare, and the Mayor, Clerk and Treasurer be authorized to sign a check in the amount of \$1,660.23 payable to Ridgeback Ventures LLC.

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

RESOLUTION #175-2014

WHEREAS Tax Sale Certificate #201402 for Block 11, Lot 1.01; Mt Airy Bypass assessed to Lambertville Lodge #1070 BPO Elks was sold on October 14, 2014 to Ridgeback Ventures, LLC and,

WHEREAS the amount of \$3,606.05 has been received from Foundation Title for the owner of the property for the redemption of this certificate,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare, and the Mayor, Clerk and Treasurer be authorized to sign a check in the amount of \$3,606.05 payable to Ridgeback Ventures LLC.

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

**CORRESPONDENCE**

The correspondence as listed on the Agenda was ordered filed.

**ADJOURNMENT**

There being no further business, the meeting was unanimously adjourned at 10:06 p.m. on motion from Rich.

Respectfully submitted,

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Lora Olsen, RMC  
Township Clerk

APPROVED: December 8, 2014