

WEST AMWELL TOWNSHIP COMMITTEE MEETING

January 28, 2015 - 7:30 p.m.
(Re-scheduled from January 21, 2015)

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

The re-scheduled regular meeting of the West Amwell Township Committee was called to order at 7:34 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 John Cronce, Dave Beaumont and John Dupuis.

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, 2015, was posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. Due to a lack of a quorum, the meeting was re-scheduled to January 28, 2015. Notice of this action was faxed to the Democrat and Trenton Times and posted on the Township bulletin board and website on January 21, 2015. 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 those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 9.A Green Acres Payment; 9.B.2 Annual Report of Activities; 10.D.2 New PennEast Letters; 11.D.3 Police Support Resolution, Transportation Trust Fund Resolution, Resolution for Additional Salt; 11.G. Hazardous Mitigation Plan; 11.H. Fire Co Insurance Proposal; 11.I. DARE Fund Raiser; 11.J. Hoagland Retirement; and, 11.K. Website Link for Edgewater.

ANNOUNCEMENTS

- 2015 Dog Licenses Due by January 31st
- Municipal Offices Closed February 16th for Presidents Day
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The following Regular, Special and Closed Session minutes were unanimously approved on motion from Rich, seconded by Dale.

December 30, 2014 Special
December 30, 2014 Closed Session (Personnel-Interviews)
December 30, 2014 Regular
January 5, 2015 Re-Organization

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

No one came forward.

SPECIAL PRESENTATION(S)

None

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

Introduction: Ordinance 1, 2015

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

AN ORDINANCE VACATING A PAPER STREET KNOWN AS "MT. AIRY BYPASS"

WHEREAS, the Township of West Amwell has received a request for the vacation of "Mt. Airy Bypass" located in Block 11 and 11.01 of the Township of West Amwell; and

WHEREAS, the Township has determined that it has no need for this paper street; and,

WHEREAS, N.J.S.A. 40:67-20 allows for the vacation of this paper street to the neighboring property owners

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of West Amwell, County of Hunterdon, New Jersey that the Township hereby vacates interest in the paper street referred to above as "Mt. Airy Bypass," and any interest held in the property is hereby returned to the adjacent property owners as follows: (1) 33' to the former center line of "Mt. Airy Bypass" to the adjacent property owner at Block 11 Lot 1, and (2) 33' to the former center of "Mt. Airy Bypass" to the adjacent property owner at Block 11, Lot 1.01.

BE IT FUTHER ORDAINED:

- 1) All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency
- 2) 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
- 3) This Ordinance shall take effect upon its passage and publication according to law.

Dale moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held February 18, 2015.

Introduction: Ordinance 2, 2015

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

**CALENDAR YEAR 2015
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of West Amwell in the County of Hunterdon finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1.5% increase in the budget for said year, amounting to \$ 36,745.64 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of West Amwell, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Township of West Amwell shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 85,739.82, and that the CY 2015 municipal budget for the Township of West Amwell be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Rich moved to introduce the Ordinance on first reading and Fisher seconded. Motion carried unanimously. The public hearing will be held on February 18, 2015.

STANDING COMMITTEE REPORTS

Open Space

- *Authorization to Post November 11, 2014 Minutes to Website:* Approved

- *Project Status Updates:* John Cronce relayed that there was some confusion on the Toll N application due to the size of the easement. The SADC will review the new appraisal at their February meeting. As to a question from Mr. Fisher concerning the presence of the power lines, Mr. Cronce advised that these run on the Ziegenfuss property, through Compton and continue through the Toll S property by McGill. Mr. Cronce also noted concern over the Ziegenfuss property access easement, specifically spending money for preservation if it cannot be built. However, the County has stated that if the Township doesn't fund a study, the project could die. A brief exchange ensued over what is contained in the deed and title search for the property. The ratio of house price to the installation of a road to Township specifications was also mentioned as the latter would cost a fortune to build. It was generally agreed that the burden is on the property owner concerning the presence of the access easement.

- *Green Acre Acquisition Payment:* This form has been completed, signed by the mayor and the required packet of information submitted for reimbursement. The CMV has just recently been received.

Environmental

- *Authorization to Post December 11, 2014 Minutes to Website:* Approved

- *Annual Report of Activities:* Approved for posting to the website's Environmental page.

Pipeline Task Force

- *Letter from Mayor & Update:* The former is addressed in the latter but further discussion was held as Mrs. Urbanski was unable to attend this evening. The only item mentioned from the update was the proposal to hire an attorney through a shared service of the various groups. No interest expressed for this.

UNFINISHED BUSINESS

Possible Appointments –

- *Committee/Board:* Mayor Fisher enlisted the assistance of the other committeemen for individuals to fill the open slots on the Zoning Board and Historic committee.

- *Substitute Electrical & Fire Inspectors:*

RESOLUTION #29-2015

WHEREAS, the Township of West Amwell is in need of substitute sub-code officials and inspectors for Electric and Fire; and

WHEREAS, Construction Official Rose has recommended that the Peter Buchanan (electric) and Karl McAleer (fire) be appointed as substitutes for their respective areas of expertise for 2015

THEREFORE, BE IT RESOLVED that the foregoing individuals be appointed as recommended effective as of January 21, 2015.

The Resolution was unanimously approved on motion by Rich, with a second from Dale.

Updates – 1) Mr. Fisher advised that the **generator** project continues with Harry Heller and Bill Burr in conversation to work things out as both are familiar with FEMA. 2) Attorney Faherty advised on the **five person committee**, due to comments that this is something that can move forward without a petition, noting that there is a distinction between election statutes and those for municipalities in Title 40A:63-3(c). A petition requesting a change to five members is required in order to proceed. 3) The township's IT person has advised that one of the **old police laptops** is definitely junk; the one with the bad battery can be used with the projector; and, that the other two are fine but need programs. Mr. Rich advised that Harry Heller is interested in one of the latter for OEM.

Construction Office Assistant – The original appointee has declined to take the position. The possibility of using existing part-timers will be given another look although initial conversations revealed that one cannot give hours requested and other is committed elsewhere. The position will also be re-advertised.

PennEast –

- *Survey Authorizations/Impacted Owners (Mt. Airy; Hewitt)*: Letters were received noting that the new alternative route no longer affects the Mt. Airy parcels. However, it is possible that this will change before a final route is selected.

- *New Request Letters; Questionnaire for Hewitt Park*: The new alternative route generated a letter for the Hewitt Park area and the Township's former Toll S property. No action was taken.

Dave Beaumont inquired about the proposed use of ROWs and the distance of notification. John Dupuis noted difficulty in getting correct information about the pipeline, stating that the information given at the recent restaurant meeting for landowners was confusing and didn't match up. He also noted that the proposed alternate route goes through a historic property (McGill). Mr. Fisher relayed that the notification area is 400 feet on either side of the line, an area that would encompass approximately 2 acres, and noted that landowners need to speak with the pipeline people as only the voice of those opposed has been heard. The information on the website is the best currently available. He also noted that he, Cathy Urbanski, Hal Shute and Mrs. Olsen met informally with some pipeline people. Answers to questions were received and enlarged maps provided whereby various towers, etc. could be viewed. His wish, however, was that the whole thing would go away.

NEW BUSINESS

Municipal Alliance

- *Strategic Plan for Funding Municipal Alliances*: This document and the accompanying resolution need to be sent to the County by February 2nd. Mr. Dupuis, the newly appointed liaison to the South County Municipal Alliance, was asked if he had anything to share but relayed that the meeting scheduled for earlier this week had to be cancelled.

The mayor was unanimously authorized to sign the Strategic Plan on motion by Dale, seconded by Rich.

- *Resolution for Fiscal Grant Cycle July 2014 – June 2019*:

RESOLUTION #30-2015 (see attached)

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

Community Aggregation Continuation – The existing aggregation program expires June 15th. Gabel Associates is the SHREC engineering group for this program. Documents nearly identical to the ones used for the first round were provided. The RFP for the project needs to be submitted to the BPU for approval quickly in order to meet the round two schedule.

Rich motioned to approve the continuation of the program, and Dale seconded. The motion carried unanimously.

Township Sign – The sign has been severely damaged by an unknown event. Road Supervisor Hoagland has secured it temporarily but it will need to be replaced. The existing sign has been in place since 1999 and cost over \$3000. The provider is no longer in the sign business per information received from the former clerk. River Signs and Pelligrino Signs were suggested as possible contacts for recommendations.

Resolutions for Consideration

- *A More Sensible Approach to Affordable Housing*: The following was received from the League.

RESOLUTION #31-2015

Resolution of the Township of West Amwell Calling for the Legislature and the Administration to Adopt a New, More Sensible Approach to Affordable Housing

WHEREAS, on September 26, 2013, the New Jersey Supreme Court decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 215 N.J. 578 (2013) invalidated the round three regulations adopted by the Council on Affordable Housing (COAH) in 2008 and

charged COAH with the responsibility of adopting a third iteration of round three regulations; and

WHEREAS, the Supreme Court also invited the Legislature and the Governor, to devise a new legislative-based approach to affordable housing in our State and promised to show enormous deference to any new legislative pronouncement; and

WHEREAS, the Supreme Court extended the five month deadline it established in *In re Adoption of N.J.A.C. 5:96 and 5:97* and set May 1, 2014 as the deadline for COAH to propose new round three regulations, and October 22, 2014 as the deadline for COAH to adopt new round three regulations; and

WHEREAS, on October 20, 2014 the COAH Board met and were unable to adopt new regulations due to a 3-3 vote, creating more uncertainty and turmoil for municipalities; and

WHEREAS, on January 6, 2015 the New Jersey Supreme Court heard argument in a motion brought forth by the Fair Share Housing Center asking the Court to strip COAH of its authority and return implement of the Fair Housing Act to the Court, thereby potentially exposing municipalities to costly litigation; and

WHEREAS, the confusion and uncertainty that has resulted from costly court actions, prolonged litigation and the lack of reasonable guidance demonstrates the need for a new State housing policy based on good planning, incentivizing participation and the provision of additional affordable housing; and

WHEREAS, the Legislature and Governor should seize this opportunity to reform the State's housing laws and implement a statewide housing plan predicated on good planning, providing incentives, directing funding to assist municipalities and protect the interests of taxpayers.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of West Amwell that we urge the Governor and the State Legislature to partner with municipalities and enact legislation to implement a reasonable and rational state affordable housing policy which promotes rational planning, seeks to achieve results with available housing funding and incentives, encourages partnerships, and protects the interests of taxpayers; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the Commissioner of the Department of Community Affairs, Senator Shirley Turner, Assemblyman Reed Gusciora, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly and the New Jersey State League of Municipalities.

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

- *Amendment to S & W Resolution:*

RESOLUTION #32-2015
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 Electrical Inspector Buchanan	\$28.97/hr
Substitute Fire Inspector McAleer	\$28.97/hr

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

- *Support for Police:* No action taken.

- Transportation Trust Fund:

RESOLUTION #33-2015

WHEREAS, the Governor of the State of New Jersey and the New Jersey Legislature must approve measures to reauthorize the New Jersey Transportation Trust Fund, which provides critical support for transportation infrastructure in Hunterdon County and throughout the state; and

WHEREAS, municipalities in Hunterdon County have a great stake in the adoption of a robust, long-term funding commitment to transportation given the importance of transportation investments to both municipal and county economy and quality of life; and

WHEREAS, municipalities have added to the County's population growth of 47 percent since 1980 which has added more demand on municipal and County roads and bridges, leading to increased wear and tear on these critical facilities; and

WHEREAS, both West Amwell Township's and Hunterdon County's agricultural, tourism and other economic sectors are highly dependent on efficient transportation access; and

WHEREAS, West Amwell Township's and Hunterdon County's concerns about transportation funding are shared by the state's other municipal and county governments, which collectively need approximately \$565 million per year for vital repair, upkeep and improvements to 7,140 bridges and 6,775 centerline miles of roads; and

WHEREAS, despite the fact that county and municipal roadways carry an estimated 53 percent of New Jersey's traffic, the State's commitment to county and municipal infrastructure has decreased steadily since the Transportation Trust Fund was created; and

WHEREAS, out of the current \$1.6 billion State capital program, only \$165 million is dedicated to Local Aid for counties and municipalities and this translates into an annual funding gap that must be raised through local property taxes; and

WHEREAS, without adequately supporting county and local infrastructure investments the State of New Jersey cannot realize its full potential for economic recovery and growth.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of West Amwell Township does hereby urge that the State of New Jersey reauthorize the Transportation Trust Fund and that any reauthorization of the State's Transportation Trust Fund adequately address the needs of New Jersey's counties and local governments; and

BE IT FURTHER RESOLVED, that in keeping with the recommendations of New Jersey's 2003 Blue Ribbon Commission Report and the New Jersey Association of Counties, West Amwell Township Committee joins with the Board of Chosen Freeholders of the County of Hunterdon and hereby urges the renewal of the Transportation Trust Fund include at least \$400 million for Local Aid to counties and municipalities.

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

Additional Salt – The Road Supervisor has ordered the last of the previously approved tonnage and has requested that a 200 ton cushion be provided to carry through the winter.

RESOLUTION #34-2015

WHEREAS, a master contract was awarded to Atlantic Salt, Inc. (Rock Salt) by the Hunterdon County Board of Chosen Freeholders, Bid No. 2014-19 for the 14/15 season, and

WHEREAS, the Township Committee has previously authorized the purchase of up to 600 tons of said materials; and,

WHEREAS, the Road Supervisor has advised that an order has been placed for the remaining 200 tons and is concerned whether this quantity will be sufficient given the remaining months of winter weather to come

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, that the Road Supervisor is hereby authorized to obtain, if and when needed, an additional 200 tons of snow and ice control materials from the referenced company

BE IT FURTHER RESOLVED, that the CFO be notified of this authorization for budgetary purposes.

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

Block 3.01 Lot 13 Overdue Interest Charge Inquiry – Relief from the \$8.75 late payment is sought. It was explained that the end of grace period was November 10th, not the 11th as indicated in the letter. Once the grace period expires, interest accrues from the first of the month. Mr. Rich will follow up with the homeowner.

Possible Dates for Meetings for Budget Requests – The February 4th meeting was designated for this activity. A notice will be sent to the various boards, committees and department heads.

Hazardous Mitigation Plan – A letter was received from Brayden Fahey, the County OEM Coordinator, concerning participation in the update of the current plan. Per Federal regulation, all local governments must have a FEMA approved plan in order to be eligible to apply for and receive Federal mitigation grant funding. These plans must be formally updated on a five-year cycle, with the current plan set to expire in July 2016. The County has been awarded a grant to update the county plan as a full multi-jurisdictional HMP to include all municipalities. This grant funding expires in December 2015. In order to formally document intent to participate, a letter signed by a governing official is required. A response is due by February 2nd. Harry Heller was designated as the primary point of contact, with Mr. Fisher as the alternate/secondary point of contact. There was no objection to the requested course of action. The letter will be prepared for the mayor's signature and submitted as required.

Insurance Proposal – The broker's recommendation was to place all fire company insurance with McNeil (Arch). Some saving will be realized. Item approved.

DARE Fund Raiser – The Hunt Family Preserve, LLC hosted an event to benefit the Township's DARE program on behalf of former Township patrolman Dennis Kelly Kendig. A total of \$4,250.00 was received in support of the program so favored by Mr. Kendig. A letter of appreciation was approved for Mayor Fisher's signature.

Hoagland Retirement – Road Supervisor Randy Hoagland has submitted his letter of intent to retire as of May 1, 2015 after 34 years of service to the Township. Officially, his last day of work would be April 2nd as he intends to make use of his available vacation time. The Committee requested that Mr. Hoagland attend the February 4th meeting. A brief discussion over direction in filling this position included whether there should be a full time supervisor/manager in addition to another worker; what the former would entail; and, the current job responsibilities. It was noted that the Township has an exemption until 2016 as a to public works manager appointment. The importance of having a direction in place after the February meeting was emphasized.

Website Link for Edgewater – There was a major disaster in the Borough of Edgewater and the League has provided a website for those wishing to donate. Mr. Fisher requested that the link be placed on the Township's website. Approved.

OPEN TO THE PUBLIC

John Dupuis spoke about his deed and stated that there's a ROW in his back yard that runs parallel to Hewitt Park. He also relayed that PennEast surveyors were recently on his property.

Attorney Faherty presented an assignment document for the mayor's signature. The assignment is to Tom McMillan so that he can foreclosure on two lots on Connaught Hill. Two certificates were signed last April but one was lost. There's a resolution on the books for the approval.

ADMINISTRATIVE REPORTS

Treasurer –

Presentation of Bills for Approval: Questions were raised, and answered, on a mileage reimbursement and the Johnny at the depot.

RESOLUTION #35-2015

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 \$1,683,786.38, dated January 26, 2014, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

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

Tax Collector – The monthly report for December & 2014 Annual reports were received showing receipts in the amount of \$139,375.16 for December and an Annual total of \$9,489,509.81 (see attached).

Construction – The Permit Fee Log Summary (20), Certificate Log Summary (26) and Payment Summary Report (\$6,393.00) were received for PermitsNJ.

Court – The December 2014/End of Year report was received showing a ticket total of 315/4004 (158/2023 local) and the receipt of \$14,128.03/\$131,300.68.

Police – The December 2014 Monthly Report showing 839 incidents, 126 summonses and 4 warnings was received.

The reports were accepted, without comment, as received.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 9:00 p.m. on motion from Rich.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk

APPROVED: February 4, 2015