

WEST AMWELL TOWNSHIP COMMITTEE MEETING

March 18, 2015 - 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 8:16 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 Cathy Urbanski, Randy Hoagland, John Counce, Hal Shute and Dave Beaumont.

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. 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: Unfinished Business 10.F. Paerg & Possible Resolution.

ANNOUNCEMENTS

- Municipal Petitions for Primary Due – March 30th by 4:00 p.m.
(new petition forms available in Clerk's office)
- Municipal Offices Closed – April 3rd, Good Friday
- Fire Company Auxiliary Roast Beef Dinner – April 11th, 4 to 7 p.m. @ Firehouse
- 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 Dale, seconded by Rich.

- March 4, 2015 Special Minutes
- March 4, 2015 Closed Session Minutes
- March 4, 2015 Regular Minutes

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Cathy Urbanski inquired about the Star Ledger article concerning the recent court decision on COAH and the 120 day ruling. She was advised that the Township has third round substantive certification but that consultant Shirley Bishop is reviewing the decision for potential effect on West Amwell.

SPECIAL PRESENTATION(S)

None

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

None

STANDING COMMITTEE REPORTS

Open Space

- *Lambert Development Easement/Possible Resolution*: Hal Shute advised that he met with the County and the project is a go. The signed letter from the family has been received accepting the SADC's certified value of \$11,300 per acre for the sale of a development easement on Block 3 Lot 16

RESOLUTION #51-2015

West Amwell Township, Hunterdon

Re: Final Approval of Block 3 Lot 16 (approx. 59 +/- acres – Lambert Farm)
Farmland Preservation Municipal PIG Program

WHEREAS, the Lambert Farm, LLC (hereinafter "Property Owner") submitted an application to the State Agriculture Development Board ("SADC") to sell a Development

Easement on property it owns known as Block 3 Lot 16, referred to as the "Lambert Farm", in the Township of West Amwell (hereinafter the "Property"), pursuant to the State Agricultural Retention and Development Act through the SADC Municipal Planning Incentive Grant Farmland Preservation program; and

WHEREAS, the aforementioned application states that the Property consists of 59+/- acres, with one 5.5+/- non-severable exception area containing one existing single-family dwelling, garage, barn and other agricultural/out buildings and requests the ability to construct an additional single-family residence; and

WHEREAS, a portion of the development easement area is subject to an easement/right-of-way agreement with PSE&G and Sprint Spectrum, L.P. for power lines and telecommunications equipment and associated structures; and

WHEREAS, the Property has zero (0) single family residences, zero (0) agricultural labor units and no pre-existing non-agricultural uses outside of the exception area; and

WHEREAS, the SADC certified the market value of the development easement at \$11,300.00 per acre and has given a "green light" approval of the application; and

WHEREAS, the Property Owner accepted an offer letter of \$11,300.00 per acre submitted by the Township dated March 3, 2015 conditioned on its ability to have a total of two single family residential dwelling units within the 5.5+/- non-severable exception area; and

WHEREAS, the CADB, Hunterdon County Board of Chosen Freeholders and the N.J. State Agriculture Development Committee ("SADC") must still grant final approval of the application; and

WHEREAS, in accordance with policy, the CADB proposes to cost share at 20% of the price per acre, or approximately \$2,260 per acre for an estimated total of \$ 120,910; and

WHEREAS, in accordance with policy, the SADC proposes to cost share at 60% of the price per acre, or approximately \$6,780.00 per acre for an estimated total of \$362,730.00 and

WHEREAS, the Township has been requested to contribute 20% of the price per acre, or approximately \$2,260 per acre for an estimated total of \$120,910 and to provide a resolution prior to approval being given by the CADB, the County Freeholders and the SADC; and

WHEREAS, as the Township understands that both the SADC and the CADB have agreed that the non-severable exception area may contain a maximum of two single family dwelling units, the Township Committee is willing to proceed to amend its zoning ordinance or support a variance application, as appropriate, so as to permit a maximum of two single family residential dwelling units to be located within the Property Owner's non-severable exception area and is further willing to record a suitable document to memorialize its agreement.

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

1. West Amwell Township agrees to cost-share at 20% with the County and State on the purchase of a development rights easement on the following farm as part of the Municipal Planning Incentive Grant Program contingent on final approval being granted by the CADB, the County Freeholders and the SADC, and the availability of funding by the SADC:

Block 3 Lot 16 (Lambert Farm)
Approximately 53.5 +/- acres of Development Easement area, subject to any other necessary deductions and an accurate survey

2. West Amwell Township agrees to support adoption of a zoning ordinance amendment or variance application, as appropriate, so as to permit the Property Owners to have a total of two single-family residences constructed and located within the 5.5 acre non-severable exception area with the understanding that Property Owner's sale of the agricultural development rights easement is conditioned thereon.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to the Hunterdon County Board of Chosen Freeholders, the Hunterdon County Agriculture Development Board and the State Agriculture Development Committee.

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

- *Amwell Chase Resolution to Cost Share:* A signed letter to accept the SADC's certified value of \$8,700 per acre for the sale of a development easement on Block 5 Lots 24 & 24.01 has been received. Mr. Fisher inquired as to the large exception area. John Cronce advised that the contract buyer has to come to the Land Use Board concerning their proposed activity as the property is in a residential zone. The County has agreed to the preservation with the extra-large exception area with a one house allowance. Mr. Shute also noted that the CADB wants the exception area to include the driveway access to Route 179. Mr. Dale agreed with this direction. The total price of the acquisition may be less than anticipated due to the inclusion of the driveway.

RESOLUTION #52-2015
West Amwell Township, Hunterdon County
Re: Final Approval of Block 5 Lots 24 & 24.01 (Amwell Chase)
Farmland Preservation Program

WHEREAS, Amwell Chase (hereinafter "Property Owner") submitted an application to the Hunterdon County Agriculture Development Board ("CADB") to sell a Development Easement on a 209.6 +/- ac. property it owns known as Block 5 Lots 24 & 24.01, referred to as the Amwell Chase Farm, in the Township of West Amwell, (hereinafter the "Property") pursuant to the State Agricultural Retention and Development Act through the State Agriculture Development Committee (SADC) Farmland Preservation program; and

WHEREAS, the original application requested a four (4) acre non-severable exception area; however, the applicant , in conjunction with the SADC, has revised the application to increase the size of the non-severable exception area to approximately 25.5 acres to fully encompass one (1) existing single family residence, an ancillary agricultural process and the driveway access from State Route 179. The Township understands that the increased non-severable exception area will be limited to one (1) single family residence, will have no impact on the farm's agricultural viability and that it will be in the same general area as the four (4) acre non-severable exception; and

WHEREAS, outside of the above-referenced non-severable exception area, there is located on the Property one (1) existing single family residence, zero (0) agricultural labor units and zero (0) pre-existing non-agricultural uses; and

WHEREAS, the SADC certified the market value of the development easement at \$8,700.00 per acre and has given a "green light" approval of the application; and

WHEREAS, the Property Owner accepted an offer letter of \$8,700.00 per acre submitted by the County dated February 26, 2015; and

WHEREAS, the CADB, Hunterdon County Board of Chosen Freeholders and the N.J. State Agriculture Development Committee ("SADC") must still grant final approval of the revised application; and

WHEREAS, the Township has been advised that, in accordance with policy, the SADC's proposed cost share for said farm will be at approximately 60% of the CMV with a resulting cost-share from the County of Hunterdon and the Township of West Amwell at approximately 20% of CMV each, or \$1,725 per acre;

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

1. West Amwell Township agrees to cost-share at approximately 20% of the CMV of \$8,700 per acre (184.1 ac. +/- x \$1,725 = \$317,572.00 +/-) with the County and State on the purchase of a development rights easement on the following farm as part of the Farmland Preservation Program contingent on final approval being granted by the CADB, the County Freeholders and the SADC, and the availability of funding by the SADC:

Block 5 Lots 24 & 24.01 (Amwell Chase Farm)
Estimated 184.1 +/- acres of Development Easement area, subject to any other necessary deductions and an accurate survey

The Township's contribution shall be paid in full at closing.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to the Hunterdon County Board of Chosen Freeholders, the Hunterdon County Agriculture Development Board and the State Agriculture Development Committee.

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

- *Project Status Updates:* Mr. Cronce presented a map of the Holcombe exception area prepared by Mrs. Urbanski showing a move of the 2 acre exception area. This change will be discussed with the family.

- *Authorization to Post March 2015 Open Space Map to Website:* Approved

Environmental

- *Approval to Post January 8, 2015 Minutes to Website:* Approved

- *Code & Bylaws:* Mrs. Urbanski explained that Environmental meetings follow Court and moving the heavy tables is getting old. The group recently met in the back and it worked out well. She also noted that she serves as the secretary; prepares the minutes; and, that there's been no request to review the recordings. The ordinance states that the Commission shall keep records of its meetings and activities and make an annual report to the Township Committee. Given these facts, she sees no reason to continue to record their sessions. Therefore, she requested that a change be approved to the by-laws to eliminate the recording requirement. This action has already been approved by the Commission.

A motion to approve the change to the Commission's bi-laws was made by Rich, seconded by Fisher, and unanimously approved.

- *Woodlands Mitigation (JCP&L):* Mrs. Urbanski questioned the number of trees that are anticipated and cited concern with maintenance if these were on the municipal property. She advised that Hewitt Park would be a better place for the plantings. Mr. Rich relayed that the engineer has not yet been out to the park with the planner due to the snow but that recommendations will be shared with the Commission. He further noted that the engineer will get creative with the plan, within the confines of the law, but has to sign off on any plan. Concern was expressed over whether these would be little trees, and consequently, deer food. Whether some leeway would be permitted to allow for private distribution was questioned by Mr. Fisher. However, the understanding is that the trees would be for public lands. Mrs. Urbanski relayed that grant ideas for the municipal property are still underway and that plantings around the recycling and depot areas are still to be worked out.

Pipeline – Mrs. Urbanski advised that an update was circulated and subsequently submitted. She then commented on the PennEast response to the scoping submissions in that they seemingly put everything in a bucket and slapped a boiler plate standard over them. Although only about half way through the response, Mrs. Urbanski stated that PennEast left out a lot of what was sent in. Specifically excluded/not addressed include: rare and threatened species, Sourlands and Natural Heritage Priority site, preserved lands—farmland/open space; drinking water quality and disruption and contamination of our water supply; wetlands were not addressed; Federal clean water Act, and Alexauken Creek. Nothing on the diabase intrusion, the watershed impacts or the entire Sourlands region was included. Mrs. Urbanski stated that she has been in contact with others throughout the pipeline and PennEast has left out their items as well. The appearance is that 'there's really not that many complaints.' In addition, several residents in the Township, who had sent letters to FERC, weren't even acknowledged. Mrs. Urbanski stated that she is going through the entire response and will prepare a rebuttal concerning what was left out. She commented that PennEast 'is running scared.' Also, that if the gas is for export, PennEast can't use eminent domain. She found a link to this information in one of the articles. Therefore, everybody should just hold out because the gas is absolutely going to be for export due to the volume coming through. Hard ball is the game being played.

UNFINISHED BUSINESS

Possible Appointments – Held

Updates – 1) The JCP&L **landscape mitigation** was covered earlier. 2) The **solar lease** agreement/amendment has been received and signed by the mayor. A fully executed copy has not yet been returned. 3) The Clerk relayed she has been in touch with the claims adjuster for the recent flooding incident and was advised that the bills from Rapid Recovery would be presented for approval at the April 9th meeting of the insurance group. The cleanup cost was over \$6000 and the reconstruction estimate in excess of \$11,000.

Possible Resolution to Approve Purchase of Additional Salt Purchase – The total amount previously approved has been ordered. However, we're at a deficit with the County.

RESOLUTION #53-2015

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 900 tons of said materials; and,

WHEREAS, the Road Supervisor has advised that there is concern 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, up to an additional 100 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 Rich, seconded by Dale.

Mutual Release Agreement for PPA for Execution – Mayor Fisher explained that for those leaving the group, this is a hold harmless document. Attorney Faherty has reviewed and approved the instrument.

RESOLUTION #54-2015

BE IT RESOLVED the governing body of West Amwell Township that the mayor is hereby authorized to execute the Mutual Release Agreement for the PPA

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

Discussion –

Committeeman Dale was tasked with review of the possible **donated sick leave policy** and to advise at the next meeting. The problem stemming from the **current sick leave agreement** was held.

Paerg Block 3.01 Lot 13 – Mr. Rich advised that a corrected letter was received concerning the date of mailing.

RESOLUTION #55-2015

BE IT RESOLVED by the governing body of West Amwell Township, that taxes received for the November 2014 payment on Block 3.01 Lot 13 be accepted as 'in transit'

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

NEW BUSINESS

Community Energy Aggregation Resolution – Bids are due in tomorrow. As Lambertville is the lead agency, the language is permissive so that they can move forward if that is the recommendation of Gabel.

RESOLUTION #56-2015

WHEREAS, Gabel Associates were retained by the SHREC for the purpose of providing for a Community Energy Aggregation program to benefit residents of the participating municipalities with reduced electricity costs; and,

WHEREAS, a RFP was developed by Gabel Associates to solicit participation by qualified electrical suppliers in the bid process; and

WHEREAS, a notice of this opportunity was published on February 26, 2015 in the Hunterdon County Democrat and Lambertville Beacon; and

WHEREAS, bids are due on March 19, 2015 @ 2 p.m. for evaluation by Gabel Associates and subsequent recommendation to the SHREC; and

WHEREAS, the award of the bid is to be made by the City of Lambertville, as Lead Agency for the SHREC, with concurrence from West Amwell Township

THEREFORE BE IT RESOLVED, that the West Amwell Township Committee hereby authorizes the City of Lambertville, as Lead Agency for the SHREC, to enter into a contract with the entity as recommended by Gabel Associates for the purpose of acquiring reduced energy generation rates for the residents of West Amwell.

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

Construction Office Assistant –

- *Resolution of Hire:*

RESOLUTION #57-2015

WHEREAS, the Township of West Amwell advertised for the position of Construction Office Assistant; and

WHEREAS, interviews were conducted with several applicants; and

WHEREAS, the Township Committee has determined that Gail Brewi is best qualified for said position; and

WHEREAS, Gail Brewi has accepted the Township's offer for the position

THEREFORE, BE IT RESOLVED that Gail Brewi be appointed Construction Office Assistant effective March 11, 2015.

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

- *S & W Amendment:*

RESOLUTION #58-2015
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>Delete:</u> Construction Office Assistant Schenck	\$14.00/hr
<u>Add:</u> Construction Office Assistant Brewi	\$15.00/hr

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

PTO West Amwell School re: Raffle Applications – Two applications were received for approval. Captain Bartzak has reviewed them both and given his okay for issuance.

- The *Findings & Determination* was reviewed and found satisfactory for the granting of a license.

- *Resolution (on premise-basket):*

RESOLUTION #59-2015

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: PTO West Amwell School
BENEFIT: After School Activities for the Children of WA Elementary School
DATE: April 17, 2015
TIME: 5:30 p.m. – 8:30 p.m.
LOCATION: West Amwell School
1417 Route 179, Lambertville NJ 08530

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

- The *Findings & Determination* was reviewed and found satisfactory for the granting of a license.

- *Resolution* (on premise-50/50

RESOLUTION #60-2015

WHEREAS, application has been received the Township of West Amwell to grant a 50/50 on premise 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 50-50 raffle license be granted

TO: PTO West Amwell School
BENEFIT: After School Activities for the Children of WA Elementary School
DATE: April 17, 2015
TIME: 5:30 p.m. – 8:30 p.m.
LOCATION: West Amwell School
1417 Route 179, Lambertville NJ 08530

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

Budget Discussion and/or Meeting Date for Same – Mr. Fisher explained that an additional \$100,000 has been allocated from surplus from the paperwork distributed at the last meeting. Mr. Rich expressed concern over the uncollected taxes calculation. The consensus was that a meeting with the CFO is needed. A special meeting was requested for March 25 at 7:30 p.m.

OPEN TO THE PUBLIC

Mr. Shute inquired whether the JCP&L tour listed in the correspondence is for the located facility. He was advised that it was not.

Dave Beaumont relayed that the preliminary school budget will be presented at the upcoming meeting but it is not yet posted. There will also be interviews to fill the vacant seat. Mr. Beaumont also noted that he has done a 5 year study on spending in an effort to find a pattern. Years 1 through 4 of the regional budget saw increases of 2-3%. With the merger the increase was considerably more than the past 3-4 years and he is curious as to the reason.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #61-2015

WHEREAS, it has been determined by the Construction Official of West Amwell Township that the following permit fee can be refunded due to overpayment on Permit #15-00032; and

WHEREAS, the Township Committee has approved a refund of the following amount

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

Applicant
Corbin Electrical Services, Inc
35 Vanderburg Road
Marlboro NJ 07746

Amount Refunded
\$61.00

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

Presentation of Bills for Approval: Mr. Rich requested that the Tillett bill be sent to the insurance company for payment/reimbursement and/or denial.

RESOLUTION #62-2015

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 \$1,664,779.43, dated March 18, 2015, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

Rich motioned to approve the evening's bills for payment with a second by Fisher. Motion carried unanimously.

Court – The monthly reports for January & February 2015 were received showing a ticket total of 258/211 (127/114 local). Receipts for the two months totaled \$19,008.17.

Police – The February 2015 Monthly Report showing 724 incidents, 113 summonses and one (1) warning was received. Thirty five (35) summonses were issued in East Amwell for the month.

Website Review – n/a

The reports were accepted as filed.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned 9:17 p.m. on motion from Rich.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk

APPROVED: April 1, 2015