

WEST AMWELL TOWNSHIP COMMITTEE MEETING

May 20, 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 7:35 p.m. Present were Mayor George A. Fisher, Deputy Mayor Zachary T. Rich, Clerk Lora Olsen and Attorney Philip J. Faherty III. Committeeman John Dale was excused. Also in attendance were Township Engineer Bill Burr, Ryan Rollero, John Cronce, Lolly Hoagland and Vincent Volpe.

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

Mayor Fisher led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

Nothing added.

ANNOUNCEMENTS

- Municipal Offices Closed May 25th in Observance of Memorial Day
- Primary Election, June 2nd, 6 a.m. to 8 p.m., Municipal Building
- Fire Company Chicken Bar-B-Q, June 13th, 4 – 8 p.m., Mt. Airy
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The May 6, 2015 Regular minutes were unanimously approved on motion from Rich, seconded by Fisher.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Vincent Volpe, a resident at 342 Rocktown-Lamb. Road, approached the Committee concerning road and culvert issues near his home. This stretch of roadway was repaired only recently; the culvert is clogged; and, Mr. Volpe questioned whether this is a forgotten area. Mr. Fisher advised that work continues on the paving of Rocktown-Lamb. Road and that a section from the "s" turns to the Fulper silo is in the works. Road work costs a million dollars a mile and the Township does what it can when there is money to do so. Mr. Volpe was also advised that the township cleans ditches not culverts, as there is no machinery to do this, and that the driveway pipe is the responsibility of the homeowner, although the road department installs same. Acquiring the machinery necessary to blow out the clog is under investigation. DPW Supervisor Rollero's work to repair the road was praised by Mr. Volpe.

SPECIAL PRESENTATION(S)

Township Engineer Bill Burr overviewed the phase 2 plan for Rocktown-Lamb. Road. This portion is approximately one-half mile and runs from the terminus of section 13 to the Fulper silo and Wild Life Management area. A State DOT grant of \$160,000 will fund most of the cost. The design has been completed and is ready for submission to DOT for approval prior to going out to bid. Mr. Burr explained that the pavement is poor in this area and re-pavement work will involve aprons and swales. Two inches of new asphalt will be applied. No alternation to the curve alignment is planned due to the expense of obtaining needed right-of-ways and no formal drainage is included. There will be some underground piping for stabilization but the same functionality will remain and an inlet is planned. The agreement with the County still has some ironing out to be done and Mr. Burr's opinion is that the work is worth more than the \$5000 that was offered. The agreement has been provided to Attorney Faherty for review.

John Cronce relayed that there is a pipe under the road bed that pumps sludge from one side of the road to the other. He and the engineer will take a look at the situation.

Mr. Fisher questioned the project limits, referencing the portion near 342 Rocktown-Lamb. Road mentioned earlier. Mr. Burr offered that there's no reason that this 20 x 40 foot section could not be included. He continued that DOT review will take 3-4 weeks; the plan is to be submitted this week; the issue with the County needs to be worked out; and, that a tentative bid schedule is June with a July 15th receipt. The work would be scheduled for August-

September, hopefully before school begins. A question was also raised about possible items in the project that would provide recycling tonnage to the Township. Mr. Rich inquired about how project cost numbers are coming in and was advised that they're running about the same as last year.

Mr. Fisher inquired about COAH and was advised by Mr. Burr of a recent conversation with Shirley Bishop about the bloated housing numbers. The vacant land analysis would involve the use of GIS with an overlay of environmental constraints to obtain updated numbers to yield better results. Maser Consulting will be doing this work for municipalities that have contracted with them for planning services. Mr. Rich relayed that he phoned Maser after the last meeting; that he does not want to spend money unless absolutely necessary; and, questioned the difference in dollar figures that have been presented. Mr. Fisher inquired whether Maser has staff in place for this work and was advised in the affirmative but are maxed out.

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

None

STANDING COMMITTEE REPORTS

Open Space

- *Project Status Updates:* Mr. Cronce advised that the County has given **Toll** the okay to survey the property. **Lambert** is moving quickly. Hal Shute is working with the State on **Holcombe** and the cell tower lease. Work is also proceeding on **Fulper** to get that in the pipeline before the State takes the allocated funding. The **Ziegenfuss** property is still a big question due to the easement situation. Attorney Faherty advised that he has a call into the title company as well as Jay Watson, although neither have been returned.

Mr. Cronce also relayed that there was a question at the CADB about JC&L trimming on property designated as having open space easements. He advised that there will be some trimming on these properties.

Environmental

- *Authorization to Post April 9, 2015 Minutes to Website:* Approved

UNFINISHED BUSINESS

Possible Appointments – None at this time.

Updates – 1) Checklist #7 has been completed for three areas of the **Hazard Mitigation Plan** and is due for submission by Friday. Information for these checklists was provided by the planner and OEM director and included master plan, a deep well on municipal property and generators for the municipal building and DPW. The Township has no severe repetitive losses and therefore does not qualify for funding in that category. 2) Mr. Burr advised that he's been trying to set up some times to meet with the Parks & Rec chair concerning the **JCP&L landscaping** at Hewitt. Recommendations from the Environmental Commission were given to the Parks & Rec for this mitigation work. Basically the recommendation was that all of the proposed plantings be done at Hewitt due to maintenance issues and that the 319h grant is to be doing rain gardens and other plantings at the municipal property. It was also noted that the end of the optimal planting season is approaching and that it may be better to wait until fall at this point. Mr. Rich inquired whether the plantings could incorporate drainage on the soccer field to make it more usable, with Mr. Rollero suggesting that an encircling swale be made to direct water away from the field. All issues need to be incorporated and postponing the work until fall was seen as the way to proceed. Lolly Hoagland mentioned that the holly shrubs at the municipal building are hard to trim and create a lot of work. She was advised by Mr. Cronce that these particular shrubs were placed there to keep people from walking up the hill and were a reminder of Paul Holcombe who raised holly trees in Mt. Airy. 3) All paperwork for the **generator** has been filed and received by the State. 4) The rigging on the **flag pole** at the municipal building broke and the installer of the pole no longer climbs for this type of repair. West Amwell Fire Company came to the rescue with their ladder truck and replaced the riggings at both the municipal building and the police-fire-OEM building in Mt. Airy. The flag is flying once more. A letter of appreciation will be sent.

Auction Results on 2008 Ford Pick-up & Resolution of Consent to Award –

RESOLUTION #89-2015

WHEREAS, the West Amwell Township Committee authorized the auction of a 2008 Ford Super Duty F350 pick-up truck through MunicBid; and,

WHEREAS, said auction concluded on May 14 at 3:00 p.m.; and

WHEREAS, the auction resulted in a high bid of \$10,100 from Jon Rorvik

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the bid received from Jon Rorvik in the amount of \$10,100 for the 2008 Ford Super Duty F350 pickup is hereby accepted

BE IT FURTHER RESOLVED that the purchaser present a certified check made payable to West Amwell Township in the amount of \$10,100 within 10 days of notification of this award

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

Proposal for Dog Census – The requested proposal was received but held for the next meeting.

NEW BUSINESS

Salary & Wage Resolution Amendment – Three of the four requested increases were rejected as all employees received the 2.25% increase and this would create problems per the mayor. Mrs. Hoagland also questioned why three people were needed in the Construction office as the assistant is capable of filing and that other offices don't get filing clerks to assist with their duties. A brief exchange between Mrs. Hoagland and the Mr. Rich ensued over the arrangement, with the mayor expressing that he was unaware of the situation being discussed.

RESOLUTION #90-2015
Amending Resolution #84-2015

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2015 Salary and Wage Resolution, adopted May 6, 2015 be amended as follows:

Position	Salary/Compensation
<u>Add</u> Substitute Building Inspector Petto	\$28.97/hr

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

Resolution Authorizing Attorney to File a Declaratory Judgment Action –

RESOLUTION #91-2015

RESOLUTION AUTHORIZING THE WEST AMWELL TOWNSHIP ATTORNEY AND OTHER TOWNSHIP PROFESSIONALS TO PREPARE AND FILE A DECLARATORY JUDGMENT ACTION FOR THIRD ROUND MT. LAUREL COMPLIANCE AND IMMUNITY AND AUTHORIZING OTHER TOWNSHIP PROFESSIONALS AND OFFICIALS TO TAKE SUCH ACTIONS AS MAY BE APPROPRIATE TO IMPLEMENT AN UPDATE TO THE WEST AMWELL TOWNSHIP HOUSING PLAN ELEMENT OF THE MASTER PLAN AND FAIR SHARE PLAN FOR THIRD ROUND MT. LAUREL COMPLIANCE, TO UNDERTAKE A SURVEY OF ALL VACANT AND UNDEVELOPED LAND IN WEST AMWELL TOWNSHIP BY BLOCK AND LOT, TO CONDUCT AN ANALYSIS OF THE TOWNSHIP'S HOUSING STOCK, AND TO CONDUCT SUCH OTHER STUDIES AS MAY BE DETERMINED NECESSARY.

WHEREAS, West Amwell Township received Third Round Substantive Certification from the New Jersey Council on Affordable Housing per Resolution #8-09 dated May 14, 2009; and

WHEREAS, on March 10, 2015 the New Jersey Supreme Court issued an order eliminating the administrative processes afforded municipalities by the Fair Housing Act N.J.S.A. 52:27D-301 *et. seq.*, effective June 8, 2015; and

WHEREAS, The New Jersey Supreme Court provided for a thirty day window after June 8, 2015, during which time many municipalities will be able to file declaratory judgment actions in Superior Court to obtain, in practical effect, a judicial version of the substantive certification they had either received or applied for under N.J.S.A. 52:27D-313; and

WHEREAS, throughout and notwithstanding the period of uncertainty over new Third Round Rules, West Amwell Township has continued efforts to provide for low and moderate income housing opportunities in the Township; and

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

1. Township Attorney Philip J. Faherty III, along with members of his firm, is authorized to prepare and file a Declaratory Judgment action in the Superior Court on behalf of the Township seeking a judgment of compliance with the Township's Third Round affordable housing obligation and also seeking an order of immunity from Mt. Laurel builder remedy lawsuits during the process of adopting and filing the Housing Plan Element and Fair Share Plan with the Court as well as during the period of Court review of the Township's plan and all implementing ordinances.
2. Township Attorney Philip J. Faherty, III, Affordable Housing Planner Shirley Bishop, and Township Engineer William Burr along with members of their respective firms are authorized to take such as actions as may be appropriate to further both the preparation and implementation of the updated Housing Plan Element of the West Amwell Township Master Plan and Fair Share Plan for Third Round Mt. Laurel Compliance, to undertake a survey of all vacant and undeveloped land in West Amwell Township by block and lot, to conduct an analysis of the Township's housing stock, and to conduct such other studies as may be determined necessary.
3. Proposals for these plans and studies shall be submitted in advance for review and approval by the West Amwell Township Committee and/or West Amwell Township Planning Board.
4. This Resolution shall take effect immediately.

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

Construction Office Space – Mr. Rich has advised that the construction office is outgrowing their current space. The idea of switching the tax office with the construction office was advanced. Concern about that space not being big enough either was mentioned and moving the office to the basement was suggested, although the cost factor was raised. Mr. Fisher thought that perhaps the wall between the two offices could be moved. The Clerk will inquire of the Building Sub-Code Official about the latter possibility.

Resolution for Former Mayor/Committeewoman Barbara A. Gill – Mayor Fisher read the following into the meeting record.

RESOLUTION #92-2015

WHEREAS, on May 3, 2015, Barbara A. Gill passed from life on this earth as part of the sovereign plan of our Almighty God; and

WHEREAS, Barbara was a three term member of the Township Committee, serving as Mayor in 1979, 1982 and 1985; and

WHEREAS, Barbara broke the 'glass ceiling' of Township politics as the first woman Committee member and Mayor in West Amwell's history; and

WHEREAS, Barbara also held various other positions with the Township, including that of Deputy Clerk (1969-1972) and Clerk (1973-1975), which included a host of other appointments and related duties, as well as eight years as Planning Board secretary; and

WHEREAS, Barbara was a member of the Planning Board for a number of years and served a four year term on the Parks & Recreation Committee; and

WHEREAS, Barbara played an integral role in the planning of the new municipal facility as a member of the building committee; and

WHEREAS, as an individual and public servant, Barbara will be remembered for her strength of character and staunch, principled positions

THEREFORE IT IS HEREBY RESOLVED, by the Township Committee, acting on behalf of the residents of West Amwell, that Barbara A. Gill be recognized as having served her community in a dedicated, honest and unselfish manner, as an individual and public servant, devoting many hours to the well being of the residents of West Amwell Township.

BE IT FURTHER RESOLVED, that appreciation for this service be extended to her family. May we all endeavor to be citizens showing Barbara's character and dedication so that West Amwell may continue to be the kind of community she could be proud to say was her home on earth.

BE IT FURTHER RESOLVED, that in addition to spreading this testimonial in the records of the Township, a copy be presented to her family with our humble appreciation and deep sympathy.

____George A. Fisher_____ George A. Fisher Mayor	____Zachary T. Rich_____ Zachary T. Rich Committeeman	____John Dale_____ John Dale Committeeman
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Attest: ____Lora L. Olsen_____
Lora L. Olsen, RMC
Township Clerk

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

Resolution Authorizing the Auction of Surplus Property –

RESOLUTION #93-2015

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Township of West Amwell has determined that the property described and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Township of West Amwell intends to utilize the online auction services of MuniBid located at www.municibid.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9, and

WHEREAS, the Township of West Amwell would like to auction the following items:

- 1997 International 4900 Dump Truck with plow & spreader
- 2000 John Deere 5410 2 WD diesel tractor with Alamo Industrial 17' A-Boom mower
- 2008 Ford Crown Vic

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell in the County of Hunterdon, State of New Jersey, that the Township is hereby authorized to sell the surplus personal property as indicated above on an online auction website entitled www.municibid.com; and be it further

RESOLVED, that the terms and conditions of the agreement entered into between MuniBid and the Township of West Amwell are available at www.municibid.com and in the Township Clerk's office; and be it further

RESOLVED, that a certified copy of the within Resolution be forwarded by the Township Clerk to the Department of Community Affairs, Director of the Division of Local Government Services.

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

Flyer Distribution at Saturday Depot & Other Complaints – A resident complained about flyer distribution and petition signature collection as being disruptive to the flow of traffic. Both of these activities were approved by the Township Committee and, after a short discussion, the decision was to keep the status quo. In an aside, it was relayed that \$1557.00 was raised from the car wash for St. Baldwick's Children's Cancer center on May 16th.

Tax Collector Letter of Resignation – Mrs. Hyland has tendered her resignation effective June 30th. A possible shared service effort was mentioned by Mr. Rich. The position will be advertised.

Closed Session – Purchase, Lease, Acquisition of Real Property – Held until the end of the meeting.

OPEN TO THE PUBLIC

Mr. Cronce advised of his attendance at the recent shared services meeting at the County, noting that he learned a lot from the experience. In particular, that the County has a bucket truck and will come down for day work to take down diseased trees that have been surveyed and marked. In addition, if a truck is needed for plowing, the County can provide one, with plow, within a three hour window. They just need to be called. All in all, Mr. Cronce found this to be a good meeting.

The situation at the Hills at Hunterdon was raised by Mr. Cronce, who inquired whether the bridge issue had been resolved. The road crew is trimming the banks and curb as well as 5-8 feet behind the tall fence. What the policy was for this was questioned. The direction was to treat this area as per other roadside jobs.

Mr. Cronce returned to the issues on Rocktown-Lamb. Road. He'll look into whether the County's vacuum truck can be utilized for the clogged pipe. Also suggested was that he and the township engineer look at the bad section of roadbed to determine if the Township road department could do the repair for less cost than utilizing the bid contractor. The problem in this particular area was noted as being caused due to clogged pipes which allow water to travel into the roadway. Mr. Cronce suggested that Mr. Rollero could do more work in this area including digging out the section and installing base stone and a thicker finished surface than currently exists. Mr. Rollero stated that the temporary patch that was applied is okay but that a more permanent pavement would be better. This suggestion was supported by Mr. Rich as it would preclude paying prevailing wage. Mr. Rollero was requested to speak with Mr. Burr to obtain a cost estimate and possible savings.

The pipe installed under Rocktown-Lamb. Road at the Fulper farm was again mentioned by Mr. Cronce. His opinion was that, legally, something like this is not allowed under a public right of way and could be an issue should the contractor snag it. Mr. Rich agreed that this should not become a change order situation for the township.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #94-2015

WHEREAS, it has been determined by the Construction Official of West Amwell Township that the fee for Permit 15-00074 can be refunded as the applicant has changed the scope of work and no longer requires a construction permit; 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
Cheryl Dosch

Amount Refunded
\$286.00

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

Presentation of Bills for Approval: Questions concerning the lien redemption and the assessor's charges were raised and answered. The oil pan on the garbage truck had to be replaced as it had rotted out. Mr. Rollero relayed that the truck itself is solid. However, that cannot be said about the recycling truck, which uses a considerable amount of hydraulic oil each week.

RESOLUTION #95-2015

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 \$ 2,249,202.26, dated May 20, 2015, 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.

Treasurer Report: Appropriations through May 20, 2015 were provided and reviewed.

Tax Collector –

RESOLUTION #96-2015

WHEREAS Tax Sale Certificate #201404 for Block 21, Lot 50.02; 1 Rocktown Hill Road assessed to Paul J & Nancy E Kapp was sold on October 14, 2014 to US Bank Cust for Empire VI and

WHEREAS the amount of \$10,755.90 has been received from Core Logic Tax Services 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 \$10, 755.90 payable to US Bank Cust for Empire VI, and,

THEREFORE BE IT FURTHER RESOLVED that the Treasurer be authorized to prepare a check in the amount of \$27,000 for signature payable to US Bank Cust for Empire VI for the return of the premium collected for Certificate #201404.

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

The monthly report for April 2015 was received showing receipts in the amount of \$525,769.11.

Police – The April 2015 Monthly Report showing 875 incidents, 205 summonses and 2 warnings was received. East Amwell summons and warnings were 24 and 1, respectively.

The reports were received without comment.

The Committee entered the previously listed Closed Session at 9:28 p.m. under adoption of the following:

RESOLUTION #97-2015

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
PURCHASE, LEASE OR ACQUISITION OF REAL PROPERTY
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This Resolution shall take effect immediately.

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

The meeting returned to Open Session with no announced results.

CORRESPONDENCE

Mr. Fisher brought up the funding request from the **Lambertville Basketball Association**. The group needs to raise \$25,000 to install a safer gymnasium floor and are half way to that goal. The mayor noted that there is no budget for this and questioned how this would be justified. An e-mail from housing consultant Shirley Bishop advised that **Dr. Robert Burchell**, the author of the un-adopted third round methodology that determined West Amwell's buildable limit capacity, has been released from his contract with the State in order to permit him to calculate numbers for towns. The annual letter from the County concerning **snow and ice control materials** was noted. A response is needed by June 15th. In the past, West Amwell requested up to 600 tons. That number is to be increased to up to 800 tons for this round. The remaining correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 9:47 p.m. on motion from Rich.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: June 3, 2015