

WEST AMWELL TOWNSHIP COMMITTEE MEETING

September 2, 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 7:32 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, Tara St. Angelo, Mike Spille, John Haug, John Anderson, Ryan Rollero, John Cronce, and Howard Samms

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 was added or deleted at this time.

ANNOUNCEMENTS

- 2015 Dog Census Conducted by ACIS is Underway
- Municipal Offices Closed Monday, September 7th for Labor Day
- PSE&G to Perform ROW Vegetation Maintenance from Nov 1 throughout 2016
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The August 19, 2015 Regular Session minutes were unanimously approved on motion from Dale, seconded by Rich.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

John Cronce gave a shout out to all WWII vets on the anniversary of Victory in the Pacific.

Mike Spille relayed a trespass problem by PennEast using JCP&L and 811 One Call to survey properties on Alexanken Creek Road on which they had been previously denied access. He commented that the residents feel harassed and inquired if there was anything the Township Committee could do to assist with the issue. Mayor Fisher suggested that the police be called but that has been met with a less than enthusiastic response according to Mr. Spille. He continued by stating the local pipeline group has filed a letter with the NJDEP in order to engage them directly and its receipt has been acknowledged. Also relayed was that Delaware Township has set a meeting with NJDEP in order to voice their concerns and inquired if West Amwell could do something like this as well so that Township issues are known and not glossed over. The mayor requested that Mr. Spille provide a date for consideration and he will get something set up. Mr. Spille indicated that any meeting should be sooner than later as the Penn East application will be filed in September. Interest lies with what NJDEP thinks of the letter submitted and to engage their direction in that on one hand they're being rigorous in their evaluation of the PennEast application, but on the other, eager to get through the process. Mr. Spille would like to see NJDEP stick with the regulations they are under and have everything done by the book, something which in the past has not happened and has led to litigation. He also noted that PennEast is a good trial for them. Mr. Spille was directed to reach out when he's ready and something will be set up.

SPECIAL PRESENTATION(S)

John Anderson of JCP&L stated that they are looking to wrap up the Rocktown-Lamb. Substation project, noting that the plant has been on line since May. The site work and grading is done and the soil has been stabilized with no erosion problems. The remaining loose items are tree mitigation and the driveway. The plan for the latter was to leave a 75 foot stone tracking pad for egress. He noted that the berm has also been graded down. Mr. Anderson referenced a neighbor's complaint and indicated that JCP&L would pave the entrance if needed and if there were no environmental issues in so doing. Mr. Rich relayed that the neighbor just

didn't want the stone to stay, requesting instead an actual driveway entrance. Mr. Anderson continued that sign offs on the project have been received from Soil Conservation and D&R Canal Commission, with Mr. Rich adding that the Township Engineer has to sign off as well and would be good with a 30 foot paved apron. The details are to be worked out between the two parties. Also noted by Mr. Anderson was that a gate will need to be installed to block public access and will have to be situated far enough back to allow room for vehicles to pull off the road and open the gate. As for the **mitigation**, Mr. Rich stated that a value had been reached of \$110,000 for this. Agreement for this mitigation resolution direction and amount was unanimously approved. Mr. Anderson expressed appreciation to the Township Committee for their cooperation and patience with this project that will provide long term benefits for southern Hunterdon County. He will continue to stop in now and then.

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

None

STANDING COMMITTEE REPORTS

Open Space

- *Authorization to Post May 12, 2015 & July 14, 2015 Minutes to Website:* Approved
- *Project Status Update:* Mr. Cronce relayed that both the **Toll** and **Lambert** projects continue to move forward. There remains an issue with **Holcombe** but Attorney Faherty is working on it and has indicated that there is no reason for concern. As for **Ziegenfuss**, Mr. Cronce noted that she has applied to the County and the latter is looking to see where the Township is on it. Attorney Faherty added that the easement is there; is not covered by our policy; and, is the responsibility of the title company. The actual location of the easement in a particular area was mentioned as it is possible that there's a house located in it.

UNFINISHED BUSINESS

Possible Appointments – None

Updates – 1) Attorney Faherty advised that the type of search required for **Block 46 Lot 5** will cost \$3400.00 due to the all the names involved and is just to find the owner. Subsequent steps would entail either having the identified owner sign over the deed in lieu of owed taxes or the Township performing a quiet title action, items that will add to the cost. Lots 6 & 7 could be sold but not Lot 5 at this time, unless the buyer wishes to take on the action needed to gain clear title. Mr. Rich indicated that the buyer will hang tight. A decision on whether to proceed was held in order to check with the CFO for available funds for this expenditure. A brief exchange concerning the selling price and the cost of clearing the title ensued with Mr. Rich supporting the expenditure in order to get the property cleaned up and back on the tax rolls. Attorney Faherty will be apprised as to whether there are funds to cover the search. 2) Installation of the **Comcast phone** system was scheduled for Thursday but there are complications with Verizon that will possibly delay this for another day or two. 3) The mayor offered that the DPW workers did an excellent job with the gate installation to assist with the **depot security** situation. Mr. Cronce questioned hunter access due to the chain and whether a key would be available. However, he also doesn't think that the agreement allows for drive thru access. Howard Samms questioned the cost and was apprised of the illegally filled cans that cost the Township approximately \$800 apiece to dump. Mr. Rich advocated opening up the **mulch/brush** area hours from the current Saturday morning time frame. The flyer will be changed accordingly. 4) Attorney Faherty has written a letter to the Office of Historic Preservation concerning the Route 31 property mentioned in the **unsafe structures** memo and will check with the Construction/Zoning Official about the Wilson Road situation. Block 46/6 was held.

Report/Plan from Road Coordinator Cronce/Road Supervisor Rollero – Mr. Samms addressed the Committee concerning **Stagecoach Drive & Rose Run Bridge** (Hills at Hunterdon) for which a possible solution has been identified after a meeting between Mr. Rollero and himself. An area has been identified in the Rose Run basin that needs to be cut although not on a regular schedule. Instead of the Township cutting the Rose Run bridge/guardrails and Stagecoach Lane, which require landscape-type equipment and regular mowing operations, the Homeowner's Association will take these in exchange for the Township cutting the Rose Run basin twice a year. As everyone involved was happy with the suggestion, it was unanimously approved.

Mr. Cronce then addressed the **center island** and **tree situation** at the Estates. He confirmed that the trees are dying, limbs are breaking and something with minimal cost needs to be done. He proposed that the trees and roots be removed and ground up. The stones, which are a major maintenance problem, also would be removed and replaced with topsoil, which would then be seeded and mulched, allowing maintenance via mower. The eventual addition of

wildflowers has been put forth for consideration. Mr. Cronce offered that he and Mr. Rollero are of the opinion that removing the trees would take less than two days and, since it is the end of the mowing season and snow season has yet to begin, the workers have the time and equipment to handle the job. Mr. Fisher offered the possibility of just trimming the trees and putting down a pre-emergent herbicide followed by some Round up. However, Mr. Cronce questioned who would do the trimming as a professional would be needed. As the trees are dying, with possibly only a year or so left in them, Mr. Haug stated that the proposal sounded good to him. It was also noted that this is grass planting time and would provide a fresh start. The proposal to remove the trees and stones was unanimously approved. A question was then raised about removing some signs. This will have to be discussed with Captain Bartzak and the Township Engineer.

Affordable Housing – Tara St. Angelo, an attorney from Gebhardt & Keifer who has been in the forefront of reviewing the Burchell report and related matters, relayed that due to various confidentially issues, further discussion has to be held in closed session.

RESOLUTION #129-2015

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:
PENDING LITIGATION & ATTORNEY-CLIENT PRIVILEGE
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 from Rich, seconded by Fisher.

The meeting returned to Open Session at 8:58 p.m.

- *Authorization for Planner McManus to Review & Comment on Draft Burchell Report & Housing Plan:* This action was unanimously approved. Ms. McManus will be so notified.
- *Next Steps:* A Vacant Land Analysis was initially approved in May but was put on hold. Mrs. Olsen was instructed to contact Township Engineer Burr and give the green light to proceed with this study. If it is found that Maser can no longer accommodate West Amwell's request, Planner McManus will be contacted.

Office Space/Elevator - Held

NEW BUSINESS

Resolution Amending Salary & Wage – Zoning Officer Rose has requested a reduction in his salary.

RESOLUTION #130-2015
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>Delete:</u> Zoning Official Rose	\$6,600.00
<u>Add:</u> Zoning Official Rose	\$4,900.00

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

Deed of Conveyance Offer – A portion of Block 11.01 Lot 1 has been offered to the Township by owner Rick Beye. A brief discussion was held as to whether this should be referred to Open Space and/or Parks & Recreation and, if the property is actually worth anything. Attorney Faherty advised that the deed that was provided could not be accepted until an ordinance was adopted authorizing it. The unanimous decision of the Committee was not in favor of the offer. A letter will be prepared expressing appreciation but that the offer was declined.

Animal Control – The Lambertville City Clerk has advertised for a new part time ACO/ Animal Cruelty Investigator to maintain the current shared service. The current ACO has taken a full time position elsewhere.

Professional Services Resolution for 319h Grant – Professional service contracts are only good for one year. Given the lengthy time frame due to personnel changes at the DEP, continuation of services is required.

RESOLUTION #131-2015

WHEREAS, the Township of West Amwell requires the continued services of an environmental engineer for the Alexauken Creek Implementation Project: *Prepare Stormwater Management and Stream Restoration Strategies to Address Thermal Impacts and Reduce Nutrient, Pathogen and Sediment Loading* for a NJDEP SFY2012 Section 319(h) grant as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

WHEREAS, the Treasurer has determined and certified in writing that the value of the acquisition will or may exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year and may be extended as approved by this governing body; and

WHEREAS, *Stephen J. Souza of Princeton Hydro, LLC* has submitted a proposal indicating he will continue to provide the designated services to the Township for the stated project under the original terms; and,

WHEREAS, a Political Contribution Disclosure form has been received from Stephen J. Souza of Princeton Hydro, LLC and is on file; and

WHEREAS, Stephen J. Souza of Princeton Hydro, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Princeton Hydro, LLC has not made any reportable contributions to a political or candidate committee in the Township of West Amwell in the previous one year, and that the contract will prohibit Princeton Hydro, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, sufficient funds are available in the Grant Account

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of West Amwell authorizes the extension of the current contract with Stephen J. Souza of Princeton Hydro, LLC as described herein; and,

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution; and

BE IT FINALLY RESOLVED that the notice of this action shall be published in the newspaper of general circulation within the Township of West Amwell not more than ten days from the enactment thereof

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

Pre-Registration for League Conference & Possible Hotel Reservations – There was no interest expressed for these sign-ups.

NJDOT 2016 State Aid Program – As what is offered does not align with Township needs, no action was taken.

Resolutions for the Community Aggregation Program – Three dates have been proposed for the receipt of bids. Mayor Fisher will make himself available for whatever works for Lambertville. Dates and times for the resolution are still in a state of flux. Item was held.

Resolution Awarding Tub Grinding –

RESOLUTION #132-2015

WHEREAS, the collection of resident brush has reached epic portions; and

WHEREAS, it has been determined that assistance is needed to reduce this recyclable commodity to produce a viable product for use by the residents; and

WHEREAS, quotes for tub grinding were solicited with the following results:

L&S Contracting	\$3,100 (includes tub grinder, trackhoe & operator)
Rick Buxton	\$2,000 (includes tub grinder & operator; twp wheel loader and operator will load brush)
Rick Buxton	\$3,000 (if twp equipment and operator not involved)
Britton Industries	no quote

WHEREAS, the apparent low bidder is Rick Buxton with the \$2,000.00 quote and a Certificate of Insurance will be required prior to the start of any work; and

WHEREAS, a Business Registration Certification is not required as the cost is under \$3100; and

WHEREAS, the CFO has certified that sufficient money is available in grant fund for this activity

THEREFORE BE IT RESOLVED that the quote for the tub grinding of brush is hereby awarded to Rick Buxton, subject to the submission of a Certificate of Insurance.

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

Professional Services for 2016 – Held for a later meeting date.

Resolution to Enter Closed Session

RESOLUTION #133-2015

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:
MATTERS OF ATTORNEY-CLIENT PRIVILEGE
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 from Rich, seconded by Dale.

The meeting returned to Open Session at 9:24 p.m. with no announced results.

OPEN TO THE PUBLIC

There was no public in attendance at this time.

ADMINISTRATIVE REPORTS

Tax Collector – The monthly report for July 2015 was received showing receipts in the amount of \$31,164.62.

The report as filed was accepted without question or comment.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 9:30 p.m. on motion from Rich.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: September 16, 2015