

# WEST AMWELL TOWNSHIP COMMITTEE MEETING

September 16, 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 7:33 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, Cathy Urbanski, and Steve Bergenfeld.

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 those in attendance in the pledge to the nation's flag.

## AGENDA REVIEW BY TOWNSHIP CLERK

There were no additions or deletions.

## ANNOUNCEMENTS

- 2015 Dog Census Conducted by ACIS is Underway
- Last Day to Register to Vote in General Election – October 13<sup>th</sup>
- General Election – November 3<sup>rd</sup>, 6 a.m. to 8 p.m.
- 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 September 2, 215 Regular and Closed Session (Pending Litigation & Attorney-Client Privilege) minutes were unanimously approved on motion from Rich, seconded by Dale.

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

No one came forward.

## SPECIAL PRESENTATION(S)

None

## INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

None

## STANDING COMMITTEE REPORTS

### Open Space

- *Project Status Updates:* John Cronce relayed that both the **Lambert** and **Toll** projects are moving forward with the former receiving survey work this past Saturday. The latter has been completed by Toll Brothers. A letter will be sent to Lynn Ziegenfuss as a follow-up to the discussion at the Open Space meeting. The decision at that meeting was not to recommend the property for preservation due to buildability and easement issues. Mr. Cronce also noted that only two members of the CADB were supportive of the project at that level and that Rick Steffey will be in touch with Ms. Ziegenfuss. A question concerning the easement was directed to Attorney Faherty who confirmed that Ms. Ziegenfuss does own the easement in question. However, the particulars depend on the type of easement and purpose, e.g, egress, ingress, septic, etc., and/or the right to utilize. Mr. Cronce and Ms. Ziegenfuss met recently and the 6 deeds were laid out. The last two of which are where the easement was lost. She is speaking with lawyers and will be surveying her property as she is pushing for a road. Concern was expressed that there may be a couple structures situated in the easement area and the question asked about whether these would have to be removed. Attorney Faherty advised that this will be a title company issue and suggested that the Committee wait until they hear from Ms. Ziegenfuss. The receipt earlier today of an e-mail from Township Engineer Burr concerning the project was also mentioned.

Continuing with his report, Mr. Cronce stated that **Holcombe** is in limbo but the anticipation is for a closing the end of next year. The two **Fulper** projects will also be for next year. There will be no open space meeting in October as the group is stepping back and not pursuing large projects at this time. Their goals have been met although there is still clean up matters to be attended to.

### Environmental

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

- *Update on the 319h Grant:* Cathy Urbanski reviewed the August 13<sup>th</sup> meeting with DEP staff concerning the 319h grant whereby DEP wanted the Township to do an archeological survey to the tune of \$10,000-\$20,000 for the Alexauken Wildlife project. They were shown the municipal project and were okay with it. In consideration for the time lost due to DEP inaction, they agreed to extend the grant for one year. The high school rain garden project was also discussed. DEP now wants the Conservancy to pump cold water over the dam to cool the water. How something like this would be powered was questioned. Mrs. Urbanski met later with Steve Souza who thought this idea was insane. All in all this is a mess. A recent e-mail from DEP to Dr. Souza retracted the extension, wants the Kiriluk project as there is concern over sale to a developer if the stream is straightened. Mrs. Urbanski noted that Mr. Kiriluk is more interested in preservation. The direction now is to re-write the plan with an addendum for the municipal property work.

- *Letter to NJDEP re: PennEast July 2015 Progress Report:* A copy of the letter that was sent earlier this week was provided. Mrs. Urbanski proceeded to overview same, noting in particular the lack of survey permission, without which PennEast is unable to provide NJDEP and FERC with accurate and complete Resource Reports for application evaluation. Also mentioned was that PennEast wants to use drones as an alternative to on-site field surveys to help mitigate the impact of an incomplete report. The Environmental Commission's position to DEP is for the latter to hold their ground. It was also relayed that the September 10<sup>th</sup> minutes of the PennEast and FERC meeting noted a huge problem in New Jersey due to lack of survey opportunity. In addition, Green Acres wants 12-18 months to assess the project and discuss it with the municipalities involved. Mrs. Urbanski stated that progress is being made and inquired whether the Township Committee would write a letter in support of the Commission's letter. There was unanimous favorable consensus for this requested action.

### **UNFINISHED BUSINESS**

#### Possible Appointments – none

Updates – 1) The status of the **generator** project is pending, with the first quarterly report due September 30<sup>th</sup>. 2) The bid opening for the **Rocktown-Lamb. Road** project will take place on October 1<sup>st</sup> at 1 p.m. with an anticipated award on October 7<sup>th</sup>. 3) On the **unsafe structures** front, Attorney Faherty has not yet received a response to his letter to the State Office of Historic Preservation concerning the Route 31 property. The Wilson road house has a tax lien on it but the lien holder has not paid subsequent taxes so the property will be on the tax sale again in October. The status of the building on 46/6 is dependent on a title search on **46/5**. The availability of the \$3400 necessary for this work is pending upon the return of the CFO. 4) The mayor relayed that a meeting was held with Lambertville and Delaware mayors and police chiefs, as well as Freeholder Rob Walton and the state person responsible for the study work, concerning the **police consolidation** effort. The consolidation report was reviewed but there was no interest by Delaware Township, nor were there any real savings to be had, especially with only two municipalities, so the plan was going nowhere. Mayor Fisher was advised that Delaware Township had passed a resolution cementing their position and requested that a resolution to discontinue be prepared for the next meeting.

Discussion on Driveway Pipe Issue – Mr. Cronce spoke about current efforts to get a particular homeowner to fix their clogged pipe, questioning what recourse would be available should this not happen. Apparently there is no penalty or enforcement clause associated with the ordinance as currently written. As the DPW crew did such a fantastic job fixing the road bed in this particular area, Mr. Cronce indicated that he would hate to see the work ruined for lack of attention to the problem. Attorney Faherty and Mr. Cronce will work on making appropriate changes to the existing ordinance. Mr. Cronce will also make an outreach to Hillsborough for a copy of their ordinance.

Mr. Cronce also informed the Committee that the tires on the Mason Dump are bad. Six new ones are needed. Also, four tires on the recycling truck present an unsafe, serious condition. Replacement tires are needed and best pricing will be shopped for.

It was also noted that DPW Supervisor Rollero has reached the 6 month marker. Mr. Cronce advised that Mr. Rollero has done an outstanding job for the Township, with various

unanticipated accomplishments being achieved. As part of the package raise, Mr. Cronic suggested that Mr. Rollero be permitted to take a truck home, worth about \$6,000-\$8,000 a year, and noted that all area supervisors have this perk. He requested that this be considered for next month.

**Resolutions for the Community Aggregation Program** – Another bid round for electric generation savings proposed. In order to proceed the following actions are needed:

- *Appointment Concurrence for Gabel Associates:*

RESOLUTION #136-2015

*A Resolution Authorizing the Lead Agency Mayor and Clerk to Sign the Contract With Gabel Associates for the Community Aggregation Program*

WHEREAS, the City of Lambertville is the lead agency for the South Hunterdon Renewable Energy Cooperative; and

WHEREAS, Gabel Associates, LLC is an approved State of New Jersey and Board of Public Utilities vendor for the Community Aggregation Project

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of West Amwell, in the County of Hunterdon, in the State of New Jersey, that the contract with Gabel Associates for the Community Aggregation Project of the SHREC is hereby authorized at a rate not to exceed \$.0015/kwh to be paid by the successful bidder of the Community Aggregation Project.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are authorized to sign the contract as the lead agency on behalf of the SHREC.

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

- *Authorize Lead Agency Mayor to Sign the Contract for Community Aggregation:*

RESOLUTION #137-2015

WHEREAS, Gabel Associates is 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 September 10, 2015 in Hunterdon County Democrat; and

WHEREAS, bids are due on September 30, 2015 @ 11:30 a.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 Fisher, seconded by Rich.*

**Office Space Issues/Elevator** – Item held for next year's budget deliberations.

**Discussion Concerning Professional Services for 2016** – A list of the current professionals was requested. Item held for the next meeting.

**Closed Session Resolution (Attorney/Client Privilege)** – Held until later in the evening.

**NEW BUSINESS**

**Patrolman Kelly Status Change Resolution** – The probation year has ended and Captain Bartzak has recommended full status be conferred.

RESOLUTION #138-2015

WHEREAS, Matthew Kelly was appointed as a probationary patrolman in the West Amwell Township Police Department on September 8, 2014; and

WHEREAS, the one year probationary period has now been completed; and

WHEREAS, Captain Stephen J. Bartzak has stated that Probationary Patrolman Kelly has completed all of the post academy training requirements and has proven himself to be a diligent, hard-working police officer who is an asset to the Township Police Department in all aspects of the job; and

WHEREAS, Captain Stephen J. Bartzak has recommended that Probationary Patrolman Kelly be made a permanent sworn member of the West Amwell Township Police Department, and receive a promotion to the rank of Patrolman Sixth Class, with an annual salary per the Police Officers Agreement.

NOW THEREFORE BE IT RESOLVED that Matthew Kelly be granted full status, retroactive to September 8, 2015, subject to the specific terms and conditions of employment as defined in the West Amwell Township Police Department Rules and Regulations and the Police Officers Agreement.

BE IT FURTHER RESOLVED that a copy of this Resolution be placed in Patrolman Kelly's personnel file with a copy also relayed to the patrolman for his records.

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

**Resolution Releasing Mortgage Liability, Block 12 Lot 14** – A check to pay off the balance of the mortgage currently held by the Township has been received.

RESOLUTION #139-2015

WHEREAS, Block 12 Lot 24 was deeded to Christopher A. Rose on June 27, 2012; and

WHEREAS, the mortgage of \$75,000.00 was held by the Township for this purchase; and

WHEREAS, a check in the amount of \$63,584.61 was been received representing full payment of the remaining debt on the referenced property.

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, that the mortgage is hereby paid in full and that Christopher A. Rose is released from the liability.

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

**Recommendation from Township Engineer for State Aid Application** – Applications are due October 20<sup>th</sup>. Township Engineer Burr inquired of the Clerk whether the Committee would like to re-submit last year's section of Rocktown-Lambertville Road. This action was approved.

**OPEN TO THE PUBLIC**

Mr. Cronce inquired if there is a secret number by which to contact the Township Engineer as he has received no call back concerning the pipe situation on Rocktown-Lamb. Road that is in the area currently out to bid. He hopes that there is something in the bid addressing it otherwise a change order might result. Mr. Rich suggested that a call be placed to Rick Roseberry of Maser.

**ADMINISTRATIVE REPORTS**

**Treasurer –**

**Presentation of Bills for Approval:** Two bills were questioned and discussed. Mr. Gill's request for mileage reimbursement is to be documented. The bill for computer/equipment allowance was seen as tools for his technical occupation. Both were held.

RESOLUTION #140-2015

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 \$1,432,971.43, minus two checks totaling \$900.00 that were held, dated September 16, 2015, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

*Rich motioned to approve the evening's bills, as amended, for payment. A seconded was received by Dale. Motion carried unanimously.*

Treasurer Report: Appropriations through September 15, 2015 were provided and reviewed.

**Tax Assessor** – A revaluation/reassessment report with plan of work/status report was received. This report was prepared in compliance with a directive from the County Tax Administrator.

**Construction** – The Permit Fee Log Summary for August 2015 reflect the issuance of 11 permits for a total of \$2,242.00 for West Amwell. Twenty five (25) CA's and three (3) CO's were processed per the Certificate Log Summary. The Permit Fee Log Summary for East Amwell reported 33 permits issued and \$8,345.00 collected. Fourteen (14) CA's were processed according to the Certificate Log Summary. In addition to the preceding booked on PermitsNJ, one (1) permit, nineteen (19) CA's and one (1) certificate were processed through Roadrunner software.

**Police** – The August 2015 Monthly Report showing 875 incidents, 196 summonses, one warning and one special warning was received.

**Website Review** – None

*The reports were unanimously accepted as presented without further comment.*

**Closed Session Resolution (Attorney/Client Privilege)**

RESOLUTION #141-2015

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:  
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 by Fisher, seconded by Dale.*

The meeting returned to Open Session at 8:56 p.m. with no announced results.

**CORRESPONDENCE**

The correspondence as listed on the Agenda was ordered filed.

**ADJOURNMENT**

There being no further business, the meeting was unanimously adjourned at 8:56 p.m. on motion from Rich.

Respectfully submitted,

\_\_\_\_\_  
Lora L. Olsen, RMC  
Township Clerk