

WEST AMWELL TOWNSHIP COMMITTEE MEETING

October 7, 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 Dave Beaumont, Steve Bergenfeld, Cathy Urbanski, John Cronce, Hal Shute, Paula Como Kauth, Shawn Mosby and several other unidentified residents from the Estates at West Amwell.

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

No additions or deletions were noted.

ANNOUNCEMENTS

- 2015 Dog Census Conducted by ACIS is Underway
- Fire Company Auxiliary Pork Dinner – October 10th, 4-7 p.m.
- Municipal Offices will be Closed on October 12th for Columbus Day
- Last Day to Register to Vote in General Election – October 13th
- General Election – November 3rd, 6 a.m. to 8 p.m.
- PSE&G to Perform ROW Vegetation Maintenance from Nov 1 throughout 2016 (Roseland & Pleasant Valley Lines) Information Available in Clerk's Office
- 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.

- September 16, 2015 Special Meeting Minutes
- September 16, 2015 Closed Session Minutes (Pending Litigation & Attorney-Client Privilege)
- September 16, 2015 Regular Meeting Minutes
- September 16, 2015 Closed Session Minutes (Attorney-Client Privilege)

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Paula Kauth, a resident of the Estates came forward to inquire and discuss Township plans for the median now that the trees have been removed. She stated that a petition was signed for the removal and replacement effort, and also requested that the mound on the Strober-Wright property be dealt with. She expressed disappointment with the Township as the development is going down hill and asked what plans are in place for landscape work. Ms. Kauth stated that she pays taxes and the place looks like a dump in that there's no Township support or maintenance. Mayor Fisher advised that trees planted in the middle of a street is not good; that these were also not of a local variety; and, with only a 15 year life, were dying. Mr. Rich added that the mound in question is not the Township's call and that both the County and Soil Conservation have been contacted. The possibility of using JCP&L mitigation money for replacement was briefly mentioned but that there is currently no money in the budget was also noted.

Dave Beaumont came forward and advised that a SUV was recently seen parked in front of the chain at the depot with the owner walking the trash to the truck.

Shawn Mosby, an Estates at West Amwell resident, came forward to comment on the tree situation and request a solution. He charged that the Committee does not care about the residents; that they talked down to Ms. Kauth; and, asked that their request be considered. They want maintenance for the development, i.e., for the grass to be mowed, due to deer and

tick problems. Mr. Mosby was advised that the tree situation has been discussed for months and that the Committee was under the impression that things had been worked out. It was news to the mayor that the residents were unhappy with what was done as the thought was that Mr. Haug was the group's representative. Mr. Mosby continued that Mr. Haug was functioning in that capacity but that the goal was to remove and replace. Mr. Dale offered that any tree replacements now would dead by spring as this is not the optimal planting time. Mr. Rich agreed, adding that he's trying to make thing happen. Cathy Urbanski, the Environmental Commission chair also addressed the Estates contingency but stating that her group will research the situation and work with them on possible appropriate plantings.

SPECIAL PRESENTATION(S)

None

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

None

STANDING COMMITTEE REPORTS

Open Space

- *Project Status Updates:* John Cronce and Hal Shute reported that the **Lambert** farm survey has been completed; 10 copies have been delivered to the County for distribution; and, a pre-Thanksgiving closing is anticipated. A closing for **Toll North** is scheduled for October 13th. The Township's share of the acquisition is \$315,937.20. Mr. Shute advised that the funding ordinance adopted in August was for \$335,000.00, so sufficient money is available. The total preserved acreage is now close to 7000 acres. An exact total will be provided at the next meeting. The **Holcombe** project is in limbo due to SADC concerns. Attorney Faherty relayed that contact was made to add language to the agreement for a 60' x 60' vertical only plot with the hope that this will satisfy Trenton, and a survey has been ordered. Mr. Shute advised that the SADC has further comments on the project, which the attorney noted that he was not privy too. Mr. Cronce questioned the difference between an easement and a right-of-way (ROW). The latter is a designated strip whereas an easement tells what can/cannot be done there. This question concerned the **Ziegenfuss** property as Mr. Cronce inquired whether this is for a road bed only or some other use. Attorney Faherty will check on the specific language. Returning to the **Toll North** closing, Mr. Shute relayed a message from Rick Steffy at the County that a governing body member is welcome to attend the event which will be held around 4 p.m. on October 13th. Mr. Cronce indicated that he may attend. Mayor Fisher may also. The Green Acres sign posting has been assigned to Road Supervisor Rollero. Mr. Shute relayed that maps with flagged locations were provided and that these signs should go up shortly. The one for municipal property will be located on the Mill Road side.

Environmental

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

- *NCTE Letter for NJDEP Concerning 319h Grant:* This letter was prepared by Mrs. Urbanski as a follow up to a conversation at a recent meeting concerning project plans and time extension request. The letter was approved for mailing.

- *Approval of Flyer for Distribution at Depot:* Although the actual flyer is still under consideration, the proposed wording would be similar to the following:
"A clock is ticking on the PennEast pipeline project. A limited 3 week window is now in play where residents can declare themselves as Intervenor in the process. West Amwell Citizens Against the Pipeline is recommending that all residents of West Amwell learn more about declaring themselves as an intervenor on the Penn East pipeline project. Intervening preserves important rights for yourself and your family, is easy to do, and has no real drawbacks beyond receiving increased volumes of email regarding the project. If you decide to intervene, detailed instructions on how to do so are available. Alternatively, if you'd like WACAP will do the filing for you electronically at no charge." Mrs. Urbanski indicated that the group is not sure whether or not to go forward with this; however, approval for same was given.

- *Request that West Amwell Become an Intervenor (FERC & PE):* Mrs. Urbanski relayed that in order to speak with PennEast and be listened to, registration as an intervenor is required. Without this status, there is no further comment permitted. The Township, as well as individuals, can register for this. Instructions are available. Attorney Faherty added that he has received information from Attorney Cushing on the topic and will share it with the Clerk for the distribution of the forms. Mr. Rich inquired about continued pressure from the Delaware River Basin Commission and was advised in the affirmative. This group is still in a position to be able to stop the project. Mrs. Urbanski continued noting that PennEast needs an environment impact statement, as well as complete survey data, in order to file an application with NJDEP.

However, survey efforts are only at 30%. She also noted that PennEast cannot invoke eminent domain.

- *Letter to DEP in Support of Environmental Commission Letter*: The mayor was unanimously authorized to sign.

Ag Advisory

- *Authorization to Post August 6, 2015 Minutes to Website*: Approved

UNFINISHED BUSINESS

Possible Appointments – none

Updates – 1) Mr. Fisher relayed that a meeting with the Engineer regarding the **generator** will take place on Thursday afternoon. 2) Attorney Faherty advised that a follow-up letter has been sent to Trenton concerning the **unsafe structure** on Route 31. A phone call is to follow. As for the \$3400 cost for the proposed ownership search for **Block 46 Lot 5**, the CFO has advised that this be held off until after November or possibly into 2016. 3) Mr. Fisher noted that a back-up plan is needed for the **Comcast phone system** in the case of a power outage. He proposed that a cell phone be acquired for such instances. During an emergency situation, Comcast would be requested to send calls to that phone. The Clerk was authorized to look into this.

Discussion Concerning Professional Services for 2016 - Held

Resolution Ending Police Consolidation Efforts – The Clerk relayed that Delaware Township did not have a resolution pulling out of the study, only their letter of July 14th. The following was presented for consideration.

RESOLUTION #142-2015

WHEREAS, a report for a possible police consolidation effort prepared by the State was recently reviewed by representatives from Delaware Township, Lambertville City, West Amwell Township and Freeholder Walton; and

WHEREAS, one party has indicated that they are no longer interested in such a joint force; and

WHEREAS, upon review of the State's report, no real savings can be realized, especially with the withdrawal of one participant

THEREFORE, BE IT RESOLVED, that the governing body of West Amwell Township hereby withdraws its support for a multi-municipal consolidated police force at this time

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

Continued Discussion on Held Checks for Mileage & Equipment Allowance – Mr. Rich has been in touch with Mr. Gill concerning these requests. The two checks were approved for release. A \$50.00 per month stipend for equipment use was seen as fair given that the assessor uses and maintains his own equipment. Mr. Gill will file the mileage form going forward and the Construction office officials will be required to do so as well beginning January 1st, in line with the policy manual.

Resolution Affirming Community Aggregation Provider – The auction was held on September 30th, with Lambertville City as the lead agency signing the agreement. The following was presented so that there is documentation of same for Township records.

RESOLUTION #143-2015

WHEREAS, Gabel Associates was 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 and six electrical suppliers qualified for participation in the bid process; and,

WHEREAS, bids were received on September 30, 2015 and evaluated by Gabel Associates with the recommendation that an award be made to South Jersey Energy @ \$.08702/kWh; and

WHEREAS, the award of the bid was made by the City of Lambertville, as Lead Agency for the SHREC, for a 21 month term, commencing with the March 2016 meter read dates

THEREFORE BE IT RESOLVED, that the West Amwell Township Committee hereby affirms the decision by the City of Lambertville, as Lead Agency for the SHREC, to enter into a contract with South Jersey Energy for the purpose of acquiring reduced energy generation rates

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

NEW BUSINESS

Best Practices Inventory – The completed inventory was presented for discussion and action. The Clerk and CFO have reviewed the document; provided answers to all questions posed; and, have certified same. The final score of 43 points was achieved, which means that there will be no reduction in the final State aid payment. The document is to be submitted to DCA by October 16th.

The 2015 Best Practices Inventory was unanimously approved on motion by Rich, seconded by Dale

Resolution of Award for Rocktown-Lamb. Road Project – A memo recommending DeSantis Construction, Inc. has been received from Township Engineer William Burr.

RESOLUTION #144-2015

WHEREAS, the Township of West Amwell advertised, and subsequently received bids, for the Rocktown-Lambertville Road Improvement Project-Phase 2 on October 1, 2015, as outlined on the attached bid summary:

WHEREAS, two bids were received as follows:

<u>Contractor</u>	<u>Bid Amount</u>
DeSantis Construction Inc., Somerset, NJ	\$217,433.71
Top Line Construction Corp., Somerville, NJ	\$293,584.10

WHEREAS, Philip J. Faherty II, Township Attorney, has reviewed the submitted documents and has determined that all paperwork is in order; and

WHEREAS, William Burr, Township Engineer, has reviewed the bids and determined that DeSantis Construction, Inc. Somerset New Jersey submitted the lowest bid in the amount of \$217,433.71 and;

WHEREAS, the Township of West Amwell has sufficient funds to award the Contract.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of West Amwell that the Contract for the Rocktown-Lambertville Road Improvement Project-Phase 2 be and is hereby awarded to DeSantis Construction, Somerset New Jersey for their bid of \$217,433.71, subject to the following condition:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by William Burr, P.E., Township Engineer.

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

DPW – 1) An increase in the ***uniform allowance*** to include the cost of work shoes has been requested. A comparison of what surrounding municipalities pay was provided. It was agreed that the policy be changed to read: “All full-time Road Department employees will be allowed to purchase up to \$450.00 per year for uniforms, including one pair of work shoes, in addition to their regular salary.” The change was unanimously approved on motion by Rich, seconded by Fisher. 2) The section of Chapter 109 concerning ***driveway*** improvement has language that states that there is an application and a fee involved, the latter to be set by the Township. However, no fee has been assigned and the question was raised as to what this should be. The unanimous opinion was that the fee be “zero.”

Resolution for ACO/ACI Shared Service with Lambertville – The City Clerk has advised that one application has been received. A recent article on nj.com relayed that the County's ACO efforts may be discontinued. Staying with Lambertville is advisable.

RESOLUTION #145-2015

A Resolution to Authorize the Shared Services Agreement with the City of Lambertville for Animal Control Services for 2016

BE IT RESOLVED, by the governing body of West Amwell Township, in the County of Hunterdon, State of New Jersey, that a shared services agreement with the City of Lambertville for Animal Control Services for 2016 is hereby authorized.

BE IT FURTHER ESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the agreement.

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

Meeting with Various Entities Concerning Sullivan Dam – Mayor Fisher overviewed the recent meeting whereby this category 1 dam's emergency procedures were reviewed in case of a breach. The property owner is responsible for monitoring the dam and will be in contact with the engineer should a possible breach be identified. Of specific concern for the Township is that the path of the water would be down Mill Road and the flow would take houses. The mayor requested that a meeting be set up with OEM Director Heller, Police Captain Bartzak and Roads Supervisor Rollero to discuss measures for evacuation of Mill Road residents should a problem with the dam occur.

Recommendation for a Construction Records Clearance Ordinance, October 1st Memo from Construction Official Rose – The proposed ordinance met with general approval but Attorney Faherty is to review prior to introduction. The possibility of adding a fee for a CA was raised but rejected.

George Washington Road (Coon Path) Concerns/Request from Resident – Mr. Flemming, who resides on the gravel portion of George Washington Road, relayed that nothing has been done for years to the road and due to the storms and other factors, the road has become unusable. He needs the town to either fix the road down to the stone bridge or to give him permission to maintain that section. The issue has come up previously and Attorney Faherty noted that there are still unanswered questions concerning the road, including if the road was ever dedicated. Also, if the road were to be vacated, half of it would go to the property owners on either side. The Committee was advised that they have no authority to give the permission that Mr. Flemming seeks. However, the Road Supervisor will be requested to investigate.

Resolution Urging the Governor to Protect Local Property Taxpayers by Respecting the Structure and Preserving the Integrity of Local Pension Systems – The following was presented for consideration.

RESOLUTION #146-2015

***URGING GOVERNOR CHRISTIE TO PROTECT LOCAL PROPERTY
TAXPAYERS BY RESPECTING THE STRUCTURE AND
PRESERVING THE INTEGRITY OF LOCAL PENSION SYSTEMS***

WHEREAS, the local pension systems funded by county and municipal property tax dollars and employee contributions are actuarially sound as counties and municipalities and their employees and retirees have prudently made their contributions to the pension funds; and

WHEREAS, the local pension systems include the local Public Employees Retirement System (PERS), funded at 73.9%, and the local Police and Fire Retirement System (PFRS), funded at 76.9%, according to the latest valuation reports; and

WHEREAS, the local pension systems are close to or have exceeded the target funded ratio of 75% by fiscal year 2012 pursuant to the pension and health benefits reform law enacted in 2011, and have combined actuarial valued assets of \$42 billion with estimated retirement allowances due of \$3 billion; and

WHEREAS, while local pension funds are financially healthy, the State Employee Pension Funds controlled by the State of New Jersey are not, due to well documented decades of mismanagement; and

WHEREAS, the New Jersey Pension and Health Benefit Study Commission in its report entitled "A Roadmap to Resolution" recommends, in part, moving toward a merger of all local pension funds with the underfunded State Employee Funds, an ill-advised change that would only bail out the State Pension Funds at the expense of taxpayers, local governments, and county and municipal state employees who responsibly contributed to those funds; and

WHEREAS, the Township of West Amwell recognizes that the State must take meaningful steps to make the State government funded pension systems more affordable for taxpayers and sustainable members, but objects to any reforms that would merge the local pensions systems with those of the State's systems, shifting the financial burden of fixing the underfunded State Pension Funds to local taxpayers; and

WHEREAS, it is in the best interest of county and municipal taxpayers and governing bodies across the State that the State of New Jersey reform its pension systems with viable, meaningful and long term solutions that pay off existing State pension deficits without affecting, diluting, or diverting valuable local pension system assets;

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. That West Amwell Township does in fact hereby urge State leaders to protect local property taxpayers, governing bodies and employees and retirees by preserving the structure of integrity of the fiscally solvent local pension systems.
2. That certified copies of this Resolution be forwarded to the Governor of the State of New Jersey, President of the New Jersey State Senate, Speaker of the General Assembly and Clerks of Hunterdon County Municipalities.

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

A change to the Agenda order was approved to permit public comment prior to entering Closed Session.

OPEN TO THE PUBLIC

Dave Beaumont referenced the recently received Table of Equalized Valuation that shows West Amwell with a ratio of 95.12 to true value. This chart deals only with the sale of homes, with farmland assessed, commercial, and a variety of other categories excluded from the calculations. The time frame used is January 1 through June 30, 2015. The ratio for Lambertville and Stockton were also cited as the numbers play into the Township's percentage of school taxes. Mr. Beaumont has been in discussion with Assessor Gill concerning State sales vs those of the Township and there are four (4) changes recommended to the State's list—but only three that both he and Mr. Gill agree upon. If the 4 properties were to be approved, it would bring the Township's true value to 99.98 which in turn would bring true value close to assessed value and the Township's portion of the school tax would be less. The potential would net approximately \$100 per household. Mr. Beaumont would like to see an appeal submitted to the State for at least three of the properties in question, noting that the appeal period is 45 days from October 1st. Mr. Fisher expressed concern about the possibility of 'shooting ourselves in the foot' by making an appeal, noting that in his previous discussions with the State a 'fudge factor' is applied to average out spikes between involved municipalities. Attorney Faherty was requested to research the filing fee for an appeal and that this topic be carried to the October 21st meeting.

Mr. Shute inquired about the police study resolution adopted earlier and commented on the tree situation, adding that perhaps the residents of the Estates need an organization.

Mr. Beaumont relayed that he spoke with Shawn Mosby prior to his departure, noting that the Committee's understanding was that John Haug was an authorized representative of the group when the decision was made about the removal of the trees.

Resolution to Enter Closed Session

RESOLUTION #147-2015

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
PERSONNEL
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 Dale, seconded by Fisher.

The meeting returned to Open Session with the following results:

RESOLUTION #148-2015
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> Road Supervisor Rollero	\$25.00/hr
<u>Add:</u> Road Supervisor Rollero	\$29.00/hr

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

Mr. Rollero was also granted permission to take a truck home as part of his benefits package.

ADMINISTRATIVE REPORTS

Tax Collector – The monthly reports for August & September 2015 were was received showing receipts in the amount of \$3,345,089.59 and \$113,540.45, respectively.

Construction – The Permit Fee Log Summary for September 2015 reflect the issuance of 24 permits for a total of \$5,297.00 for West Amwell. One (1) CO and Eighteen (18) CA's were processed per the Certificate Log Summary. The Permit Fee Log Summary for East Amwell reported 35 permits issued and \$10,990.00 collected. Twenty three (23) CA's were processed according to the Certificate Log Summary.

Police – The September 2015 Monthly Report showing 940 incidents, 172 summonses and 1 warning was received.

Website Review

None at this time.

The reports were unanimously accepted as filed and without comment.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 9:36 p.m. on motion from Fisher.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: October 21, 2015