

WEST AMWELL TOWNSHIP COMMITTEE MEETING

November 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 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 Cathy Urbanski, David Gill, Rob Tomenchok, Mr. Claus and son Bailey, Eagle Scouts Robert Tomenchok and Mike Gambino, Mr. & Mrs. Gambino, John Cronic, Steve Bergenfeld, Dave Beaumont, Harry Heller and Mr. & Mrs. Meier.

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

Eagle Scouts Rob Tomenchok III and Michael Gambino led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following item was deleted: 10.E. Shared Service with East Amwell. 11.G. Change of date and time.

ANNOUNCEMENTS

- Municipal Offices Closed – November 26th & 27th for the Thanksgiving Holiday
- 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 November 4, 2015 Regular and Closed Session 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)

Eagle Scout Resolutions – Mayor Fisher read the following resolutions into the record:

RESOLUTION #158-2015

A resolution recognizing Robert E. Tomenchok III on attaining the designation of Eagle Scout, Scouting's highest award.

WHEREAS, on 30 September 2015, Robert E. Tomenchok III, completed his Eagle Scout Board of Review and obtained the rank of Eagle Scout. Robert E. Tomenchok III will be presented with the coveted Eagle Scout Award at an upcoming Eagle Court of Honor and is well deserving of this recognition; and

WHEREAS, the Eagle Scout is the highest rank of recognition offered in Scouting; and

WHEREAS, to earn the rank of Eagle Scout, a Boy Scout must advance through five ranks, starting with Tenderfoot, then moving to Second Class, First Class, Star, Life and then Eagle. A scout must earn 21 merit badges, and in addition to other requirements he must complete a service project that benefits a non-profit organization within the community; and

WHEREAS, Robert E. Tomenchok III, a valued member of Boy Scout Troop 49, is a dedicated young man who has earned the respect and admiration of his fellow scouts through his active participation in the many programs sponsored by the Boy Scouts of America; and

WHEREAS, he has truly exhibited a commitment to the scouting principals of honesty, fairness, and service to the community and has consistently conducted himself in a manner becoming an Eagle Scout; and

WHEREAS, a senior at South Hunterdon Regional High School, Robert E. Tomenchok III aspires to a career in engineering and among his many accomplishments, he has: Maintained a high level of academic honors; served as a mentor for younger students; played goal tender on the Varsity Soccer Team; participated in Concert, Jazz, and Marching Band; and continues to serve as a role model.

WHEREAS, the Eagle service project undertaken by Robert E. Tomenchok, III consisted of extensive renovations to the "Eagle Eatery" concession stand at South Hunterdon Regional High School. This 300 plus man-hour project included: Preparing and presenting the proposal; Securing the necessary resources; Scheduling and managing the working parties; and communicating the status and results in a timely manner.

WHEREAS, it is fitting and proper that the West Amwell Township Committee recognizes Robert E. Tomenchok III for his diligence, determination, and dedication in pursuing the highest honor awarded by the Boy Scouts of America and congratulate him on attaining the rank of Eagle Scout.

NOW, THEREFORE, BE IT RESOLVED,

West Amwell Township hereby goes on record as recognizing and congratulating Robert E. Tomenchok III on attaining the designation of Eagle Scout, Scouting's highest award.

George A. Fisher

Zach Rich

John Dale

George A. Fisher
Mayor

Zach Rich
Deputy Mayor

John Dale
Committeeman

ATTEST:

Lora L. Olsen

Lora L Olsen, RMC
Township Clerk

RESOLUTION #159-2015

A resolution recognizing Michael Gambino on attaining the designation of Eagle Scout, Scouting's highest award.

WHEREAS, on 30 September 2015, Michael Gambino, completed his Eagle Scout Board of Review and obtained the rank of Eagle Scout. Michael Gambino will be presented with the coveted Eagle Scout Award at an upcoming Eagle Court of Honor and is well deserving of this recognition; and

WHEREAS, the Eagle Scout is the highest rank of recognition offered in Scouting; and

WHEREAS, to earn the rank of Eagle Scout, a Boy Scout must advance through five ranks, starting with Tenderfoot, then moving to Second Class, First Class, Star, Life and then Eagle. A scout must earn 21 Eagle Scout required merit badges, and in addition to other requirements he must complete a service project that benefits a non-profit organization within the community; and

WHEREAS, Michael Gambino, a valued member of Boy Scout Troop 49, is a dedicated young man who has earned the respect and admiration of his fellow scouts through his active participation in the many programs sponsored by the Boy Scouts of America; and

WHEREAS, he has truly exhibited a commitment to the scouting principals of honesty, fairness, and service to the community and has consistently conducted himself in a manner becoming an Eagle Scout; and

WHEREAS, Michael, at the age of fourteen achieved the rank of Black Belt in Tang Soo Do from the Mercer County Academy of Martial Arts under the instruction of owner Master Ron Jones 6th Dan. He is an active member in the High School concert band, jazz band, Baseball and Football teams as well as the Peer Leadership program. He is currently certified in CPR and was employed as a life guard for his summer employment; and

WHEREAS, as a senior at South Hunterdon Regional High School, Michael Gambino aspires to a career in computer science and among his many accomplishments, he has: earned 26 merit badges during his seven years in scouting; and

WHEREAS, the Eagle Scout service project undertaken by Michael Gambino consisted of building, installing, and monitoring 21 Bluebird houses at Fireman's Eddy along the Delaware River, concluding with a comparison of the bird population to earlier censuses.

WHEREAS, it is fitting and proper that the West Amwell Township Committee recognizes Michael Gambino for his diligence, determination, and dedication in pursuing the highest honor awarded by the Boy Scouts of America and congratulate him on attaining the rank of Eagle Scout.

NOW, THEREFORE, BE IT RESOLVED,

West Amwell Township hereby goes on record as recognizing and congratulating Michael Gambino on attaining the designation of Eagle Scout, Scouting's highest award.

George A. Fisher

Zach Rich

John Dale

George A. Fisher
Mayor

Zach Rich
Deputy Mayor

John Dale
Committeeman

ATTEST:

Lora L. Olsen

Lora L Olsen, RMC
Township Clerk

The Resolutions were unanimously approved on motion from Dale, seconded by Fisher.

Congratulations were extended to Robert and Michael on their accomplishment. Mayor Fisher further offered that they are an asset to the community as well as outstanding citizens, and issued a caution that they 'don't screw it up.'

Annual Stormwater Training – Cathy Urbanski presented packets on the responsibilities and permitting requirements of Tier B municipalities. She further outlined the steps that West Amwell has already taken to minimize stormwater pollution, including ordinances for stream corridors, soil removal, clustering, woodlands protection and code references to steep slopes and critical areas. The Township website also has stormwater information including links to other websites on the topic. Recommendations going forward were also mentioned and include the re-examination of the municipal stormwater ordinance and continuing to produce yearly brochures for distribution to residents. Another suggestion involved retro-fitting the detention basins at Orleans to provide for a different management plan that would use native vegetation. Mr. Fisher advised that someone would have to speak to the community about this and that ideas would have to be presented. Appreciation was expressed to Mrs. Urbanski for her presentation.

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

Public Hearing: Ordinance 10, 2015 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 109, "LAND DEVELOPMENT" OF THE CODE OF THE TOWNSHIP OF WEST AMWELL TO AMEND PERMITTED USES OF ZONING DISTRICTS; TO CONSOLIDATE AND REORGANIZE SECTIONS PERTAINING TO CONDITIONAL USES; TO ESTABLISH STANDARDS FOR FARMS AS A PRINCIPLE USE; AND TO ADD STANDARDS FOR ACCESSORY BUILDINGS.

Proof of publication in the October 29, 2015 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the October 21, 2015 Township Committee meeting and mailed to surrounding municipalities and the Hunterdon County Planning Board. The Ordinance has been reviewed by the Planning Board, found consistent with the Master Plan, and adoption recommended. Mr. Fisher read the Ordinance by title and opened the public hearing.

The mayor relayed that the Planning Board did a lot of work on the ordinance and that verbose charts and graphs were eliminated. Kudos were extended. Rob Tomenchok, the Planning Board Chair, offered that the explicit were eliminated and made implicit. He further commented

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that the ordinance had not kept up with changes in down zoning and no longer made sense. Linda Meier of Rock Road West commented on the coordination of the schedules. It was noted that she did not have the right chart. Hearing no further comments, the public hearing was closed.

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

Introduction: B. **Introduction:** Ordinance 11, 2015 AN ORDINANCE AMENDING CHAPTER 68, ENTITLED "CONSTRUCTION CODES, UNIFORM" OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY (Construction Records Clearance Certificate)

The introduction was held. Attorney Faherty suggested that Mr. Gill and Mr. Rose get together to come up with something that incorporates the assessor's input on the proposed ordinance in order to get the permit issues resolved. Language has been proposed in a circulated e-mail. A lengthy discussion took place over work without permits and subsequent impact on assessments, re-assessment upon sales, and OPRA requests concerning status of permits vs work identified without same, and what is expected from the building department in the way of inspections. Also mentioned was self-responsibility of the homeowner. Mr. Gill expressed his concern over construction work being done with no site plans, building plans, or clearance from the zoning official and that he is finding too much while doing his re-assessment work. A re-assessment at the time of sale was suggested and seen as a legal common practice. Mr. Gill agreed that everything would work right by having implemented an assessment requirement prior to closing and then obtain a certificate. The latter step was questioned as whether it was needed.

STANDING COMMITTEE REPORTS

Open Space

- *Project Status Updates:* John Cronce reported that **Toll North** has closed and that the buyer of the property received their approval from the Planning Board. There are few glitches in the **Lambert** project but a mid-December closing is anticipated. **Holcombe** is under attorney review although a question has come up from the company. Attorney Faherty to reach out to Stephanie Miller of the SADC. With the closing of Toll and Lambert projects, the open space and farmland preservation total is almost 5700 acres, or 40% of the Township. Mr. Cronce commented that Open Space is finished for the year and the committee has done a great job.

Environmental

- *Authorization to Post October 8, 2015 Minutes to Website:* Approved.

UNFINISHED BUSINESS

Possible Appointments – None

Updates – 1) Engineer Burr has advised that the **generator** specs should be ready for a mid-December bid. 2) The Clerk's research into having a Trac phone on hand as an **emergency cell** concluded that it isn't particularly practical or money saving. In order to keep the phone active, the purchase of airtime service on or before the service end date is required. This means going to Staples, etc. to purchase a card. She has also been advised that the cost would exceed that of a regular Verizon plan as minute charges are applied for both coming and going calls. A quote has been requested from the sales rep for government pricing. Two lines could be added as a sub level account under the current police plan. The second line would be for the Road Supervisor who has advised that use of his personal phone for Township business has seen an 80% increase. Approval was given for this direction but not until January due to budget issues. A request has also been received for reimbursement of personal cell phone use by other staff. This would be similar to what was accorded to the police prior to their acquisition of Township cell phones. Another item for 2016 budget discussion. 3) Mr. Fisher relayed that he is waiting for a call back from the State concerning Mr. Ehrenreich's letter about **Route 29** conditions.

Unsafe Structures – Rt 31 – Mr. Rich offered that the Township should be able to submit the application, but suggested that the historic preservation folks be requested to meet on site prior to any submission. Attorney Faherty commented concerning the need for a site plan by an architectural engineer, which translates to money. Mrs. Olsen was requested to contact the State Historic Preservation Office to request a meeting. The plan is for the mayor to meet with them.

Special Tax Attorney for Equalized Evaluation Appeal –

- *Professional Services Resolution*: As a follow-up to the Committee's action at the last meeting to hire Mr. Haulshater, a formal resolution is needed. The contract documents have been received.

RESOLUTION #160-2015
RESOLUTION APPOINTING SPECIAL TAX ATTORNEY

WHEREAS, there exists a need for the performance of legal services for the Township of West Amwell for the year 2015 in connection with an equalized evaluation appeal challenging the ratio which cannot be handled by the Municipal Attorney; and

WHEREAS, funds are, or will be made, available for this purpose to be certified by the Treasurer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) authorizes the hiring of an attorney without competitive bidding providing that the Resolution authorizing the award of contracts for "Professional Services" without competitive bidding and the contract itself be made available for public inspection.

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

1. Harry Haushalter, Esq., Attorney at Law, is hereby appointed to serve as Special Tax Attorney for the Township of West Amwell during the year 2015 in order to file an equalized valuation appeal for the Township of West Amwell.
2. The Mayor and Committee shall enter into a mutually agreeable written compensation agreement with said Attorney within thirty (30) days of the date of this Resolution.
3. This Agreement is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.

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

- *Agreement*: Mr. Beaumont relayed that he met with Mr. Haushalter who advised that the case has merit but it will be close. The appeal has been filed and covers the equalized valuation table and the Chapter 123 table for 2016 for tax appeals. This filing will affect the County's equalized table as it too is based on that of the State; therefore, there should be a lower county tax as well. The next step is a meeting on December 1st. Lambertville and Stockton have been noticed of the filing via regular mail. Mr. Fisher noted that it was his impression that this was a marginal case and that the Committee needs to keep an eye on it so that expenses don't get out of hand. If the case is not settled, court proceedings would get expensive. The other downside is that by changing numbers, Lambertville and Stockton will be upset. In addition, effect on the State's equalized valuation as well as that of other municipalities in the County, could bring the Township some enemies. Mr. Beaumont added that even Mr. Haushalter agreed that going to trial would be nonsense. Mayor Fisher executed the agreement.

SHREC re: Solar Power Purchase Agreement – Mr. Fisher relayed that he met with Attorney Faherty to review the existing documents. As for the Township insuring the panels, this is not something that the Township should be liable for as the panels belong to the company. In his conversation with Mr. Graventein, Mr. Fisher was advised that the Township would be insured in any case. As for his conversation with the high school, the mayor relayed that they are still interested in the project. A three month extension has been requested by the solar party, so there's time to work something out.

NEW BUSINESS

Discussion Concerning Construction Official & Tax Assessor re: Permits & Assessments

—This item was discussed earlier in the evening. However, Mrs. Olsen added that there was additional information on inspections provided that should be looked at.

Election Results – The election statement has been received and the question passed 355 to 208. Attorney Faherty advised as to next steps, including terms of the additional members. Ordinances to address various issues would not be introduced until 2016. An ordinance adopted by the Township of Delanco, which was forwarded to the Township by the League, will be shared with Attorney Faherty.

Statewide Insurance Fund – In the past, these resolutions were adopted at Re-organization. However, the new carrier requested that they be acted upon at an earlier meeting.
- *Resolution Appointing Risk Management Consultant:*

RESOLUTION # 161-2015
RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, West Amwell Township (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Hunterdon and State of New Jersey, as follows:

1. West Amwell Township hereby appoints George Gravenstine its local Risk Management Consultant.
2. The Mayor and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2016 in the form attached hereto.

Attest:
Lora L. Olsen, RMC

Lora L. Olsen, Township Clerk

Name of Entity: West Amwell Township
George A Fisher

George A. Fisher, Mayor

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

- *Risk Management Consult’s Agreement:* Mayor Fisher was authorized to execute this document on motion by Dale, seconded by Rich. A copy is on file in the office of the Township Clerk.

- *Resolution Appointing Fund Commissioner.*

RESOLUTION #162-2015
STATEWIDE INSURANCE FUND
RESOLUTION APPOINTING FUND COMMISSIONER

WHEREAS, West Amwell Township (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body that Zach Rich is hereby appointed as the Fund Commissioner for the Local Unit for the year 2016; and

BE IT FURTHER RESOLVED that John Dale is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2016; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund. .

Name of Entity: West Amwell Township

By: George A. Fisher
George A. Fisher, Mayor

ATTEST:
Lora L. Olsen

Lora L. Olsen, RMC, Township Clerk

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

Discussion Concerning BOH Soil Witnessing Program – Mr. Rich questioned the status of the recruitment ad for soil witnessing and was advised that the only receipt prior to tomorrow's deadline was from Maser, although there had not been time to review what was proposed. He then relayed his concern over a situation whereby a witness was not available during the wet season and offered that additional options be employed, so that folks could call whomever they wanted. As system procedures were not followed was the explanation given to explain his difficulty. An extended discussion over impact to the township, the history of the program from once being handled by the engineer's office to the return to local witnessing, whether it should return to the engineer's office, and the assertion that towns screw people. Mr. Rich would like to see a list of three engineering firms provided with the Board secretary being alerted as who is contacted. A question was raised as to fees involved, how the witness is paid, and whether there would really be better servicing to the town if there are three firms involved. It was relayed that the system now has a primary and a secondary, who is Princeton Hydro. Work is directed to them if the primary is not available in the time frame needed. Mr. Rich requested that pricing be obtained from Princeton Hydro, Maser and Van Cleef as the three options being proposed. Whether this would require changes to the ordinance is to be determined.

Technical Assistant Certification – Both Leslie Grillo and Gail Brewi have completed the referenced course and received a 100% on the final exam. A congratulatory note is to be provided.

319h Grant Submissions/Princeton Hydro Reports – Every report from the start of the implementation program had to be re-done. In addition, it is required that the submittal letter include a sentence that the Township Committee (grantee) approves of the submission. Information on the 10 reports (7 old and 3 new) was provided. With approval in place, these will be submitted to NJDEP.

Invitation from USDA re: Fulper Farms/USDA-Rutgers Feasibility Study Event on Nov 20th @ 1:30 p.m. – A call was received from Cindy O'Grady at the USDA that the date has been changed to November 23rd at 10 a.m. and that the NJ Secretary of Agriculture, Doug Fisher, will be in attendance. Ms. O'Grady also advised that the Fulpers have received a value added grant for working capital in addition to the money given to David Specca and Serpil Guran. An actual announcement of the event was to be forthcoming but has not yet been received.

OPEN TO THE PUBLIC

Mr. Beaumont questioned the status of proposed Ordinance 11. He was advised that the assessor and construction official have to get the wording set up. Mr. Beaumont also relayed that he heard from a reliable source that the school was going to break ground for a new track at the football field.

Harry Heller inquired about the generator and was advised that it was in the hands of the Township Engineer.

The custodian position that was advertised locally will now be advertised in the newspapers.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #163-2015

WHEREAS, it has been determined by the Planning Board of West Amwell Township that the following applicant's escrow fees are in excess of what was needed to cover their charges, and

WHEREAS, the Planning Board has approved a refund of the following amount - 3,727.21, and has further requested that the account be closed

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	Amount Refunded
Looking Good LLC, c/o Philip Muller Hopewell Valley Community Bank Account Escrow ID: #11201502	\$3,727.21

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

Presentation of Bills for Approval:

RESOLUTION #164-2015

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 \$1,980,964.40, dated November 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. Dale seconded. Motion carried unanimously.

Treasurer Report: Appropriations through November 18, 2015 were provided and reviewed

Tax Collector –

RESOLUTION #165-2015

WHEREAS Tax Sale Certificate #1-2010 for Block 10, Lot 4; 1226 Route 179 assessed to Anthony & Angelina Lofaro was sold on July 13, 2010 to West Amwell Township and,

WHEREAS the amount of \$651.07 has been received from First Partners Abstract for the owners of the property for the redemption of this certificate,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to accept this payment on behalf of West Amwell Township and that Tax Sale Certificate #1-2010 be endorsed by the Mayor for cancellation.

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

The tax sale certificate was signed by the Mayor and Clerk.

The monthly report for October 2015 was received showing receipts in the amount of \$723,281.73.

Construction – The Permit Fee Log Summary for October 2015 reflect the issuance of 20 permits/updates for a total of \$3,709.00 for West Amwell. Two (2) COs and Twenty (20) CA's were processed per the Certificate Log Summary. The Permit Fee Log Summary for East Amwell reported 45 permits/updates issued and \$9,259.00 collected. One (1) CO and thirty (30) CA's were processed according to the Certificate Log Summary.

Court – The October 2015 monthly report was received showing a ticket total of 151 (138 local) and the receipt of \$8,374.82.

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Police – The October 2015 Monthly Report showing 822 incidents, 149 summonses and 3 warnings was received. Forty-four summonses were issued in conjunction with the shared service with East Amwell.

Website Review – No change

The reports were unanimously accepted, without comment, as filed.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 8:55 p.m. on motion from Rich.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk

APPROVED: December 2, 2015