

WEST AMWELL TOWNSHIP COMMITTEE MEETING

December 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 7:34 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 Committeeman-elect Steve Bergenfeld, Hal Shute, John Cronce and Dave Beaumont.

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

There were no additions or deletions.

ANNOUNCEMENTS

- Municipal Offices Closed – December 24th & 25th for the Christmas 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 18, 2015 Special and Closed session minutes were approved on motion by Rich, seconded by Fisher. Dale abstained. The November 18, 2105 Regular session minutes were unanimously approved on motion by Dale, seconded by Fisher.

Attorney Faherty reviewed the existing Closed session minutes and made a recommendation as to which ones could be opened. They are as follows:

05/13/13 Personnel #2 05/22/13 Purchase, Lease or Acquisition of Real Property #1
09/25/13 Potential Litigation 10/07/13 Potential Litigation 10/29/13 Potential Litigation
10/13/14 Contract Negotiations 12/08/14 Personnel-Interviews #1,2,3,4,5,6
12/30/14 Personnel-Interviews #1,2,3,4,5,6 02/04/15 Personnel-Pending Retirement
03/04/15 Personnel #1,2,3 3/18/15 Personnel #1, 2,3,4,5,6
05/20/15 Personnel-Interviews #1,2,3,4 05/20/15 Purchase Lease or Acquisition of Real
Property 06/17/15 Personnel-Interviews #1,2,3,4 07/02/15 Safety & Protection of the
Public 09/02/15 Pending Litigation & Attorney-Client Privilege 10/07/15 Personnel

The foregoing closed session minutes were unanimously approved to be opened on motion by Rich, seconded by Dale.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

No one came forward

SPECIAL PRESENTATION(S)

Harry Heller re: Emergency Operating Plan

Mr. Heller was not in attendance. Item held until his arrival.

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

Introduction: Ordinance 11, 2015

The following ordinance was read by title and introduced on first reading:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 109, PART 4, ARTICLE XXI, OF THE CODE OF THE TOWNSHIP OF WEST AMWELL (Environmental Features)

BE IT RESOLVED that Chapter 109, Part 4 Zoning shall be supplemented and amended as follows:

Article XXI Environmental Features

§ 109-143. Stream Corridor Protection

...

D. Performance standards.

...

- (3) Any lands proposed for development within all or a portion of any stream corridors shall, as a condition of any land use application, provide for the vegetation or revegetation of any portions of the stream corridor which are not vegetated at the time of the application or which were disturbed by prior land uses, including for agricultural use. Said vegetation plan shall utilize native tree and plant species in accordance with an approved stream corridor management plan, described ~~in § 109-150.2E of this article herein.~~

...

E. Activities permitted in stream corridors only under extreme hardship.

...

- (5) Stream corridor management plan.

...

- (d) The plan shall be reviewed by the Township Planning Board Engineer, in consultation with the Environmental Commission. A report with recommendations by the Township Planning Board Engineer shall be submitted to the Planning Board or Board of Adjustment prior to its rendering a decision. ~~For applications from owners of properties defined in § 109-148A(3) and (4), the~~ The Board of Adjustment may waive submission of any or all sections of the Stream Corridor Management Plan if the Board decides that the proposed disturbance is limited and that preparation of a full plan is not warranted. In all cases, however, the applicant must, at a minimum, show the location of any stream that is on the property consistent with other sections of this chapter.

Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reasons held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Township of West Amwell declares that it would have passed the ordinance in each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Effective Date. This ordinance shall take effect immediately upon passage and publication according to law, and upon filing a copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

Rich moved to introduce the Ordinance on first reading and Fisher seconded. Motion carried unanimously. The public hearing will be held December 30th.

STANDING COMMITTEE REPORTS

Open Space

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

- *Project Status Updates:* Hal Shute relayed that **Lambert** will not close this week as had been anticipated. This is due to a combination of factors that include both family travels and County personnel. The project is in limbo and concern was expressed over the fact that State funding was only good for a month. John Cronce noted the receipt of an e-mail from Stephanie Miller of the SADC concerning **Holcombe** and the involvement of yet another State organization for this project. Mr. Cronce also expressed appreciation to Mayor Fisher for his support and help on open space projects, commenting that perhaps an appointment to open space next year could be considered. Mr. Shute commented on his recent conversation with Rob **Fulper** and that he is ready to move on a revised plan which will involve less money and less building rights. However, this project will be deferred until next year when a new committee is seated.

Emergency Management (moved from earlier in the evening)

Harry Heller presented the finalized Emergency Operating Plan for signature. The execution of the plan will permit application for FEMA money when needed.

Finance

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

Parks & Recreation

- *Christmas Lighting Contest – Letter Requesting Donations:* A letter soliciting prizes for this annual event was presented and approved. Judging will take place between December 26 and 29th, with winners announced at the Township Re-organization meeting on January 6th.

UNFINISHED BUSINESS

Possible Appointments – none

Updates - 1) Mayor Fisher reported on the recent event at the **Fulper Farm**. A grant of \$250,000 was awarded to the Fulpers for the marketing of their cheeses and yogurts and the Rutgers group received \$19,000 for the feasibility study on composting for fuel production. 2) The mayor met with Kat Cannelongo about the **unsafe structure** on Rt 31. The building has a tax lien and at the most recent tax sale, the lien went to the Township as there were no bidders. Apparently, the Township can now foreclose on the property. Committeeman-elect Bergenfeld suggested that a *deed in lieu of foreclosure* be filed. Attorney Faherty will research this avenue. He also relayed some historical information received about an earlier attempt to tear down the house. Mr. Cronce added that everything was in place for the demolition but the construction official at the time would not sign off. 3) Dave Beaumont relayed that Attorney Haushalter met with the Judge and the Deputy Director on Monday. The latter was not prepared and was instructed to review the sales concerning the **ratio challenge**. Another pretrial conference will be scheduled once the Director has done his due diligence. Mrs. Olsen added that there was a lady from the State in the construction office on Monday. She was looking at the files for 219 Jackson Street and another property. 4) Attorney Faherty relayed that he had a conversation with Ryan Marrone concerning Township issues with the **Solar Power Purchase Agreement**. He also inquired about two documents for which executed copies have not been received. A three month extension has been requested and an outreach to Attorney David Blank is needed. The issues to be addressed include insurance and time extension. 5) A motion to extend the immunity period to March 31st for **Affordable Housing** work has been filed with Judge Miller. It is anticipated that this will be approved as the judge has been granting such motions. 6) An extended discussion ensued on the proposed **records clearance ordinance** that has been tabled twice from introduction. A proposed change by the tax assessor was noted but there's been no meeting between the entities concerning the work without permits issue. It was also felt that the insertion doesn't really belong in a construction office ordinance; that the problem is not unique to this municipality; that personality conflicts play in; and, whether staffing is sufficient, although the building department is not asking for more hours. Attorney Faherty relayed that both realtors and attorneys are putting wording in their contracts that certification of what has been done to a house has been with benefit of a permit. If it turns out otherwise, there are all sorts of breach of contract issues. Therefore, more and people when buying a house want to know that everything is covered and, if not, it starts to hold up real estate closings, banks get annoyed, and law suits are filed. This also plays into why there are more OPRAs being filed requesting information on whether there are open permits for a property. With the foregoing information, it was questioned whether this proposed ordinance is even needed. Mention was made about one of the properties subject to the ratio appeal as considerable work was done, without permits, and the place sold for more

considerably more than it was assessed for. How to prove same and why there is no follow-up to reported non-permitted work was questioned. The general consensus was that it's not the December 2, 2105 Minutes

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tax assessor's problem once the information is shared, but that of the building department, and that the property be assessed as presented. Attorney Faherty suggested that a copy of the tax assessor handbook be obtained to verify responsibilities. The ordinance will have to wait until next year, if the decision is to pursue. 7) Captain Bartzak has advised the Clerk that the East Amwell Administrator is looking to increase the current 4 hours/week to 6 hours/week at the same rate structure for 2016 **traffic enforcement**. This would mean a payment of \$22,500 from East Amwell and a change to the Township Committee's earlier decision to increase the dollar amount but not the hours. There was agreement as to this proposed change, although mention was made as to upcoming raises. The Committee was okay with the increase. This information will be relayed and, if it is a 'go' from East Amwell, a resolution will be prepared for the December 30th meeting.

NEW BUSINESS

Resolution to Amend Resolution #04-2015 (Authorized Signatures on Bank Accounts)

RESOLUTION #166-2015
(Amending Resolution #04-2015)

BE IT RESOLVED that the Court Administrator and Violations Clerk be authorized to sign checks drawn on the Court Account and Bail Account.

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

Fire Company Equipment

- Resolution Authorizing Purchase on State Contract:

RESOLUTION #167-2015

WHEREAS, the Township of West Amwell, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.20 ©), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of West Amwell has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Township of West Amwell intends to enter into contracts with the attached Referenced State Contract Vendor(s) through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Township of West Amwell authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Township of West Amwell pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED, that the duration of the contract(s) between the Township of West Amwell and the Referenced State Contract Vendor(s) shall be through December 31, 2015.

<u>Commodity/Service</u>	<u>Referenced State Contract Vendors</u> <u>Vendor</u>	<u>State Contract #</u>
Turnout coats, pants, gloves and harness	George Kline Sales 308 Cambria Ave Bensalem PA 19020	A80948

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

- *Resolution Approving Purchase of Turn-Out Gear.*

RESOLUTION #168-2015

WHEREAS, there is a need to purchase various pieces of turn out gear for the fire company of the Township of West Amwell, in the County of Hunterdon, State of New Jersey as follows;

- 1) 5 coats @ \$1,421.19 (\$7,105.95)
- 2) 5 pair pants @ \$1,038.60 (\$5,193.00)
- 3) 5 harness @ \$210.00 (\$1,050.00)
- 4) 5 pair gloves @ \$71.35 (\$356.75)

and

WHEREAS, these items can be purchased through the following State Contract vendor

#80948 George Kline Sales; \$13,705.70 (Morning Pride Turn Out Gear)
; and

WHEREAS, the maximum amount of the purchases is \$15,000.00; and

WHEREAS the CFO has certified to the Township Clerk that funds are available in the Ordinance 5, 2015; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, in the County of Hunterdon that the CFO is hereby authorized and directed to approve and forward Purchase Requisitions to the stated vendors for the commodities listed above.

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

Mr. Heller was questioned about an upcoming Fire Company grant. He advised that applications have been made in the past but these grants seem to go to departments that employ actual grant writers. The process is quite involved and there's no insight as to what is the hot topic for the year. Many hours have been expended on applications with no return on the effort.

Resolution for 2016 Radon Awareness Month

**RESOLUTION #169-2015
PROCLAMATION**

WHEREAS, radon is a naturally occurring radioactive gas that is the second leading cause of lung cancer; and

WHEREAS, prolonged exposure to radon can kill as many as 500 people in New Jersey each year; and

WHEREAS, families who reside in homes with elevated radon levels are at risk of developing serious health problems; and

WHEREAS, any home could have high levels, even if neighboring homes do not; and

WHEREAS, radon testing can be done with great ease at a relatively low expense to the homeowner, with the cost of reducing radon concentrations being comparable to that of any home repair; and

WHEREAS, the New Jersey Department of Environmental Protection and the United States Environmental Protection Agency are collaborating during the month of January to promote the need for radon testing in an effort to protect the lives of our State's residents; and

WHEREAS, if all New Jersey homes with radon concentrations at or above 4 pCi/L were mitigated, about 83 lives could be saved this

NOW, THEREFORE, I, George A. Fisher, Mayor of West Amwell Township, on behalf of the West Amwell Township Committee and residents of West Amwell Township, do hereby proclaim the month of January 2016, as

RADON ACTION MONTH

in the Township of West Amwell and call upon all residents who have not yet tested to test their homes for radon and to reduce radon levels if elevated levels are found, to protect their families from the serious health risk of radon.

Signed this 2nd day of December 2015

George A. Fisher

George A. Fisher, Mayor

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

Resolution Releasing Maintenance Bond for Kari Drive

RESOLUTION #170-2015

WHEREAS, the Maintenance Bond (B10 024 607) filed by Glen G. Hale, Inc. for improvements to Kari Drive expired December 1, 2015; and

WHEREAS, the improvements covered by the bond were inspected by the Township Engineer; and

WHEREAS, no concerns were noted

THEREFORE BE IT RESOLVED that the maintenance bond established by Glen G. Hale, Inc. for the work referenced above is hereby released.

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

Resolution Releasing Street Opening Escrows (Elizabethtown Gas)

RESOLUTION #171-2015

WHEREAS, it has been determined by Township Committee 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 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 applicants:

Applicant	Amount Refunded
Elizabethtown Gas	\$971.25.00
(86 Alexauken Creek Road) 323.75	
(2 Gulick Road) 323.75	
(219 Jackson Street) 323.75	

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

Municipal Alliance – Grant Year July 1, 2016 to June 20, 2017

- *Strategic Plan for Funding Municipal Alliances:* The total alliance budget for the referenced period is \$32,216.00. Mayor Fisher was unanimously approved to execute the document.

- *Resolution:*

RESOLUTION #172-2015
(Copy Attached to Original Minutes)

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

Resolution for Open Space Trust Fund Money

RESOLUTION #173-2015

Whereas:

The Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Grants Program to provide Program Funds in connection with municipal acquisition of lands for recreation, conservation and general open space purposes; farmland preservation; preparation of plan elements of a municipal Master Plan, and restoration of county owned or municipal owned historic facilities.

And Whereas:

The Governing Body of West Amwell Township desires to bank and reserve the Township's allocation of Open Space Trust Funds in the amount of \$30,178.08 to fund a project which has not been finally determined at this time. The application for the funding will be submitted in 2016, and the funding will be applied to either the Amwell Chase Farm, Block 5 Lots 24 & 24.01 or the Lambert Farm, Block 3 Lot 16

Now Therefore the Governing Body resolves that:

1. The West Amwell Township Open Space Committee has designated Cathy Urbanski to, in January 2016: (a) make an application to the County of Hunterdon for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Grants Program and (c) act as the principal contact person and correspondent of the above named municipality.
2. If the County of Hunterdon determines that the application is complete and in conformance with the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan and the Policies and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such adopted policies and procedures, and applicable state and local government rules, regulations and statutes thereto.
3. The Mayor of West Amwell Township is hereby authorized to sign and execute any required documents and agreements with the County of Hunterdon for the approved Open Space Trust Funds.

CERTIFICATION

I, Lora L.Olsen, RMC, do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of West Amwell Township at a meeting held on the 2nd day of December 2015.

In Witness Whereof, I have hereunder set my hand and official seal of the municipality this 2nd day of December 2015.

Lora L. Olsen

Lora L. Olsen, RMC
Township Clerk

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

Resolution re: Reorganization Date/Time

RESOLUTION #174-2015

BE IT RESOLVED that the West Amwell Township Committee will hold its Annual Reorganization meeting on January 6, 2016 at 7:30 p.m.

BE IT FURTHER RESOLVED that the Reorganization meeting be held in the municipal building located at 150 Rocktown-Lamb. Road, West Amwell, New Jersey. The public is invited to attend.

The Resolution was unanimously approved on motion by Fisher, seconded by Rich.
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OPEN TO THE PUBLIC

Mr. Heller inquired about the generator.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #175-2015
(Copy Attached to Original Minutes)

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

RESOLUTION #176-2015
(Copy Attached to Original Minutes)

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

Clerk/Human Resources – Mrs. Olsen explained that when the pension/health care reform was dictated to municipalities in 2011, there was a mandate for towns to offer a 125 cafeteria plan that included a flexible spending account. Over the years, there has been minimal participation/interest in this. For the first couple of years, there was no bill. However, it is now costing the township a minimum monthly administrative fee of \$75.00, plus the annual renewal fee, for just one person. As there is only one person interested again this year and, although this person likes it, the cost to administer the program exceeds the participation level dollars received. A conversation was held with CFO Carro and the recommendation was that the township should put the program on hold and look for a more inexpensive option next year. The course of action was unanimously supported and approved.

Website Review – no comment

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 8:20 p.m. on motion from Rich.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: December 30, 2015