

WEST AMWELL TOWNSHIP COMMITTEE MEETING

March 16, 2016 - 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 Zachary T. Rich, Deputy Mayor John Dale, Committeeman Stephen Bergenfeld, Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance at various times were Cathy Urbanski, EJ Skillman, Ryan Rollero, Hal Shute, Harry Heller, Dave Beaumont, Rob Tomenchok, Beth McManus, Tara St. Angelo and Shirley Bishop.

Mayor Rich 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 7, 2016, 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 Rich led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

Nothing added or deleted at this time.

ANNOUNCEMENTS

- Municipal Offices Closed on March 25th for Good Friday
- Petitions for Municipal & County Committee Due April 4th at 4 p.m.
- Party Change Declarations for June Primary Due April 13th.
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The March 2, 2016 Regular and Closed Session minutes were unanimously approved on motion from Dale, seconded by Bergenfeld.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

No one came forward.

SPECIAL PRESENTATION(S)

Detective Skillman

The RAPID program was briefly discussed at the last meeting and clarification sought as questions were raised concerning the small state-wide coverage areas. Police Detective E.J. Skillman relayed that there are two programs—RAPID and LEADS—and that there's only 40-50 towns that have adopted the ordinances to date. However, both Lambertville and Raritan Township have done so and the RAPID initiative has been pushed by the Hunterdon County prosecutor's office since last August. The importance of this program to the police department is in the ability to search for items that have been taken and turned in to either pawn shops or scrap dealers so that they can be returned to the rightful owner. A lot of theft is occurring in order to provide money to feed heroin habits and the thieves are most often from out of the area. The RAPID program crosses state lines and its implementation will allow the PD to access the data base to assist with theft investigations. Pawn shops and scrap yards register what comes in and items are held for 10 days allowing time to verify whether or not the item was stolen property. However, to use the program, the Township needs to adopt a couple of ordinances. A brief discussion ensued with the decision to prepare the two ordinances for introduction at the April 6th meeting.

Mt. Laurel/COAH Update

Attorney Tara St. Angelo and planners Shirley Bishop and Beth McManus were in attendance to provide an update on the Mount Laurel/COAH/Affordable Housing situation. The decision was that this discussion needed to be in Closed Session.

RESOLUTION #48-2016

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
PENDING AFFORDABLE HOUSING LITIGATION
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 Bergenfeld.

The Committee entered the Closed Session, returning from same at 8:24 p.m.

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING - none

STANDING COMMITTEE REPORTS

Open Space

- *Authorization to Post January 12, 2016 Minutes to Website:* Approved
- *Project Status Updates:* Hal Shute reported that the Holcombe appraisals are in progress and that there is nothing more on Fulper at this time. A draft option agreement for Thompson prepared by Alix Bacon has been sent to Sharon Dragan for review to be sure there's no commitment of funds prior to signing. Once Attorney Dragan has completed her review, Thompson will be asked to sign first. The option agreement obligates Thompson to sell to the Township, if the decision is to purchase, at a value within a certain range. Mr. Shute relayed that both he and George Fisher walked the property and noted again the tie-in to Hewitt Park. Once obtained, the Township can flip the property to Green Acres. In anticipation that this will move forward, *Dale motioned to authorize the mayor to sign the option agreement, Bergenfeld seconded. Motion carried unanimously.*

Environmental

- *Authorization to Post February 11, 2016 Minutes to Website:* Approved
- *Music Mt. Median Strip:* Cathy Urbanski presented some planting suggestions for this 600 x 10 foot area provided by Sweet Valley as well as an estimated cost. Concerns were raised about maintenance, the amount of water required to establish and planting times. Mrs. Urbanski was requested to re-visit the plan with Sweet Valley as this area has to be low maintenance.

Aq Advisory

- *Authorization to Post January 7, 2016 Minutes to Website:* Approved

UNFINISHED BUSINESS

Possible Appointments – none

Updates – 1) A list of structural engineers and historic architects has been received from the State Historic office for the unsafe structure on Route 31, **Block 23 Lot 12**. A letter is needed to accompany the proposed application. Mrs. Olsen was requested to reach out to Daryl Dearolf of Harrison-Hammett Engineers to obtain a price. Contact information was provided. 2) The **municipal sign** discussion was held. 3) Attorney Faherty relayed that there is no good news on **Block 46 Lot 5**. In a conversation with Attorney Tauriello, it was learned that the lots that he worked on for the Arnett heirs never came out of the Lambertville Land Association, so his work was relatively easy. However, several lots (31 in total) left the LLA. Some, including this one, went to George Arnett in 1905; then left to Kate Arnett, who died in 1936; and, subsequently to the daughter and granddaughters. There is no idea at this point just how many relatives would need to be tracked down in order to obtain the deed and there can be no foreclosure. Although Attorney Tauriello has severed ties with the Arnetts, he believes that they would help in this quest. Attorney Faherty has made local inquiries in an attempt to get the address of the daughter to begin a family tree. Attention was turned to the house on **Block 46 Lot 6**. Given the need for a variance in order to build and the cost to clear the title, Attorney Faherty will reach out to Mr. Warford as to whether he would like the money returned or if he'll take the property as is and clear the title himself. As things stand, it's a dead end on two of the lots. It was questioned whether it would be appropriate to grant a right of first refusal once the title was cleared. This met with general consensus, although not at the same price. Attorney Faherty

will attempt to get a lead to the heirs and calculate the cost to clear the title. The need to tear down and dispose of the house was briefly discussed. Whether there is \$700 in the temporary budget for this activity will be researched. If so, DPW is to take it down. The tax situation with the previously referenced lots was questioned. 4) Mr. Rich advised that police secretary Parsons is handling the acquisition of the requested **cell phones**. 5) Mr. Rich advised that he spoke with Ryan Marrone and delivered the ultimatum to move the lease forward. The extension was signed; there will be a design and permits within 4 weeks; a sign off on the final location as well as the interconnection for the school by July; and, the PPA approved. Therefore, the **third amendment to the solar lease**, as signed by the mayor, met with unanimous Committee concurrence. 6) The **second amendment to the power purchasing agreement** was unanimously approved for the mayor's signature. The document was executed. The lease will bring in over \$26,000. 7) TriEagle energy was once again the winner of the **SHREC Bid**. The municipal building was not included in this bid due to the pending solar agreement. However, street lighting and natural gas will be re-bid at a later time and will benefit the township.

RESOLUTION #49-2016

A Resolution to Accept the Agreement with TriEagle Energy, LP

WHEREAS, the City of Lambertville, Township of West Amwell, Lambertville Municipal Utilities Authority are members of the South Hunterdon Renewable Energy Cooperative, with the City of Lambertville designated as the lead agency for same; and

WHEREAS, the City of Lambertville, the Township of West Amwell and the Lambertville Municipal Utilities Authority adopted resolutions authorizing the participation in an online auction for procurement of electrical, street lighting and natural gas services and utilized the services of T and M Associates; and

WHEREAS, the auction was held on March 15, 2016 for a twenty-four month agreement; and

WHEREAS, the best bid for fixed price electricity at \$.085/kWh was received from TriEagle Energy. Suppliers were unable to beat JCP&L's price for street lighting accounts, therefore these will revert to the Utility for full service in May 2016. A bid for street lighting will be conducted at a later date; and

WHEREAS, there was no bid for natural gas accounts, these will remain with Elizabethtown Gas for full service; and

WHEREAS, T and M Associates, the consultant for the SHREC, advised it was best for each entity to enter into the 24-Month Fixed Bid Price at a rate of \$0.085/kWh, as above, with a termination date of May of 2018.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of West Amwell Township, that the Mayor and/or City Clerk of the City of Lambertville are hereby authorized to sign the 24-Month Agreement prepared by T and M Associates, for the procurement of electricity with TriEagle Energy.

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

8) Mr. Dale noted agreement with the League's position on **A-302, the Revenue Restoration Bill**, relaying that the Township needs to move on this due to the position that any money returned would have to go only to lower taxes, nothing else. His recommendation is that the Committee follow the League's lead and urge the bill's amendment. A League resolution on the matter will be researched. 9) Three years of Holicong bills were presented for review. A proposal for a wireless **alarm system** to replace the old one at the DPW will be requested from Holicong. Harry Heller suggested that the County 911 be contacted do to the monitoring for an annual maintenance fee. 10) The mayor indicated that he anticipates a **budget** introduction on April 6th and expects the 'football' from the CFO shortly. An extended discussion ensued over assessed values, tax rates, avoiding a 'double whammy' to residents, projects being considered and debt levels, The general consensus of all involved was to keep the tax rate flat. 11) The mayor offered that there's a verbal discussion with East Amwell for a shared service for **tax collector**. He reviewed the various costs that would be involved, the cost of which would be around \$23,000 and the possibility of a tie in with the police agreement for additional coverage that could provide a wash. He also relayed the need to get someone certified for the future. A draft agreement from East Amwell is forthcoming. 12) Information received from the DCA

concerning the **assessor's website** is to be relayed to Mr. Gill. Concern was once again expressed over public information being held on a private website.

PennEast

- *Report on Meeting with PennEast:* Mr. Rich reported on a recent meeting with representatives from DEP. The purpose was to open a line of communication between the DEP and the municipality on issues such as permits, plans, surveys, etc. It was relayed that there is no way for PennEast to get approvals without surveys. Even with a 'notice to proceed' from FERC, conditions would be imposed. Also that no permit will be issued without complete information being filed. Although the DEP cannot stop the project, they will make sure that all steps are done...and that the DEP will not be rushed in their examination and requirements.

- *Resolution Prohibiting PennEast from Surveying in the Public Right-of-Way.*

RESOLUTION #50-2016

PROHIBITING PENNEAST FROM SURVEYING IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the PennEast Pipeline Company, L.L.C. has proposed construction of a 36" diameter natural gas pipeline within West Amwell Township and the Township has officially opposed the pipeline construction by Resolution #155-2014; and

WHEREAS, the construction and operation of the pipeline will significantly damage preserved farmlands, preserved open space, environmentally-constrained lands, the Category One Alexauken Creek and its tributaries, the Goat Hill Natural Heritage Priority site, the Delaware River, the Sourland Mountain Region, Swan Creek and its water supply for Lambertville, habitats of threatened and endangered species, and the quality of life in West Amwell; and

WHEREAS, any disturbance of the aforementioned lands, species and sites by survey work is deemed as potentially harmful and could result in irreparable harm; and

WHEREAS, the PennEast Pipeline Company, L.L.C. has stated that New Jersey Statute 46:11-1, entitled "Right of Entry to Make Surveys in Certain Proceedings" gave PennEast surveyors the right to utilize the public right-of-way to perform surveys; and

WHEREAS, New Jersey Statute 46:11-1 lists specific proceedings in which a surveyor may enter property to perform survey work. This statute does not give PennEast's surveyors the right to utilize the public right-of way for survey work, as this is not one of the specific proceedings; and

WHEREAS, West Amwell Township's right-of-way does not include the right to allow a corporation to use the right-of-way for private purposes.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell, in the County of Hunterdon, that West Amwell Township hereby denies any and all survey access to PennEast Pipeline Company, L.L.C., including denying access to its employees, agents, servants, representatives, consultants and contractors on any Township right-of-way, all Township-owned property, and property in which West Amwell Township has a legal interest.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that copies of this resolution be distributed to Governor Chris Christie, U.S. Senator Robert Menendez, U.S. Senator Cory Booker, Congressman Leonard Lance, Senator Shirley Turner, Assemblywoman Elizabeth Maher Muoio, Assemblyman Reed Gusciora, the New Jersey Department of Environmental Protection, and have a copy posted on the Township web site.

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

- *Proposed Letter to Governor Christie:* The recommendation and decision was to table.

Possible Resolution of Award for Generator Bid – A memorandum received from Township Engineer Burr noted that the construction cost estimated by the office, as well as the amount of money budgeted towards this project, is insufficient for an award. He recommends a re-bid with an expectation of garnering additional contractor interest. Mr. Rich offered that better results are anticipated on a re-bid.

RESOLUTION #51-2016

WHEREAS, the Township of West Amwell advertised, and subsequently received bids, for the an emergency generator for the police/fire/emergency management building; and

WHEREAS, two bids were received as follows:

DEE-EN Electrical Contracting, Inc	\$63,500.00
Power with Prestige Inc.	\$67,000.00

WHEREAS, there is insufficient money in Ordinance 7, 2013 to award

THEREFORE, BE IT RESOLVED, by the governing body of West Amwell Township, that the bids be rejected.

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

Fimbel Letter/Request Dated March 7th – The letter received requested a hearing on the matter of the driveway pipe. Attorney Faherty advised that the next step is to advise Mr. Fimbel that the Township is unable to comply with his request for a hearing as the time period for this has expired, per the ordinance. The March 2nd letter to Mr. Fimbal states that ‘you must repair or replace the driveway culvert to existing pipe specifications immediately. Otherwise, you’ll be responsible for all expenses incurred by the Township for repairing said damage or removing said obstruction, in addition to the penalties herein provided by West Amwell Township code.’ The decision made was for Road Supervisor Rollero to fix the driveway pipe situation; prepare a bill; and, submit it to the Committee approval before sending.

NEW BUSINESS

Resolution Appointing Certified Recycling Coordinator for Submission of Tonnage

Report – Mr. Dilley was contacted and has agreed to file the report for the Township again this year.

RESOLUTION #52-2016

WHEREAS, the submission of the annual recycling tonnage report requires that this be accomplished by a Certified Recycling Coordinator; and

WHEREAS, Alan Dilley of Franklin Township is a licensed CRC and is willing to submit the tonnage report on behalf of West Amwell Township, at no charge

THEREFORE, BE IT RESOLVED by the West Amwell Township Committee that Alan Dilley be authorized to submit the 2015 tonnage report

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

Planning Board Pre-screening – There have been some recent issues that a group of this nature would prove helpful in order that applicants receive accurate information. Mr. Bergenfeld opined that this is something best left for the Planning Board to deal with.

Discussion on Possibility of Labor Attorney – It has been suggested that a labor attorney be available for consultation purposes given some uncharted employment territory. Mr. Rich suggested that David Beckett be contacted for a fee schedule as he does government work. Also to be requested from the attorney is how he bills out, i.e., increments. Contact information was provided.

A change to the Agenda order was approved.

OPEN TO THE PUBLIC

Mr. Beaumont relayed that the school budget hearing will be held this coming Tuesday.

Closed Session –

RESOLUTION #53-2016

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:
UNWARRANTED INVASION OF PRIVACY
CONTRACT NEGOTIATIONS (Police)
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This Resolution shall take effect immediately.

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

ADMINISTRATIVE REPORTS

Treasurer –

Presentation of Bills for Approval:

RESOLUTION #54-2016

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 \$1,610,497.21, dated March 16, 2016, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

Dale motioned to approve the evening's bills for payment, seconded by Bergenfeld, and carried unanimously.

Construction – The Permit Fee Log Summary for February 2016 reflect the issuance of 18 permits for a total of \$5,558.00 for West Amwell. Twenty seven (27) CA's were processed per the Certificate Log Summary. The Permit Fee Log Summaries for East Amwell reported 16 permits issued and \$2,747.00 collected. Thirty seven (37) CA's were processed according to the Certificate Log Summaries.

Court – The January & February 2016 monthly reports were received showing a ticket total of 213 and 195, respectively and the receipt of \$9,853.79 in January and \$6,636.95 in February.

Police – The February 2016 Monthly Report showing 701 incidents, 112 summonses and 0 warnings was received. Twenty three (23) summonses were issued in conjunction with the shared service with East Amwell.

Website Review – no comment

The reports were received 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 11:24 p.m. on motion from Bergenfeld.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: April 6, 2016