

# **WEST AMWELL TOWNSHIP COMMITTEE MEETING**

## **May 18, 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 7:35 p.m. Present were Mayor Zachary T. Rich, Deputy Mayor John Dale, Committeeman Stephen Bergenfeld, Clerk Lora Olsen and Attorney Philip J. Faherty III (7:48 p.m). Also in attendance were Brian Clause and Scout Troop 49 members Travis Gawason, Scott McCloughan, Sam Davis, Bailey Claus, John Cronce, Dave Beaumont, George Fisher, Cathy Urbanski and three unidentified individuals.

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 requested that the Scout contingent come forward. Scout Scott McCloughan led those in attendance in the pledge of the nation's flag.

### **AGENDA REVIEW BY TOWNSHIP CLERK**

The following items were added: 8.B Supplemental Debt Statement; 10.B. SHREC. Deleted as 13.B Tax Collector

### **ANNOUNCEMENTS**

- Municipal Offices Closed May 30<sup>th</sup> for Memorial Day
- Last Day to Apply to Vote by Mail is May 31<sup>st</sup>
- Hunterdon County Community Day is June 4<sup>th</sup> from noon to 6 p.m. @ the Fairgrounds on Rt 179
- Primary Election is June 7<sup>th</sup>, 6 a.m. to 8 p.m. Vote @ the Municipal Building
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

### **PRESENTATION OF MINUTES**

The May 4, 2016 Regular session minutes were unanimously approved on motion from Dale, seconded by Bergenfeld.

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

John Cronce spoke about the soil test witnessing program and the cost in light of current experience with the witnesses from the engineering company. He relayed that in the past, the township's witnesses were on site the entire day. On his past two jobs, the witness showed up on the first day, copied the notes of others and left. The witness was on the job site for perhaps 40 minutes when they should have been there all day to watch and log the activity. On the second day, the witness showed up for the 24 hour test, again copied notes, and left. If the witness is being paid for the day, Mr. Cronce offered that they need to be there the entire day. He then relayed the various costs involved to the homeowner who is trying to do the right thing-- \$700 for witnessing, \$250 for County review, and \$900 by Soil Conservation—and questioned the burden imposed, as well as whether the former can be waived for alterations but kept for minor and major subdivisions. Attorney Faherty will be requested to review the rule language to verify whether this can be done or not. The topic is to be added to the May Board of Health agenda. Appreciation was expressed to Mr. Cronce for bringing this concern to the attention of the Township Committee. The engineer's office is to be contacted about what is occurring in the field; informed that the client is paying for the day; and, the witness is to be there all day verifying the soil testing.

In addition to the above, Mr. Cronce mentioned the gentleman who was in several weeks ago concerning the issue with rumble strips on Route 29. It was his recollection that a letter from DOT stated that they did not put these in neighborhoods of houses. He then questioned the recent installation of center line rumble strips on Route 179 that start in Ringoes and run into Lambertville, past houses and through the West Amwell school zone, which he finds particularly bothersome. He questioned why a rumble strip on the center line of Route 179 but nothing on

Route 202 where traffic does 80 mph. Mr. Rich commented that there was no notification provided as to this work and that had there been something, he would have noticed it. Mr. Cronce continued with his inquiry with who was making these decisions and stated that it was bad enough that they wasted thousands of dollars just to mill ditches into the road bed. A letter to DOT was recommended. The mayor agreed and requested a letter be prepared noting that the lack of notification to the Township Committee was not appreciated; that the rumble strips are not appropriate or appreciated in front of the school; that there's something wrong when there's no money for municipal road work grants but funds be allocated for something like this; and, why this roadway when there's nothing on 202.

### **SPECIAL PRESENTATION(S)**

Brian Claus, together with the members of Scout Troup 49 came forward and introduced themselves. Scout Travis Gawason, reported on the shoe drive fund raiser that began in January 2013. Since that time, 62 boxes (2400 lbs) have been collected with the help of the Township. This latest drive added 10 boxes (500 lbs) to that number for a total collection of just short of 3000 lbs. The money resulting from that weekend will help with the purchase of a new camping stove and other supplies for their monthly campouts. Scout Gawason extended appreciation to the Township Committee on behalf of Troup 49 for allowing them to hold their event at the depot and for their support.

### **INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING**

**Public Hearing:** Ordinance 06, 2016 AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF WEST AMWELL TO ESTABLISH A NEW CHAPTER ENTITLED "PROTECTIVE CUSTODY OF INTOXICATED DRIVERS"

Proof of publication in the April 28, 2016 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the April 20, 2016 Township Committee meeting. Mr. Rich read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was brought to a close.

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

Prior to the introduction of Ordinance 07, 2016, Mrs. Olsen relayed that the required **Supplemental Debt Statement** was filed in her office today.

Mayor Rich relayed that he spoke with Chief Ent concerning funding for truck repairs that was part of their request for a set aside in the budget. Mr. Dale recollected that if there was to be no new fire truck that the \$20,000 was for maintenance. This funding was not included in the budget and cannot be added to the bond ordinance as repairs are an operating expense. It was suggested that the mayor speak with the CFO about whether there are other funding possibilities available should this be needed.

**Introduction:** Ordinance 07, 2016

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

BOND ORDINANCE PROVIDING FOR VARIOUS 2016 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$240,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$229,044 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

*Rich moved to introduce the Ordinance on first reading and Dale seconded. Motion carried unanimously. The public hearing will be held June 15, 2016.*

**Introduction:** Ordinance 08, 2016 – Several questions were raised concerning the status of various appointments, wages to be assigned, position titles, and course funding. A potential new multi-focused new hire was mentioned as was the need for a Saturday depot worker. Item held.

### **STANDING COMMITTEE REPORTS**

#### **Open Space**

- *Option Agreement, Block 28 Lot 23:* Mr. Cronce relayed that the committee met, held a long discussion on this possible acquisition, and has recommended not to preserve or fund. The property is a rock pile, which will make trails difficult, and the issue of the pipeline were determining factors in the recommendation.

- *Project Status Updates*: The **Holcombe** project is moving faster than anticipated. The next step is to obtain bids for survey work.

#### **Finance Advisory**

- *Authorization to Post April 4, 2016 Minutes to Website*: Approved  
Dave Beaumont requested that his portion of the finance report be held.

#### **Aq Advisory**

- *Authorization to Post March 3, 2016 Minutes to Website*: Approved

#### **Pipeline Group**

- *PennEast re: Green Acres Diversion Process*: Cathy Urbanski spoke about the recently received letters noting that any preservation using Green Acres money by the Hunterdon Land Trust goes to a Green Acres/DEP meeting. There are two parcels in the Township—one is Toll South that PennEast is calling Green Acres parkland, which it is not, but it is the largest piece. The other is Kilmer, which was partially funded by HLT and preservation money. These requests are a ruse as PennEast really wants access for various studies and surveys. She noted that that PennEast's game plan is to add to their survey totals to get beyond the 30% level now in place. A 'no thanks, not interested' e-mail is to be sent to PennEast.

An inquiry about a road crossing permit for three township roads was recently received. It was stated by the mayor that there's no conversation about a proposed under-bore of same.

Mr. Beaumont came forward at this point and reported on a recent meeting between representatives of the school board and Hal Shute, Jim Hamtil and himself concerning the budget. Specifically questioned was the increase relative to the last year's projection (over a half million more and greater than done in many years) and to explain why it is 11% over the past two years. He noted that \$.5 million was needed to pay for contract settlement salaries. The unanticipated State grants were reviewed but no specifics given although if not for these revenues, the school would have to dip into their bank cap, money that was banked before the regionalization. Without the \$.5 million, taxes could have been raised for than 2%. Mr. Beaumont further relayed that the budget increased 8% from last year with an additional 3% projected for next year. The first year of the regionalization was the last 2%. Mr. Rich inquired about representation on the finance committee from West Amwell. This question was raised at the meeting and the answer given was no one. Mr. Rich then advised of the budget packet situation; the subsequent vote; a member's removal; and, the re-assessment of the situation that is occurring. The need for West Amwell representation on the finance group was stressed. The committee selection process was also mentioned.

#### **UNFINISHED BUSINESS**

**Possible Appointments** – George Fisher was appointed to an unexpired two year term as the Alt. 2 slot on the Zoning Board of Adjustment. The appointment was unanimously approved on motion by Dale, with Rich providing the second.

**Updates** – 1) Attorney Faherty advised of a conversation with Mr. Warford concerning **Block 46 Lots 5, 6, 7** with the decision to stay the course. Another check with the title company was advocated. 2) Mr. Bergenfeld relayed that he spoke with the Auditor concerning the requested payroll audit. He was advised that all deductions looked to be okay. Mr. Ardito will be asked to reduce this to writing. 3) Two quotes have been received for updating the DPW **alarm system**. However, they are proposals are quite diverse in both scope and cost. Mr. Bergenfeld is to work with the Clerk and report back. 4) A spreadsheet of possible **copier lease** selections and costs for police and municipal offices was provided. The selection of Konica Minolta machines with a savings of \$4.00 month over current costs was unanimously approved on motion from Bergenfeld, seconded by Dale. 5) A **cleanup** day for the last Saturday in June was approved. Flyers will be prepared for distribution. The cost of tipping fees for disposing of materials illegally dumped was noted. 6) Attorney Faherty advised that a change in the amount of **open space tax** collected can be amended via ordinance, following a similar course taken in Lambertville. Questioned by Mr. Beaumont as to there not being a vote on the matter, he was advised that there would be a public hearing on the ordinance. 7) The Township's **Emergency Operations Plan** has received final approval from the State. A letter to OEM Director Heller was requested. 8) A recent online auction for **street lighting** and natural gas was held with TriEagle winning the SHREC street lighting bid for a half penny savings on generation. This is a two year award. 9) Mr. Rich advised of an e-mail received today concerning the solar installation. Onyx hopes to have design drawings in for review around May 30<sup>th</sup>. The engineering team will be starting the 25 KW solar design for the municipal building soon.

School board approval and document execution is slated before the June 17<sup>th</sup> graduation date and all work on the school property is anticipated for completion before the September 4<sup>th</sup> return. Mrs. Olsen noted that fully signed contracts have yet to be received.

**Recommendation from Planning Board re: Block 3 Lot 20.60** – The mayor inquired about the need to respond to the request and was advised that the County has asked for one. Also relayed was the Planning Board voted unanimously to recommend that the Township Committee oppose this amendment. Mr. Bergenfeld commented that the engineer for the project did not speak at last evening's meeting and that the proposed resolution was read into the Planning Board minutes. The location of the requested package plant and the property acreage involved was noted. A response to the application that was approved by DEP is required.

RESOLUTION #70-2016

West Amwell Township Statement of Opposition to the Proposed Amendment to the Upper Delaware Water Quality Management Plan

*Whereas*, Investment Group, LLC has proposed an amendment to the Upper Delaware Water Quality Management Plan (WCMP) which would amend West Amwell Township's Wastewater Management Plan (WMP) ; and

*Whereas*, this proposed amendment would require a designated sewer service area in West Amwell Township to accommodate an individual groundwater discharge wastewater system utilizing a proposed sequencing batch reactor system; and

*Whereas*, West Amwell Township's current WMP states that it is the expressed desire, intention and goal of West Amwell Township that all development continue to be served by individual subsurface sewage disposal systems with planning flows of less than 2,000 gallons per day; and

*Whereas*, the Township's 2012 Master Plan Objectives states that new commercial development in the Township should be on private well and septic systems; and

*Whereas*, the Township's 2012 Master Plan Recommendations state that the Township should continue its longstanding policy of preventing the introduction of sewerage infrastructure to facilitate residential, commercial or any other development. This policy should also continue to exclude the use of onsite community wastewater treatment facilities, package plants or any other wastewater treatment technology that is not based on onsite individual septic disposal systems.

*Now, therefore, let it be resolved,*

West Amwell Township directly opposes any change to the Upper Delaware Water Quality Management Plan and the Township's Wastewater Management Plan as per the dictates of the Township's current and past Master Plans.

*Now, therefore, let it further be resolved,*

That West Amwell Township opposes the proposed amendment to the Upper Delaware Water Quality Management Plan and West Amwell's WMP as proposed by Investment Group, LLC, as per Block 3, Lot 20.60, West Amwell Township, Hunterdon County, Program Interest # 435437, Activity # AMD150003.

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

**Closed Session** (Contract Negotiations/Police) – Held for later in the evening.

**NEW BUSINESS**

**George Washington Road** – Concerns and complaints have been raised about after-hours trespass by 14 to 25 year olds at the ***Goat Hill Overlook***. Not only does the gate need to be closed, the park police need to check on these visitations. The neighbors have called about the 'good times' up there and the Township's police department has responded but the burden shouldn't be theirs. A letter concerning the problem will be prepared.

- Towing Sign: The mayor also relayed that traffic is absurd on the road and that the Township is going to start towing cars as the State is MIA. This action is permitted under

Chapter 153 of the Code. The Road Supervisor will be requested to make up an appropriate sign.

**Receipt of 2015 Audit** – A review of the document is to be undertaken by the Township Committee prior to action at the June 15<sup>th</sup> meeting.

**Rock Road East Detours** – Captain Bartzak has advised that Mercer County is using this road as a detour for their work on Rt 518. Concern is for the volume of traffic for which the road was not designed to accommodate as well as the increased traffic complaints generated due to speeding vehicles which strains rush hour resources. In addition, the use by large, heavy trucks places a weight burden on the bridges. The Clerk relayed that a call was received from a resident inquiring about the heavy truck traffic and that a truck had run the daughter into a driveway and may have caught a driveway pipe. Mr. Cronic suggested ‘road closed’ or ‘no trucks allowed’ signs and offered alternate detours. A letter to Mercer County stating that this situation is not to be continued in the future will be prepared. Captain Bartzak and Road Supervisor Rollero will be requested to approach the contractor.

**Security Plan** – Mrs. Olsen relayed that she was approached by the master poll worker concerning the Township’s security plan, if any, for election workers. Apparently there was a recent presentation by the prosecutor’s office on the topic that included such things as active shooter, sheltering in place, safe spots and hide and lock. Security issues were also a topic at the February 2016 meeting with the Township’s insurance people. There is currently a court security plan in place but that only protects the judge and court administrator. Anyone else in the room, including Township Committee and the various board members, are sitting ducks. The Clerk was tasked with coming up with some suggestions.

**Request for Tire Reimbursement** – A bill was received from Katherine Gyantar seeking reimbursement for a flat tire caused by a pot hole on Goat Hill Road. Request denied. The township is not liable for this.

#### **OPEN TO THE PUBLIC**

Mr. Beaumont came forward to again speak on the permit issue, noting the recent over assessment sale. He commented that the Assessor is good at what he does and compared Mr. Gill’s work with what he has encountered in another municipality. A comment was made that Township assessments are ‘pencil’ ones and not onsite visits. Mr. Beaumont countered that is not always the case. He also noted that there have only been 5 sales in the monthly cycle that will end soon, which skews values.

Mr. Bergenfeld inquired about whether anyone else received a letter in the mail concerning an abandoned vehicle at 331 Road Road East? Apparently the van on the front yard has been there forever. He was advised that a similar letter was received addressed to the zoning officer. Mrs. Olsen was requested to follow up on the status of the letter as to enforcement.

Mr. Bergenfeld also advised of a phone call received concerning Lakeview Drive. The caller thinks that the road should be paved. The bridge was re-done by the County but the job was seen by the caller as not particularly satisfactory.

#### **ADMINISTRATIVE REPORTS**

**Treasurer –**

RESOLUTION #71-2016

**RESOLUTION DETERMINING THE FORM AND OTHER  
DETAILS OF NOT TO EXCEED \$340,000 PRINCIPAL  
AMOUNT OF REFUNDING BONDS (FEDERALLY  
TAXABLE) OF THE TOWNSHIP OF WEST AMWELL, IN  
THE COUNTY OF HUNTERDON, STATE OF NEW  
JERSEY AND PROVIDING FOR THE SALE AND THE  
DELIVERY OF SUCH BONDS**

(Attached to the original minutes)

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

**Presentation of Bills for Approval:**

RESOLUTION #72-2016

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 \$2,091,991.21, dated May 18, 2016, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

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

**Construction** – The Permit Fee Log Summary for April 2016 reflect the issuance of 36 permits for a total of \$15,047.00 for West Amwell. Twenty seven (27) CA's were processed per the Certificate Log Summary. The Permit Fee Log Summary for East Amwell reported 32 permits issued and \$7,285.00 collected. Two (2) CO's and thirty three (33) CA's were processed according to the Certificate Log Summary.

**Police** – The April 2016 Monthly Report showing 982 incidents, 164 summonses and 0 warnings was received. Two special complaints were noted. Thirty seven (37) summonses were issued in conjunction with the shared service with East Amwell.

**Website Review** – none

*The reports were accepted as presented and without comment.*

**Closed Session** – (Held over from earlier in the evening.)

RESOLUTION #73-2016

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:  
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 by Bergenfeld, seconded by Rich.*

The Closed Session meeting began at 9:22 p.m. with a return to Open Session at 10:09 p.m.

A suggestion to sell and deliver wood mulch, as is done in Raritan Township, was not favored.

**CORRESPONDENCE**

The correspondence as listed on the Agenda was ordered filed.

**ADJOURNMENT**

There being no further business, the meeting was unanimously adjourned at 10:12 p.m. on motion from Bergenfeld.

Respectfully submitted,

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Lora Olsen, RMC  
Township Clerk