

WEST AMWELL TOWNSHIP COMMITTEE MEETING

June 15, 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 7:31 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 were Hal Shute, Anthony Ardito, Bob Whipple and Chris Morgan.

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 in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were unanimously added on motion by Rich, seconded by Bergenfeld. New Business: Wilson Road Property, DPW addition to website.

ANNOUNCEMENTS

- Township Cleanup Day – June 25th 1-3 p.m., 25 Permits Available
- Township Offices Closed Monday, July 4th
- County Hazardous Waste Cleanup, July 9th, County Complex, Rt 12, 9 to 1 p.m.
- Regular Township Meetings/Summer Schedule, July 20th & August 17th
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The June 1, 2016 Regular minutes were approved on motion from Dale, seconded by Bergenfeld. Rich abstained.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

No one came forward.

SPECIAL PRESENTATION(S)

None

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

Public Hearing: Ordinance 07, 2015 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

Proof of publication in the May 26, 2016 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the May 18, 2016 Township Committee meeting. Mr. Rich read the Ordinance by title and opened the public hearing.

Hal Shute came forward to inquire about the generator that was on the list, noting that the Township had received a grant for this purchase. He was advised that the grant amount was for less than what the bids showed. The bond ordinance money is to supplement the original ordinance as payment has to be made prior to requesting grant reimbursement.

Hearing no further comments, the public hearing was unanimously closed.

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

STANDING COMMITTEE REPORTS

Open Space

- *Holcombe Survey*: Mr. Shute reviewed the quotes and recommended that Bohren & Bohren be awarded the quote. After the project closes, the Township will apply for reimbursement of eligible costs.

RESOLUTION #83-2016

WHEREAS, a boundary survey is needed for the Holcombe Farm-Mill Road, Block 11, Lots 1 & 1.01; and

WHEREAS, quotes have been received as follows:

Bohren & Bohren	\$ 3,160.00
Goldenbaum Baille Engineering	\$ 7,000.00
Harris Surveying, Inc	\$ 5,900.00

WHEREAS, the requested survey is to conform and be in accordance with current SADC standards and regulations; and

WHEREAS, the completed survey is to be completed within 4 weeks of engagement

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the boundary survey for Block 11 Lot 1.01 be awarded to Bohren & Bohren in the amount of \$3,160.00

BE IT FURTHER RESOLVED that this expense be charged to Open Space preliminary expenses

The Resolution was unanimously approved on motion by Rich, seconded by Dale. A copy of the resolution will be sent to Bohren & Bohren.

- *Project Status Updates*: Both preliminary and final approval for the **Holcombe** project were received at the CADB meeting. The next step is for Freeholder approval at their upcoming meeting, followed by SADC approval. One all approvals are in, the County will draw up the contract. However, until there's a signed contract in place, the deal could still fall through. Mr. Shute anticipates getting this project wrapped up before the fall holidays.

Mr. Shute noted that he is still talking with **Fulper** but nothing to report at this time.

UNFINISHED BUSINESS

Possible Appointments – none

Updates – Attorney Faherty is still attempting to speak with the title company as to how to proceed. Once all is clear, he will contact the contract purchaser. Two phone quotes were solicited for the extermination of the rat problem on **Block 46 Lots 5, 6, 7**. Pest Blaster was approved at \$130.00. A Certificate of Insurance will be requested. 2) The DPW **alarm system** was held. 3) Clerk Olsen was requested to call for ball park estimates based on a draft itemized list for **Block 23 Lot 12**, Route 31.

Draft Letter to NJDOT Concerning Rumble Strips – Mayor Rich commented that the letter was well written and was unanimously authorized by the governing body to sign it.

Student Parking/Municipal Lot – 1) The mayor relayed that the ruckus perpetrated by the high school students is not something to put up with per conversation with a Board rep. Mr. Bergenfeld inquired whether there are 'rules of engagement' in place. A copy of the schools rules and regulations concerning student parking will be requested for possible implementation of the **permit program** here. According to information received from the school, the fee is \$50 for the year with a copy of registration and insurance. 2) As for **current issues/problems**, Road Supervisor Rollero provided a picture showing the results of students leaving the parking lot at the end of the day. He noted that this is the third time this year he has seen these tire skid marks both on the grass and on the stone. His concern is for safety.

Continued Discussions – 1) A brief discussion on a possible **property maintenance ordinance** revealed no support for same. The mayor relayed that he cut the grass at 1 Big Top. 2) Mr. Rich will speak with the person interested in serving as **assistant collector of taxes** as to expectations and commitment. A copy of the fall 2016 course schedule was presented.

2015 Audit

- *Resolution Acknowledging Receipt of the 2015 Audit.* Auditor Anthony Ardito came forward and overviewed the year's audit results. He noted that surplus is at \$300,000, down from \$484,000 at the beginning of year. Of the @282,000 used, only \$100,000 was realized in operations. He relayed that 2017 will be tough. Mr. Ardito expressed appreciation to the staff for their assistance and noted that there were no major findings in the audit.

Mr. Ardito then spoke on payroll and the three issues that were dealt with in his requested review. He also explained that the Township has an unemployment trust account of \$22,000+ that is funded through employee (NR) contributions. A brief exchange over disability insurance ensued. Mr. Ardito explained that disability insurance is something that the Township decided against at some point early on. A lot of towns are in the same situation as West Amwell due to not much in the way of unemployment. To participate in the disability program, the Township needs to petition the State which will mean more deductions for the employee. Applications are due in December. The mayor requested that state plan disability be on the next agenda together with dollar figures.

RESOLUTION #84-2016

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of West Amwell, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

- Affidavit by Committee

NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF HUNTERDON

We, members of the governing body of the Township of West Amwell, in the County of Hunterdon, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Township Committee of the Township of West Amwell in the county of Hunterdon;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2015);
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.) <i>Zach Rich</i>	(L.S.)
(L.S.) <i>John Dale</i>	(L.S.)
(L.S.) <i>Stephen Bergenfeld</i>	(L.S.)
(L.S.)	(L.S.)
(L.S.)	(L.S.)

Lora L. Olsen

Lora L. Olsen, Clerk

Sworn to and subscribed before me this
_____ Day of _____

Notary Public of New Jersey

NEW BUSINESS

Route 29 Rockfall Mitigation – Clerk Olsen overviewed today’s meeting with NJDOT concerning the referenced. Apparently, the stretch of road way is #4 on a ranking list of 440 for problems with rock fall. The proposal calls for six work sections, covering a mile and a quarter, from Lambertville to the Golden Nugget. Work would progress from South to North with only the south-bound lane open during construction. North-bound traffic would be detoured 95-31-202, with concern raised at the meeting about traffic finding its way to local roads. The plan includes a 50 foot cut back of the mountain with the installation of fencing to catch loose rocks. The extra width on the north-bound side would also provide for ditching to help with drainage issues. Once all approvals are in place, the project is slated to take 20 months. A resolution of support for the project is needed. The group also relayed that they’re looking for quarry history. The consensus of the Committee was in opposition to the proposal, with the general feeling that the Route 29 would lose its character.

2016 Alcoholic Beverage License Renewal for Pine Creek Liquors – All fees have been paid and clearances received. Township Committee approval for license renewal is now needed.

RESOLUTION #85-2016

WHEREAS, an application for renewal of a Plenary Retail Consumption License was duly filed with the Division of Alcoholic Beverage Control in accordance with their 2016 rules and regulations; and

WHEREAS, the required fee of \$2500.00 has been received by the Township Clerk

BE IT RESOLVED by the Township Committee of the Township of West Amwell pursuant to an act entitled "An Act Concerning Alcoholic Beverages" passed December 6, 1933 and amendments thereof and supplements thereto is hereby authorized to issue a license for the

sale of alcoholic beverages in the Township of West Amwell, subject to the conditions prescribed in an Ordinance of the Township of West Amwell dated March 1, 1963, amended February 21, 1969, October 5, 1978, April 2, 1981, February 3, 1983, August 18, 1999, April 18, 2001, April 3, 2002, October 19, 2005, July 19, 2006, March 7, 2007, and further amended on December 27, 2012.

BE IT FURTHER RESOLVED that, subject to the aforesaid conditions, the following Plenary Retail Consumption License be granted, the fee being \$2500.00 per year, effective date being July 1, 2016, Pine Creek Liquors, Inc., 394 Route 31, West Amwell Township, NJ license #1026-33-001-007. Governing Body of the said Township be and is hereby authorized to sign said license

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

Proposed Noise Ordinance – Attorney Faherty was requested to review the ordinance and to have comments ready for the July meeting. The mayor indicated that the driver here is businesses operating in zones without the right permitting. Therefore, the need to update our ordinance. The plan is for an August passage.

Bike Ride Escort Request for August 14th from Assemblywoman Spencer – The police department will be apprised of the request.

Discussion Concerning Zoning Consultant – Mr. Bergenfeld relayed a conversation with the Zoning Officer and a proposal to bring in a consultant to help with some zoning issues that he's had in the past. The outreach was received positively. Mr. Bergenfeld envisions that the consultant would have office hours twice a month; be available via e-mail and phone as needed; and, review matters with the zoning official. His recommendation is for a retired zoning official from Ewing Township. Mr. Rich offered that the zoning official is new to the zoning realm and that although he is an experienced construction official and works hard for the Township, the two jobs are different. Mr. Bergenfeld elaborated that the zoning official is complaining that he's spending way too much time on the zoning aspects, i.e., the research needed. It was relayed that there are zoning courses available to help with the broader spectrum; that most zoning officers have had that kind of course work; and, that League ads for zoning officials have a certification requirement. The mayor continued that instead of moving on to something else, there are certain facets that the Township wants in a zoning officer, one of which is someone local who drives around the town, and sees things. The issue of cost was raised as this is not something budgeted for and if it was known what the consultant might charge. A \$500/month fee was ball-parked and a six month trial was suggested. As the consensus was to move in this direction, Mr. Bergenfeld will work out the details, solicit a proposal and get the needed paperwork to the Clerk for the next meeting.

Mr. Shute questioned whether the person under consideration had seen our land use ordinance with its environmental specials. He also noted that this is part of the current zoning officer's problem; was curious as to how helpful the idea under consideration would be; and offered that this is something unusual and out of the norm. The mayor advised that the issue he's seeing, problem-wise, is in executing a decision. How long the zoning official even wants to wear all the hats was questioned; whether a license/certification needed for the position; and when such courses are held were other items raised.

Resolution Amending Resolution #78-2016 – An outstanding bill from the Township Engineer was located. Therefore, there is no refund to the applicant.

RESOLUTION #86-2016
A Resolution Amending Resolution #78-2016

BE IT RESOLVED that Resolution #78-2016 be amended to delete the escrow account refund to the following applicant:

Applicant	Amount Refunded
Timothy Sandford	212.55

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

Closed Session – Moved to latter in the meeting.

Wilson Road Property – The mayor inquired about the house situation as to whether it's a foreclosed or bankruptcy house. Attorney Faherty relayed that there three tax sale certificates on this Paul Allen property. The most recent is with the Township but there are two priors who apparently bought them and then stopped paying the taxes themselves. Thus, the property went to the Township at the tax sale that was held over 6 months ago. Possible condemnation has been floating around; however, the Township cannot condemn for private purposes. Mr. Rich stated that there is interest in the property by Jingoli and was advised that this would be a foreclosure of a tax sale certification. Attorney Faherty relayed that acquiring title is a complicated process and starts with a title search. He also advised that it's more cost effective if there are other properties that the township is hold tax title liens on. A brief discussed ensued over property details. The suggestion was made that Jingoli could have a title search performed and then purchase the tax sale certificate from the Township. This would give him the right to foreclose although he would have to wait a year as opposed to a six month municipal wait. Copies of the tax sale certificates on file were requested by the mayor.

DPW Addition to Website – A public relations piece was prepared by Road Supervisor Rollero for posted on the website. A couple additions were made to clarify that certain activities were for public roads. Approved for posting.

The mayor mentioned the construction office space problem. A brief discussion ensued but no solution at this time.

OPEN TO THE PUBLIC

Bob Whipple of 1 Milk House Lane addressed the Committee concerning the proposed noise ordinance emanating from events held at 16 Mill Road. As the noise level is really bad, he believes that a noise ordinance would help control the problem. The police have been called repeatedly; his wall vibrates until 11:30 p.m.; there's large numbers of people in attendance; there is alcohol; and, even a porch fire. Mr. Whipple stated that there's so much going on and that the property is sublet to an event company. He believes that Mr. Verner was not transparent about the improvements and use.

Mr. Rich relayed that work was done on the property without permits. The place is still operating despite a cease and desist order from zoning officer. Fines have been levied and are being paid. The owner has a date with the Zoning Board on June 28th. Mr. Rich also advised that the property investment firm has a 35 million dollar lawsuit for real estate fraud, so they can't get credit. In addition, there a complaints with the municipal court.

Mr. Whipple noted that he has received movie cards in the mail from the owner; complaints have resulted in the speakers been aimed at different parts of the development; and, that there is no one in charge on site during the events. He is concerned about safety, noise, and Township liability.

Closed Session –

RESOLUTION #87-2016

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 by Dale, seconded by Rich.

The Committee entered executive session at 9:04 p.m. returning at 9:59 p.m. with the following result:

RESOLUTION #88-2016

WHEREAS, William Leary has requested up to a 6 month personal leave of absence per the West Amwell Township Policy Manual; and

WHEREAS, this leave would commence following the expiration of his FMLA leave on June 17, 2016; and

WHEREAS, this personal leave time would be without pay and or other benefits; and

WHEREAS, the governing body considered Mr. Leary's request at their regular meeting held June 15, 2016

THEREFORE BE IT RESOLVED by the West Amwell Township Committee, that William Leary's request for up to a 6 month personal leave is hereby approved

BE IT FURTHER RESOLVED, that Mr. Leary will be notified of his COBRA eligibility and responsibilities

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

ADMINISTRATIVE REPORTS

Treasurer –

Presentation of Bills for Approval:

RESOLUTION #89-2016

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 \$282,728.70, dated June 15, 2016, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

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

Tax Collector – The monthly report for May 2016 was received showing receipts in the amount of \$1,918,263.73.

Construction – The Permit Fee Log Summary for May 2016 reflect the issuance of 23 permits for a total of \$10,920.00 for West Amwell. Two (2) CO's and eighteen (18) CA's were processed per the Certificate Log Summary. The Permit Fee Log Summary for East Amwell reported 30 permits issued and \$10,694.00 collected. Two (2) CO's and thirty eight (38) CA's were processed according to the Certificate Log Summary.

Court – The May 2016 monthly report was received showing a ticket total of 275 (156 local) and the receipt of \$9,514.36.

Police – The May 2016 Monthly Report showing 1120 incidents, 182 summonses and 0 warnings was received. Forty three (43) summonses were issued in conjunction with the shared service with East Amwell.

Website Review – None

The foregoing reports were accepted as filed 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 10:03 p.m. on motion from Bergenfeld.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: July 20, 2016