

SPECIAL WEST AMWELL TOWNSHIP COMMITTEE MEETING

August 3, 2016 – 7:30 p.m.

The West Amwell Township Committee met on the above date and the meeting called to order at 7:35 p.m. by Deputy Mayor Dale. Present: Deputy Mayor Dale and Committeeman Bergenfeld, Attorney Faherty and Clerk Lora Olsen. Mayor Rich arrived at 8:05 p.m.

Public in attendance included a dozen or more residents as well as ONYX representatives Brian DeMaoi, Michael Mahal and Enrique Salcedo, and John Kornick of K2 Consulting Engineers.

In compliance with the Public Meetings Act, Deputy Mayor Dale announced that this Special Meeting was called pursuant to the provisions of the Open Public Meetings Act with notices faxed to the Hunterdon County Democrat and the Trenton Times on July 27, 2016. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Those assembled joined the deputy mayor in the pledge to the nation's flag.

The meeting was recorded via digital recording system.

Presentation of Solar Installation on Municipal Property – As the mayor's arrival will be delayed, Mr. Dale announced a modification to the agenda order. This presentation will be held following agenda item #4.

Affordable Housing Update – Attorney Tara St. Angelo of Gebhardt & Kiefer advised that a closed session is needed for this matter.

RESOLUTION #109-2016

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 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 Bergenfeld, seconded by Dale.

The meeting returned to Open Session at 8:12 p.m.

Presentation of Solar Installation on Municipal Property – With the mayor now in attendance, this previously held item was able to proceed. Mr. Rich explained that this is a project five years in the making with lots of companies and players involved over time. It's something that the Committee wants to get done but he has some questions. The following introductions were made: Brian DeMaio, solar manager, Enrique Salcedo, project management, and Michael Mahal, technical designer, all of ONYX, and John Kornick of K2 Consulting Engineers presented drawings of the proposed solar array. It was relayed that ONYX builds, owns, and maintains the arrays; these will be surrounded by a 7 foot high fence and back-side screening so that nothing will be seen from the houses; and, there will be an overhead transmission line to the high school. The construction process will take 2 months; no earth moving is involved; that there will be in daily review of maintenance issues; and, ONYX will do routine landscape maintenance, including mowing the grass.

Mr. Bergenfeld raised a question concerning placement and why the arrays are more in the middle of the field as opposed to being tucked into the corner. This concern was echoed by the mayor who added his concern over the buffers, the ditch that is not on DEP's map, and the need to get this right. Mr. Kornick advised that the position is based on regulatory agencies and existing site conditions, noting that it is not feasible to move the arrays given DRCC and DEP approvals, and referenced Princeton Hydro's evaluation of freshwater wetlands, riparian buffers, and the 300 foot requirement for C1 waters—something that is highly classified and protected.

Extensive discussion ensued over these issues as well as the 'ditch' situation and concern over chopping off 10 acres of useable field, although assurances were given that farming can occur around the array in the environmental buffer. The type of fencing to be used was reviewed with galvanized being replaced with a black vinyl coated one that was seen as more appealing. Mr. Kornick was willing to work with the Township Engineer on this. The shape of the array cannot be changed due to the nature of the tables and the approved footprint. Also relayed was that the DRCC approval expires October 15th. In order to get an extension, construction has to have begun. Mr. Rich observed that a loss of the project would mean lost money to both the township and the school. However, the project needs to be right.

The meeting was opened to the floor for residence comments. Jackie Berrien inquired about the set-backs from residences. Wayne Hunt noted that his property is used for commercial pheasant hunting and that shot gun pellets and glass don't mix. He'd like to see the array moved 400 feet from the property line towards the South. Lian Shentu raised concern over proximity to his house (too close), the effect on its value, and problems with flooding. He suggested that the array be moved more to the County side of the lot. John Aneskavich inquired if the project would be back to square one if the array were to be moved. Mr. Kornick offered that the ditch prevents a move to the South and that the other ditch on the property drains to the former, which goes to the creek. In response to a question from the mayor, he offered that it is this or the project is a bust.

Mayor Rich presented the following from his list of needs: 1) a landscape maintenance plan; 2) compliance with the township engineer on screening; 3) a black vinyl fence; 4) a decommissioning plan; 5) burial of the electric lines for a better path and continued farming; 6) a performance bond; and, 7) possibly a maintenance bond. Mr. Mahal advised on #5 that the concern is for rock and issues for directional boring, as well as wetlands. As for a performance bond, for construction, yes; as for a maintenance bond, it would need to be looked into. The mayor inquired about when the first year lease money would be due. The DRCC issue concerning placement was seen as a big issue. Mr. Kornick offered to call Princeton Hydro to further discuss their conclusions.

Resident John Cronce inquired why the assumption of no change is made as his experience, as a member of the Zoning Board, is that there's no reason not to at least ask. Mr. Cronce also questioned whether there had been any discussion about access; if there had been any review for safety; and, whether the road is wide enough for emergency vehicles should someone get hurt.

Mayor Rich recapped outstanding issues to be addressed by Onyx, adding items such as the DRCC & Princeton Hydro 300 foot buffer; whether everything is within the solar ordinance specifications; the need for outreach to emergency services (OEM and Fire); and, payment for buffer losses. Answers to these questions, continued discussion, and final approval to be on the August 17th agenda.

Block 23 Lot 12 Demo Project – The decision was to proceed with a formal bid process for this work and a September award. Specifications to include a tear down of the existing house, removal of the foundation, and appropriate disposal of all materials. The resulting foundation hole would receive clean fill to be compacted and leveled off.

Assistant Collector of Taxes – The mayor relayed that conversations with Gail Brewi confirmed her interest in this opportunity and overviewed the plan for bringing the tax collector position back in-house once there is an official retirement. This plan includes township payment of the required classes, mileage, and time. A breakdown of costs per budget year were provided. Ms. Brewi will work with Tax Collector Hyland six hours per week. It is not intended, even in combination with Ms. Brewi's current position, that this will be considered full time for benefits. A contract for repayment of expenses, if less than three years are served once the appointment to tax collector is made, is part of the agreement. Mr. Rich stated that he favors hiring West Amwell residents as they have 'skin in the game.' The resolution of appointment was held pending revision and preparation of the contract.

Resolution Appointing Additional Electrical & Building Inspector and Substitute Electrical Sub-Code Official

RESOLUTION #110-2016

WHEREAS, Peter Buchanan has been serving as a substitute electrical sub-code official/inspector for the Township of West Amwell; and

WHEREAS, the Township Committee has been advised by the Construction Official that Peter Buchanan's services are needed on a more regular basis; and

WHEREAS, it has also been relayed that adding Peter Buchanan's services in the area of building inspection would be helpful to department operations; and

WHEREAS, Peter Buchanan holds the appropriate licenses for the positions herein

THEREFORE, BE IT RESOLVED that Peter Buchanan be appointed as an Electrical and Building Inspector as well as substitute Electrical Sub-code Official

BE IT FURTHER RESOLVED that this appointment is a 1 year term expiring on December 31, 2016

BE IT FURTHER RESOLVED that Peter Buchanan will receive a pro-rated salary of \$5,000.00 in line with the 2016 S & W resolution.

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

Resolution to Hire Part-Time DPW Employee

RESOLUTION #111-2016

WHEREAS, the Township's DPW requires additional help for various maintenance, mowing, and trimming activities; and,

WHEREAS, Jack Venettone has indicated interest in providing these services to the Township

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee that the referenced individual be hired as a laborer for the DPW starting immediately.

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

Salary & Wage Amendment

RESOLUTION #112-2016
Amending Resolution #95-2016

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2016 Salary and Wage Resolution, adopted July 20, 2016 be amended as follows:

Position	Salary/Compensation
<u>Delete:</u>	
Substitute Electric Sub-Code & Inspector Petto	\$29.55/hr
Tax Collector Hyland	\$17,100.00
<u>Add:</u>	
DPW Laborer Venettone	\$15.00/hr.
Substitute Building Sub-Code & Inspector Petto	\$29.55/hr
Electrical & Building Inspector and Substitute Electrical Sub-code Official Buchanan	\$5000.00 (pro-rated)

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

Resolution Designating Special Counsel for Zoning Litigation – Attorney Faherty advised that a first draft has been prepared; however, Attorney Lanza will be on vacation next week. Work is moving forward on the certification but it is not ready for signature. He also relayed that an adjournment on the Hunterdon County Board of Appeals date has been requested. In a related matter, an e-mail relaying information from a conversation with the father of the bride concerning their recent experiences was received.

WHEREAS, there exists a need for the performance of legal services for the Township of West Amwell for the year 2016 in connection with zoning litigation issues which cannot be handled by the Municipal Attorney; and

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

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

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

1. John R. Lanza, Esq. of Lanza & Lanza, LLP, is hereby appointed to serve as Special Attorney for the Township of West Amwell during the year 2016 in order to provide legal services for the Township of West Amwell.
2. The Mayor and Committee shall enter into a mutually agreeable written compensation agreement with said Attorney within thirty (30) days of the date of this Resolution.
3. This Agreement is awarded without competitive bidding as a “Professional Service” under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.

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

Mayor Rich executed the agreement with Attorney Lanza.

Municipal Alliance Grant Resolution – Correspondence was received from the County that a resolution is required for the grant submission approved at the last meeting.

RESOLUTION #114-2016

WHEREAS, The Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Township of West Amwell Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township of West Amwell Committee supports the application of funding from Governor’s Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED by the Township of West Amwell, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby support the submission of an application for the South Hunterdon Municipal Alliance grant for SFY 2017 in the amount of \$181,380.00.
2. As Lead Municipality for the South Hunterdon Municipal Alliance, the Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the reporting of programs within its cluster area.

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

West Amwell PTO Raffle – The Findings & Determination paperwork was reviewed and approved. The following resolution was presented for consideration:

RESOLUTION #115-2016

WHEREAS, application has been received the Township of West Amwell to grant a raffle license, and

WHEREAS, no objections have been received the Clerk of the Township, nor were any objections made at the meeting.

NOW, THEREFORE BE IT RESOLVED that the raffle license be granted

TO: PTO West Amwell School
BENEFIT: After school programming for the children & families of West Amwell School
DATE: September 9, 2016
TIME: 5:30 – 9:00 p.m.
LOCATION: West Amwell School
1417 Route 179, Lambertville NJ 08530

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

School Fund Raiser – Per above.

Connaught Hill Properties – Attorney Faherty advised that a packet of information has been prepared for the title company. A listing of properties and lien information was provided by the collector and presented to the mayor.

Compensation Request – A closed session for this discussion was deemed necessary. Rice notices were received pending this possibility.

Closed Session:

RESOLUTION #116-2014

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
PERSONNEL
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 Dale.

The meeting returned to Open Session at 10:32 p.m. with the following results: *A title change to 'manager' and an hourly wage increase for the construction techs was approved.*

Open to the Public:

There was no public in attendance.

Adjournment:

There being no further business, the meeting was unanimously adjourned at 10:32 p.m. on motion by Bergenfeld.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk

APPROVED: August 17, 2016