

WEST AMWELL TOWNSHIP COMMITTEE MEETING

September 7, 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 7:30 p.m. Present were Mayor Zachary T. Rich, Deputy Mayor John Dale, Committeeman Stephen Bergenfeld (7:35), Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance were Bud Etchells, Charles Hunter, George Fisher, Dave Beaumont, Anthony Poleo and his father, Mr. Poleo, Ryan Rollero, and Charles Hunter

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

The mayor led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 10.E Assistant Tax Collector Contract; 11.D Closed Session.

ANNOUNCEMENTS

- Hunterdon County Collection Event for Paint, Used Motor Oil, Propane Tanks & Smoke Detectors, September 10th, 9am to 1pm Rt 12 Complex
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The August 27, 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

Charles Hunter came forward, introducing himself as an eighty-eight year resident, and expressed appreciation to the Committee for hearing the request for the 2 acre exception area at the 23 Barry Road property. A brief history of property ownership was relayed and that he would like to get this matter resolved amicably.

Bud Etchells distributed information to the Committee concerning the property and noted that he was employed to sell the farms on Hunter and Barry Roads and to distribute the assets according to the will. The contract buyer for the Barry Road property is Anthony Poleo who wants the two acre exception area approved so that forward movement can be made on developing the property. Mr. Etchells overviewed efforts made with Township engineer Bill Burr to designate the location of the exception area and acknowledge that the driveway as shown meets approval as to the conservation easement on the property. He referenced a recent e-mail requesting an LOI, which is something that can only be addressed once the metes and bounds for the approved exception area are set.

Anthony Poleo spoke at length about the difficulties being encountered and offered that enough information has been supplied for the requested delineation of the exception area. He explained the difference and difficulties between a LOI for the entire 38 acres vs a LOI for the 2 acre piece. The situation with the driveway issue and the legality of using the woodlot lanes was noted. An extended conversation between Mr. Poleo and the Committee ensued over what is needed/allowed/wanted; the presence/absence of any wetlands; what would go to DEP and when, if at all; and, engineer requirements vs the provision of everything that the State of New Jersey requires. Mr. Poleo advised that a delineation has no effect on building a house, it only satisfies the conservation easement issue, after which there's an accounting to other State regulations. He also relayed that the engineer was looking for a plot plan but that there are other steps involved to get to that point and complete information has been provided to the Township. The process has cost him thousands of dollars when something like this should have only run in the hundreds. Mr. Poleo requested that a meeting of all parties involved be set up to hash over the matters under discussion/dispute. Mr. Bergenfeld will spearhead getting this resolved for a possible up or down decision on September 21st.

With appreciation extended to the Committee for their time and consideration, the Hunter contingent left the meeting at 9:02 p.m.

Ryan Rollero, the DPW Supervisor, was requested to make his road activity report at this time. A successful two weeks of road paving was noted that involved overlays and re-surfacing, the cost of which was much less expensive than what would be realized with an outside contractor. The equipment required for this work was rented for approximately \$7,000. Mr. Roller relayed that the finished product adds 10 years of life to the road beds involved. The specific roads and related costs were as follows: Rocktown Road received a full width overlay with 70 tons of asphalt for \$3,5000; a section of Rocktown-Lamb. Road near the orchard received 80 tons of asphalt for \$4,000); a full width overly was applied to Gulick Road for \$3,000; Old York Road received 90 tons of asphalt and a full width overlay and leveling course (\$4,500); Belvidere & Kearney Streets received a full width overlay and the latter also a leveling course using 20 tons of asphalt (\$1000); and lastly, Woodward Lane had both a full width overlay and leveling course with the use of 100 tons of asphalt for \$5,000. The work was accomplished through a team effort and Mr. Rollero stated that the work was enjoyed by all. Also relayed was Lambertville's involvement, specifically with Old York, and that combining forces with them in the future is anticipated. As for next steps, there is some road patching and crack sealing to accomplish. Also requested was the ability to keep the summer intern as long as possible, although he's joining the military is in the near future. Concern was noted for the trees planted at the Estates earlier this summer. The thought is that several of the dogwoods have been lost, although the other trees are doing well. Contact has been made with Chris at Sweet Valley concerning the matter. Looking a few months ahead, the salt situation is good and getting plow mounts for the garbage trucks was advanced. Mr. Rollero ended his presentation by stating that the crew enjoyed this type of work; that he wants to get Lambertville involved with an eye toward splitting asphalt prices; and, the repair work on the garbage truck has been completed and the unit is now back in service. Mr. Rollero departed at 9:17 p.m.

Mayor Rich noted the upcoming Zoning Board hearing on the Brookmill Farm matter and his desire that this not become a one-sided event. To this end, an e-mail will be sent to Phil Langon, Attorney Faherty, Attorney John Lanza, Bill Erney, Leslie Grillo, Chris Rose and Tim Vansalous requesting their attendance at the September 27th meeting on behalf of the Township's interests. Captain Bartzak is to be copied on the e-mail.

Committeeman Bergenfeld relayed that it is his understanding that Mr. Lubchansky is a member of the fire house and was authorized for membership by the Township Committee. However, Mr. Lubchansky does not live in this community but in Pennsylvania. His application showed his address as 16 Mill Road, so he lied, and he still doesn't live there. Mr. Bergenfeld would like to see that authorization for membership revoked due to being a non-resident and abusing the fire code as it makes a mockery of fire safety.

Bergenfeld motioned to revoke the Committee's previous approval of Mr. Lubchansky's West Amwell Fire Company membership based on not living here, lying on his application, and violating multiple fire codes on his property with disregard to the public. Rich seconded. Motion carried unanimously. Also agreed was that the Fire Company has 30 days to revoke Mr. Lubchansky's membership, in writing, based on the Committee's decision. If this does not happen, their funding is in jeopardy.

Mr. Rich requested that e-ticket approval be on the September 21st agenda. A cost number is anticipated and the system will most likely not be in place until at least November. An e-mail to the judge and court as a heads up is to be provided noting that there's not going to be any cutting of hours; that the intent is to automate and streamline the process; and, improve efficiency.

The mayor also requested that a current payroll issue in the construction office be verified.

SPECIAL PRESENTATION(S)

None

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

Public Hearing: Ordinance 10, 2016 ORDINANCE APPROPRIATING \$35,000 FROM THE CAPITAL IMPROVEMENT FUND FOR THE DEMOLITION, CLEANUP AND DISPOSAL OF A HOUSE STRUCTURE LOCATED AT 374 ROUTE 31 N (BLOCK 23, LOT 12) IN AND BY THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY

Proof of publication in the August 25, 2016 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the August 17, 2016 Township Committee meeting. Mr. Rich read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was closed.

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

Public Hearing: Ordinance 11, 2016 AN ORDINANCE TO AMEND ORDINANCE 08, 2016 TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY

Proof of publication in the August 25, 2016 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the August 17, 2016 Township Committee meeting. Mr. Rich read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was closed.

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

STANDING COMMITTEE REPORTS

Open Space

- *Project Status Update:* None

Aq Advisory

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

UNFINISHED BUSINESS

Possible Appointments – none

Updates – 1) Attorney Faherty has reached out to the title company concerning **Block 46 Lots 5, 6, 7** to confirm, based upon previous correspondence, whether or not the company was in a position to insure. A file number was requested for the search but not found. However, other relevant information was provided but there's been no response as yet. 2) Contact has been made with Jason Miller at South concerning **student parking at the municipal lot**. Mr. Rich advised that is it not money that the Township is looking for but behavior. A request that students park in the back or lower end of the lot in order to have spaces for those with township business was made. This information will be forwarded via e-mail to the mayor to be shared with Mr. Miller. 2a) Mr. Bergenfeld inquired about the **water fountain** situation. Information on previous cost estimates will be located and shared. This may be more expensive than originally thought and a \$1750 number was relayed. There was no objection to moving forward to get the unit operational. 3) A search has been completed for the **Wilson Road** property but, as the next step is foreclosure, Attorney Faherty suggested that this expense could wait until next year. Another thought was to get information on other properties now in township hands. Mr. Beaumont will share the list received earlier from the tax collector with Attorney Faherty as to other possible properties to be included in such a foreclosure action. Mr. Rich gave the nod to the attorney to get started with the process. 4) Some confusion reigns on the status of a **construction clearance ordinance**, what is wanted, and how to proceed. Mr. Beaumont spoke about inspections being additional work but to catch permits when a house is sold affects the equalized value. Mr. Bergenfeld noted that the only person that can legally go into a house is the fire safety inspector. A copy of the ordinance proposed last year, and the form, is to be provided to Dave Beaumont, David Gill, Chris Rose, Leslie Grillo and Stephen Bergenfeld for review and comment. 5) The situation with the **Fimbel** pipe will be handled by the mayor. Item to be removed from agenda. 6) An e-mail concerning the **Rock Road West & Corsalo intersection** advised that an engineering study is needed, the cost of which is anticipated to run between \$750 and \$1500. This would be for a 3-way STOP. This led to a brief exchange about two weeks' worth of septic work (and safety issues) with huge stone trucks on Corsalo Road and a new house being built on Rock Road West. The latter concerns a second house on the lot and possibly no zoning approval. The lot was not subdivided; therefore, one of those dwellings has to be designated for either farm or domestic help or be torn down. This is a new horse farm; the owner lives in the renovated house in the front; and, a new house is under construction in the back. Although they may have a permit to build, zoning approval was questioned. The zoning official and zoning consultant are to be e-mailed concerning two issues (two houses on one property and where the rocks and dirt are going) with the requested answer to be received next week. The Township Committee and Assessor are to be copied on the e-mail. Verification of a construction permit will be also be requested for the 9/21 meeting. Firm

answers are required; if none, the presence of the parties involved is required for the meeting. 6a) Concern was raised over the **ESC parking** arrangement but the letter being referenced was for the construction board of appeals. A different issue. 7) A re-bid for a **generator** is anticipated for publication next week. A question was raised as to whether the specifications have been modified.

Receipt of Bids for Block 23 Lot Demolition – Four bids were received out of the thirteen that were requested. The apparent low bidder is Caravella. Mayor Rich requested that this information be relayed to Caravella and that they be advised that the award is anticipated on September 21st. The time frame for the job was discussed and a concern raised about getting utility sign offs. However, getting this done in October is anticipated. In the meantime, Attorney Faherty will review the bid packets for completeness. A question about the possibility of a shared well on the property was mentioned. Mr. Rollero will be requested to check with Mr. Helewa as to whether there is an agreement in place for this. Where the electricity is coming from was also questioned. There was consensus on including the septic in the award as well as the barn.

Possible Resolution for ONYX Final Approval – Mrs. Olsen advised that she had not received the line items for this from Mr. Drexinger that he wanted reviewed with the mayor for this approval. The mayor determined that there be forward movement as the company is just looking for approval of the plan put forth at the last meeting given that lots of money is being expended for the purchase of the panels.

RESOLUTION #128-2016

BE IT RESOLVED by the governing body of West Amwell Township, that the revised ONYX solar plan as discussed and authorized on August 17, 2016 is hereby approved.

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

A copy of the Resolution is to be forwarded to John Drexinger. If an amendment is needed, it will be considered the next meeting.

Assistant Tax Collector Contract – Attorney Faherty provided a draft contract. The mayor will review.

NEW BUSINESS

Purchase of Police Vehicle –

- *Resolution Authorizing State Contract Purchase:*

RESOLUTION #129-2016
Amending RESOLUTION #122-2016

BE IT RESOLVED that RESOLUTION #122-2016 Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40a:11-12A is hereby amended to provide for the purchase of a vehicle for the Township Police Department as follows:

<u>Commodity/Service</u>	<u>Referenced State Contract Vendors Vendor</u>	<u>State Contract #</u>
2017 Ford Expedition 4 x 4	Winner Ford	A88728

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

- *Resolution Purchasing on State Contract:*

RESOLUTION #130-2016
Amending Resolution #123-2016

WHEREAS, there is a need to purchase a police vehicle for the Township of West Amwell, in the County of Hunterdon, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #88728; and

WHEREAS the CFO has certified to the Township Clerk that funds are available in Ordinance 07, 2016; 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 a Purchase Requisition to Winner Ford for the purchase of a 2017 Ford Expedition 4X4 with factory options and emergency equipment as described in the quotation received.

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

Recommended Gutter for A/C Condenser @ PD – The service order/invoice for the replacement of the condenser and coil contained a recommendation that a gutter be installed over the condenser to avoid future damage. Mr. Bergenfeld provided the name and number of a contractor for this work.

Personnel Policy Manual - Held

OPEN TO THE PUBLIC

Mr. Beaumont relayed that the State equalized valuation table is due in October and that he's been working with Mr. Gill. A ratio of 100% or better is anticipated. As for the packet of properties with liens provided earlier, there are some dating back to 1961. The listing includes all properties in West Amwell, not just those on Connaught Hill. Five are Township owned and there are three properties listed as unknown/tax collector. The overall goal is to get the properties back on the tax rolls but this will entail a lot of work.

Closed Session -

RESOLUTION #131-2016

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 Rich, seconded by Bergenfeld.

The Committee entered the approved closed session portion of the meeting at 10:04 p.m.; returning at 10:50 p.m.

ADMINISTRATIVE REPORTS

Treasurer – none

Tax Collector – none

Construction – The Permit Fee Log Summary for August 2016 reflect the issuance of 20 permits for a total of \$4,548.00 for West Amwell. Twenty three (23) CA's were processed per the Certificate Log Summary. The Permit Fee Log Summary for East Amwell reported 29 permits/updates issued and \$10,589.00 collected. One CO and thirty three (33) CA's were processed according to the Certificate Log Summary.

Roads – A report on August paving activities was provided earlier in the evening.

Police – The August 2016 Monthly Report showing 729 incidents, 72 summonses and zero warnings was received. Twenty seven (27) summonses were issued in conjunction with the shared service with East Amwell.

Website Review – no comment

The 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 10:50 p.m. on motion from Bergenfeld.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: October 6, 2016