

WEST AMWELL TOWNSHIP COMMITTEE MEETING

October 5, 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 were John Cronic, Dave Beaumont, Hal Shute, Gary Hoyer and Michael Ehrenreich

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

AGENDA REVIEW BY TOWNSHIP CLERK

The following item was added: 10. Unfinished Business: D. Authorization for demolition and retrofit contracts

ANNOUNCEMENTS

- West Amwell Auxiliary Pork Dinner, October 8th, 4 -7 p.m. Mt. Airy Fire House
- Municipal Offices Closed October 10th for Columbus Day
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

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

- September 7, 2016 Regular
- September 7, 2016 Closed Session (Pending Litigation)
- September 21, 2016 Regular
- September 21, 2016 Closed Session (Litigation)

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Michael Ehrenreich, the owner of property on Route 29 in West Amwell, presented his concerns about speed and pedestrian safety in the area around the Lambertville Antique-Golden Nugget flea markets. The mayor explained that DOT wants cost-sharing for the crosswalk, something that would have to be considered in the 2017 budget, and that DOT is unwilling to lower the speed limit. Mr. Ehrenreich stated and DOT won't talk to him...only Township officials...and pressed for a traffic study that would take the situation at the Golden Nugget into consideration as well as pedestrian safety due to near misses. A letter requesting that NJDOT perform a traffic study in the area was assigned to the Township Engineer. This letter is to be completed by October 14th and a copy provided to Mr. Ehrenreich.

Dave Beaumont reviewed the recently received equalized valuation report. The ratio last year was 97.3 but now stands at 103.75. This translates to a \$15 million drop for West Amwell; a potential impact of \$32,000 in school levy obligations; and, a potential \$62,000 reduction in 2017 if enrollment stays the same. Final valuations from the State are still to come. Mr. Beaumont offered that Assessor Gill did a good job.

SPECIAL PRESENTATION(S)

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

Introduction: Ordinance 12, 2016

Changes to the existing ordinance were recommended by the Environmental Commission to the Planning Board, with the latter recommending Township Committee action. The following ordinance was read by title and introduced on first reading:

AN ORDINANCE REPLACING CHAPTER 138 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY – Soil Management and Removal

BE IT ORDAINED by the Township Committee of West Amwell Township, Hunterdon County, New Jersey that Chapter 138 is hereby deleted and replaced as follows:

Section 1:

138-1. Purpose and General References

West Amwell has a long history of protecting the natural environment, preserving farmland and respecting the carrying capacity and constraints of the land. With these planning objectives in mind, it is the purpose of this ordinance to protect soil as a necessary and valuable resource in the Township. Soil is an essential component of farming and therefore key to farmland productivity. It is a vital part of woodland habitat, where it provides the ecological underpinnings for a healthy and diverse population of flora and fauna.

138.2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Applicant – Anyone submitting an application for development or for a project which would disturb the soil.

Soil –

A. The unconsolidated mineral or organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

B. The unconsolidated mineral or organic matter on the surface of the earth that has been subjected to and shows effects of environmental factors of climate (including water and temperature effects), and macro- and microorganisms, conditioned by relief, acting on parent material over a period of time.

Subsoil—

A. The deepest level of soil material in which soil formation processes are active. It lies above the bedrock, but below the topsoil.

B. All soil that is not topsoil.

Topsoil —

A. The layer of soil moved in cultivation; frequently designated as the A layer or A horizon.

B. The top layer of the soil profile, above the subsoil and distinguished from other soils as a presumed fertile soil or soil material, or one that responds to fertilization, ordinarily rich in organic matter.

138-3. Performance Standards

A. In addition to the standards of this chapter, soil removal and relocation of any material shall be in accordance with the Code of the Township of West Amwell, Chapter 137: Soil Erosion and Sediment Control and the Soil Erosion and Sediment Control Plan as certified by the Hunterdon County Soil Conservation District and required by the New Jersey Soil Erosion and Sediment Control Act, Chapter 251, P.L.1975.

B. An applicant shall submit as part of their existing conditions and final grading plan, an engineered plan showing the earthwork balance quantities of subsoil and topsoil.

C. Topsoil shall not be removed from the municipality.

D. Large rocks and boulders (greater than three-foot minimum diameter at any point shall not be removed from the Sourland Regional Planning District (SRPD).

E. Large rocks and boulders (greater than three-foot minimum diameter at any point) in districts other than the SRPD shall not be removed from the Township.

F. Large rocks and boulders referenced in 138-3D and 138-3E outside of the area of excavation shall be left in place.

G. Topsoil removed during the course of construction shall be redistributed within nonimpervious areas of the site and shall be seeded or planted as to remain in place unless a management plan consistent with Section 138-4 has been approved.

H. Topsoil and subsoil shall be stored in separate locations.

I. Excess soil shall not be used to fill wetlands, vernal pools, and sensitive environmental features identified by state and local ordinances, except for regulatory actions that have been authorized by appropriate reviewing agencies.

138-4. Management Plan

A. Should an applicant have a quantity of soil in excess of the needs of the project, the applicant shall provide the Township Engineer with a management plan for review. The plan shall be consistent with the requirements of the Hunterdon County Soil Conservation District. The soil management plan shall delineate the methods of re-use of soil within West Amwell Township. The applicant shall identify potential locations of re-use as part of this plan. West Amwell Township reserves the first right of refusal. The Township Engineer shall review the management plan to ensure that it is consistent with this chapter. The plan shall be approved by the Planning Board.

B. The applicant shall demonstrate that reasonable effort has been made to identify locations for potential soil re-use within West Amwell Township.

C. Should the Planning Board approve the removal of the subsoil from the limits of the Township, the applicant shall comply with the requirements of the Soil Erosion and Sediment Control Act Chapter 251, P.L. 1975.

D. Should the soil need to be removed from the site and re-used within the Township, it is the applicant's responsibility to verify that the soil is clean and free from pollutants prior to removal in accordance with NJDEP's Site Remediation Standards.

138-5 Exemptions.

The following are exempt from the provisions of Chapter 138.

A. Land disturbance of less than 5,000 square feet associated with the construction of a single-family dwelling, unless such development is a part of a proposed subdivision, site plan, zoning variance or building permit application involving two or more building units.

B. Land disturbance of less than 5,000 square feet of the surface area of land for the accommodation of construction which might or might not require a building permit.

C. Use of land for gardening primarily for personal consumption.

D. An environmental action required by the State of New Jersey

E. Agricultural use of lands when operated in accordance with a farm conservation plan approved by the Hunterdon County Soil Conservation District or when it is determined by the Hunterdon County Soil Conservation District that such use will not cause a net loss of topsoil in the Township.

F. Contaminated topsoil and subsoil shall be permitted to be removed from the Township in accordance with the NJDEP Site Remediation Standards, the Code of the Township of West Amwell, Chapter 137, Soil Erosion and Sediment Control, and the Soil Erosion and Sediment Control Plan, as certified by the Hunterdon County Soil Conservation District and required by the New Jersey Soil Erosion and Sediment Control Act, Chapter 251, P.L.1975.

138-6 Violations and penalties.

Any person, persons or corporations who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished by one or more of the following: a fine not exceeding \$1,250, a term of imprisonment for a term not exceeding 90 days or a period of community service not to exceed 90 days or any combination of the above.

Section 2: Adoption

Upon adoption, this Ordinance will be incorporated into and become part of the Code of the Township of West Amwell.

Section 3: Effective Date

This Ordinance shall take effect after final adoption and publication according to the laws of the State of New Jersey.

Bergenfeld moved to introduce the Ordinance on first reading and Dale seconded. Motion carried unanimously. The public hearing will be held November 2, 2016.

Introduction: Ordinance 13, 2016

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 109,
"LAND DEVELOPMENT" OF THE CODE OF THE TOWNSHIP OF WEST AMWELL
TO AMEND PERMITTED USES OF NONRESIDENTIAL ZONING DISTRICTS
(see attached)

Rich moved to introduce the Ordinance on first reading and Dale seconded. Motion carried unanimously. The public hearing will be held November 2, 2016.

STANDING COMMITTEE REPORTS

Open Space:

- *Project Status Updates:* John Cronce advised that all is 'status quo.'

UNFINISHED BUSINESS

Possible Appointments – None

Updates – 1) Attorney Faherty relayed that information was sent to assist with identifying the location of the files on **Block 46 Lots 5, 6, 7** and requesting an answer as to the company's position to insure same. 2) **Student parking** is now behind the municipal building as requested. There was one incident of driving through the grass but hopefully driving skills will improve. 3) The **construction clearance/form** item was held. 4) The HART traffic study that was done in 2013 for Route 579 was shared. Captain Bartzak and Engineer Burr will be consulted concerning obtaining a similar study for **Rock Road West**.

Closed Session – Action on the resolution held for later in the meeting.

Authorization for Demolition and Retrofit Contracts – Attorney Faherty will have the Stormwater Retrofit and Demolition contracts completed shortly. Authorization for the mayor and clerk to sign when these are ready was requested.

Dale motioned to authorize the mayor and clerk to execute the Stormwater Retrofit and Demolition contracts. Motion seconded by Bergenfeld and carried unanimously.

NEW BUSINESS

Proposed Ordinances for Discussion

- *Noise*: The State's model was presented and optional provisions noted. An ordinance is to be prepared for possible introduction at the October 21st meeting.

- *Board of Health Membership*: The current ordinance has five members—three from the township committee plus two non-Township Committee members appointed by the mayor. How this will be structured come January when there are five Township Committee members was questioned. Attorney Faherty will check the statute.

Policy Concerning Tax Appeal Filings – Question #3 on the Best Practices worksheet asks about a written policy for providing notice to the CFO and governing body of all tax appeals no later than June 1st of the year. Given the uncertainty about number of points required to retain State funds, no question can be discounted. A proposed policy was provided for consideration:

TOWNSHIP OF WEST AMWELL COUNTY OF HUNTERDON

POLICY REQUIRING TAX ASSESSOR TO NOTIFY CHIEF FINANCIAL OFFICER AND GOVERNING BODY OF ALL PENDING TAX APPEALS

West Amwell Township recognizes that active monitoring and management of the municipality's ratable base is fundamental to helping ensure fiscal stability. West Amwell Township recognizes that pending tax appeals may impact the municipality's ratable base and is desirous to be notified of all tax appeals filed against the municipality. This policy sets forth the procedure for said notification.

The Township Tax Assessor is required to notify, in writing, the Chief Financial Officer and the Governing Body of all property tax appeals, filed by a property owner or by the Tax Assessor, in the current tax year, at the Hunterdon County Board of Taxation and/or at the New Jersey State Tax Court.

The notification shall include the property's block, lot, location and tax assessment for the said tax year. The Tax Assessor shall provide the notification upon the filing deadline for property tax appeals April 1st, or May 1st, in Reassessment or Revaluation districts. The notification shall be made no later than June 1st of the current tax year.

The Township Tax Assessor is required to notify, in writing, the Chief Financial Officer and the Governing Body, the status of each appeal, filed by a property owner or by the Tax Assessor, in the current tax year, at the Hunterdon County Board of Taxation and/or at the New Jersey State Tax Court.

The notification shall include the property's block, lot, location, tax assessment and current status for the said tax year. The notification shall be made after tax appeal hearings have concluded but shall be made no later than December 31st of the current tax year.

Rich motioned to adopt the policy and Dale seconded. Motion carried unanimously.

Personnel Policy Manual - Held

OPEN TO THE PUBLIC

Mr. Beaumont came forward to inquire as to whether there had been any discussion on changing the salary ordinance for 2017.

ADMINISTRATIVE REPORTS

Tax Collector – The monthly reports for August and September 2016 were received showing receipts in the amount of \$2,360,243.53 and \$160,199.97, respectively.

Construction –The Permit Fee Log Summary for September 2016 reflected the issuance of 31 permits for a total of \$8,556.00 for West Amwell. Thirty three (33) CA's were processed per the Certificate Log Summary. The Permit Fee Log Summary for East Amwell reported 27 permits issued and \$8,760.00 collected. Twenty six (26) CA's were processed according to the Certificate Log Summary.

Police – The September 2016 Monthly Report showing 703 incidents, 84 summonses and 10 special complaints was received. Twenty summonses were issued in conjunction with the shared service with East Amwell.

Website Review – n/a

The reports as presented were accepted, without comment, as received.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

Closed Session

RESOLUTION #138-2016

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:
LITIGATION (WAT vs James Vernor et al)
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 Committee entered into Closed Session at 8:06 p.m., returning to Open Session at 8:27 p.m.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 8:28 p.m. on motion from Bergenfeld.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: October 19, 2016