

WEST AMWELL TOWNSHIP COMMITTEE MEETING

October 19, 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 7:37 p.m. Present were Mayor Zachary T. Rich, Committeeman Stephen Bergenfeld, Clerk Lora Olsen and Attorney Philip J. Faherty III. Deputy Mayor John Dale was absent/excused. Also in attendance were John Cronce and Dave Beaumont.

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.B. 4) Solar Project; 10.D. Affordable Housing, Additional Contribution Request. 13.B. Tax Collector was deleted. *Motion to accept the additions/deletions provided by Bergenfeld, seconded by Rich and unanimously approved.*

ANNOUNCEMENTS

- Spaghetti Dinner Fundraiser for Bill Leary, October 22nd, 4-9 p.m., Lambertville Presbyterian Church
- Day Light Saving Time Ends, November 6th, 2 a.m. - Clocks back 1 hr.
- West Amwell School 6th Grade Clothing Drive, November 7th-10th
- Election Day is Tuesday, November 8th, Polls open 6 a.m. to 8 p.m.
- Municipal Offices Closed Friday, November 11th for Veterans Day
- Hunterdon County Hazardous Waste Day, November 12th, 9 a.m. to 1 p.m.
Route 12 County Complex
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The October 5, 2016 Regular and Closed Session minutes were unanimously approved on motion from Bergenfeld, seconded by Rich.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

No one came forward.

SPECIAL PRESENTATION(S)

None

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

None

STANDING COMMITTEE REPORTS

Open Space

- *Project Status Updates:* John Cronce reported on the CADB meeting, noting that the Runkle project is looked upon with favor; that the State is interested as well; and, as is moving forward. As for the Holcombe project, it too is moving along. However, Attorney Faherty advised of his conversation with Stephanie Miller concerning acreage and re-configuration of the parcel. Mr. Cronce advised that he will lobby for both farms at the November CADB meeting.

Environmental

- *Authorization to Post September 8, 2016 Minutes to Website:* Approved
- *Update on 319h Grant Project:* Cathy Urbanski was unable to attend this evening but requested that the Clerk share the following: The municipal retro-fit construction is underway and should be completed in two weeks. Larger plants and shrubs may be planted, if conditions are good. If not, the contractor will stabilize and grade the area and plant in the spring.

UNFINISHED BUSINESS

Possible Appointments – The mayor appointed Joel Coyne as an associate member on the Environmental Commission. Mr. Coyne was a member several years back and has expressed interest in returning. *Appointment unanimously approved on motion by Bergenfeld, seconded by Rich.*

Updates – 1) Attorney Faherty advised concerning the **Block 46 Lots 5, 6, 7** situation and that things are ready to go on the questioned lot. However, he needs more information on the other two, i.e., back taxes for one (have deed) and tax foreclosures on the other two. There is no problem for a title update but he needs to provide information to the title company to be sure these can be insured. 2) The **Clearance/Form** was held. 3) Captain Bartzak and Engineer Burr are in communication concerning **Rock Road West traffic/speed**. 4) A schedule for the **Solar** installation was received. The project was started last week with an anticipated completion of mid-November.

Closed Session – Held for later in the meeting.

Affordable Housing, Additional Contribution Request – Attorney Cushing advised that the Vicinage 13 Group needs another \$5000.00 contribution for the Township to continue to opt in on the process. An immediate response is required. The consensus of the Committee was to continue. The following resolution was presented:

**TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY
RESOLUTION #139-2016**

**AUTHORIZING EXECUTION OF
SHARED SERVICES DEFENSE AGREEMENT**

WHEREAS, the Township of West Amwell filed a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County, in furtherance of the Supreme Court’s March 10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”), which was assigned to the Honorable Thomas C. Miller, P.J., Cv.; and

WHEREAS, over 57 similar Declaratory Judgment Actions are before Judge Miller in Vicinage 13;

WHEREAS, many of these municipalities (collectively the “Vicinage 13 Municipal Group”) wish to cooperate collectively regarding the strategy and development of discovery, motions, briefs, and trial practice that may be used in the above-referenced Declaratory Judgment Actions, thereby saving time and monies for individual municipalities;

WHEREAS, the Township desires to continue to participate in the Vicinage 13 Municipal Group; and

WHEREAS, the Township entered into and executed a Municipal Shared Services Defense Agreement for Vicinage 13 (hereinafter Vicinage 13 MSSDA), so that the rights and responsibilities of each municipality that wishes to sign the agreement are defined; and

WHEREAS, the extent and scope of the litigation has exceeded original expectations; and

WHEREAS, the Vicinage 13 MSSDA has requested an additional contribution of \$5,000.00; and

WHEREAS, a claim has been made by a party in the declaratory judgment action that the Township is obligated to provide for a very large number of affordable housing units, which the Township believes is excessive and inconsistent with properly applied affordable housing rules; and

WHEREAS, the Township recognizes its obligations with respect to affordable housing, but believes that the numbers asserted by said party is extreme and unfair; and

WHEREAS, the Township has concluded that participating in a collective defense with other municipalities in the Vicinage is the most cost efficient means of protecting its interests; and

WHEREAS, Vicinage 13 MSSDA has circulated a First Amendment to Municipal Shared Services Defense Agreement for Vicinage 13 – Somerset, Hunterdon and Warren Counties “(Amendment)”, a copy of which is attached which authorizes the Township to continue to participate in the group; and

WHEREAS, it is necessary for the Chief Financial Officer to certified funds for the proposed expenditure and should those funds not be currently available, but be available for transfer after November 1, 2016, the Chief Financial Officer is authorized to examine the budget and determine whether such funds may be transferred from other accounts or line items

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

1. The terms and conditions of the Vicinage 13 MSSDA Amendment, attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$5,000 is hereby authorized to be expended by the Township, subject to the following.
 - a. A certification of funds authorizing the aforesaid expenditure to be signed by the Chief Financial Officer of the Township; if the Chief Financial Officer determines that there are not presently adequate funds to fund the additional expenditure, he is authorized to make such transfers from other accounts or line items after November 1, 2016, so as to fund the expenditure.
 - b. Subject to the certification of funds by the Chief Financial Officer, the Mayor be and is hereby authorized to execute the aforesaid Vicinage 13 Amendment to memorialize the participation of the Township and to take any and all actions reasonably required to effectuate said Agreement.
3. This Resolution shall take effect immediately.

The Resolution was unanimously approved on motion by Rich, seconded by Bergenfeld. The first amendment to the municipal shared services defense agreement for Vicinage 13 – Somerset, Hunterdon and Warren Counties was signed by the mayor. A certification of funds to be acquired following the November meeting, with a check to follow.

NEW BUSINESS

Best Practices – The 2016 survey was presented for review and discussion. The following information was relayed: 22 positive responses avoids withholding of aid; N/A is counted as a positive; the current inventory shows 24 (out of 30) positive responses for a percentage of 80%. The Division reserves the right to determine withholding percentages once all inventories have been received. The inventory results and certification of same by the CFO and CAO/Clerk was relayed. Submission date is Friday, October 21st.

The inventory as presented was unanimously approved by Rich, seconded by Bergenfeld.

Anderson Letter of Inquiry Concerning Lots on Belvidere Ave. – The Anderson are interested in purchasing lots 3 and 10 in block 47. As these are not adjacent lots, any sale would have to be a public bid. Attorney Faherty questioned whether these lots were on the recent tax sale and sold to the Township. If so, there’s a 6 month wait before foreclosure could begin prior to holding a public sale. A response to the Anderson’s with the relevant information on redemption costs, taxes owed, and the need for a public sale was directed to the Clerk and Attorney.

Professional Services Resolutions – The following were presented for consideration in line with current litigation needs:

- *Burgis Associates*

**RESOLUTION #140-2016
RESOLUTION APPOINTING SPECIAL PLANNER FOR LITIGATION**

WHEREAS, there exists a need for a special planner for the Township of West Amwell for the year 2016 in connection with litigation issues which cannot be handled in-house; 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 a planner 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. Joseph H. Burgis, P.P., AICP, of Burgis Associates, Inc. is hereby appointed to serve as Special Planner for the Township of West Amwell during the year 2016 in order to provide professional planning services for the Township of West Amwell.
2. The Mayor and Committee shall enter into a mutually agreeable written compensation agreement with said Planner 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 Rich, seconded by Bergenfeld.

- *Change Order*

RESOLUTION #141-2016

WHEREAS, a professional services agreement with John Lanza of Lanza & Lanza LLP for legal services for the Brookmill Farm litigation was previously approved; and

WHEREAS, according to the agreement, a written change order is required in order to exceed previously agreed upon payment amounts

THEREFORE BE IT RESOLVED by the Mayor and Township Committee of West Amwell Township that total for legal services for 2016 shall not exceed \$17,500 without further approval by the governing body.

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

Resolution for 2017 ACO Shared Service with Lambertville – The current agreement calls for an October notification of intent to renew. The current ACO is leaving and Lambertville is seeking a replacement to finish the year as well as advertising for 2017. The difficulty in finding an ACO was noted as a reason to continue with a shared service agreement.

RESOLUTION #142-2016

A Resolution to Renew and Authorize a Shared Services Agreement with the City of Lambertville for Animal Control Services for 2017

BE IT RESOLVED, by the governing body of West Amwell Township, in the County of Hunterdon, State of New Jersey, that a renewed shared services agreement with the City of Lambertville for Animal Control Services for 2017 is hereby authorized.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the agreement.

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

Personnel Policy Manual - Held

OPEN TO THE PUBLIC

Dave Beaumont came forward with concerns about the pipeline and how PennEast responded to the draft environmental impact study comments. All submitted comments to FERC were brushed aside by PennEast, who asserted that they do not need 100% of surveyed properties in order to obtain FERC approval. Mr. Beaumont relayed that there's still more to happen by anti-pipeline groups but it may not matter. He also noted that PennEast says they can survey after eminent domain. However, FERC will get pressure to align with the rules and regulations per his conversation with Mike Spille of the West Amwell pipeline group.

Mr. Beaumont again questioned whether the Township Committee salary total in 2016 will be split five ways in 2017 or whether all will receive the same salary as is now paid. He was advised that this is a December discussion topic.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #143-2016

WHEREAS, it has been determined by the ZONING BOARD OF ADJUSTMENT of West Amwell Township that the following applicant's escrow fees are in excess of what was needed to cover their charges, and

WHEREAS, the Zoning Board has approved a refund of the following amount; \$3142.50 and further requests the account be closed.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell that the Treasurer is hereby authorized to refund the following amount to the applicants:

Applicant	Amount Refunded
KENNETH F. SMITH, JR. Northfield Bank, Account Escrow ID: #85030417	\$3142.50

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

Presentation of Bills for Approval:

RESOLUTION #144-2016

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 \$244,307.77*, dated October 19, 2016, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations. *Lanza bill held. Amount authorized for payment was \$236,996.03.

Bergenfeld motioned to approve the evening's bills, as amended, for payment. Rich seconded and the motion carried unanimously.

The governing body was advised that, due to high legal bills, the CFO will present an emergency resolution for consideration at the November meeting.

Treasurer Report: Appropriations through October 19, 2016 were provided and reviewed.

Court – The September 2016 monthly report was received showing a ticket total of 160 (83 local) with 15 criminal complaints filed/disposed, and the receipt of \$5,201.56.

Website Review – n/a

The reports were accepted, without comment, as presented.

Closed Session (held from earlier in the meeting)

RESOLUTION #145-2016

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 etal)
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 at 8:00 p.m., returning to Open Session at 8:07 p.m.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 8:08 p.m. on motion from Rich.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: November 2, 2016