

WEST AMWELL TOWNSHIP COMMITTEE MEETING

April 1, 2009

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 7:05 p.m. Present were Mayor William J. Corboy, Deputy Mayor Frank P. Masterson III, Committeeman Thomas J. Molnar and Attorney Philip J. Faherty III. Public in attendance included Betty Jane Hunt, Bernie Meader, Jason Fuhr, Alex Baran, Ron Shapella, Trish Gribbon, Andrew Mumich, Drew Mumich, Cathy Urbanski, Hal Shute, Sean Pfeiffer, Rich Storcella and reporter Renee Kiriluk-Hill

Mayor Corboy 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 Lambertville Beacon, Hunterdon County Democrat and Trenton Times on January 2, 2009, 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 and a copy of the CD is on file in the Office of the Municipal Clerk.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Weeblo Scout Drew Mumich from Cub Scout Pack 32 led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 9.D Unfinished Business: Letter from Mary Cupo-Cruz; 10. New Business: Resolution in Support of the Troops, COPS Grant Report, League Letter on Binding Arbitration, Prospect for Basement Grant

ANNOUNCEMENTS

Mayor Corboy made the following announcements:

- 2009 Dog Licenses are Subject to \$5.00/month Late Fee
- Public Information Session for Rocktown-Lamb. Section 13 – April 2nd, 7 p.m.
- Deadline for Filing Petition for Municipal Office – April 6th, 4 p.m.
- Municipal Offices Will Be Closed April 10th for Good Friday
- Route 202 Night-time Road Work Starts April 20th
- School Board Elections – April 21st from 3 p.m. to 9 p.m.
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The March 17, 2009 Special, March 18, 2009 Special and Closed Session and March 18, 2008 Regular and Closed Session minutes were approved on motion from Molnar and seconded by Masterson. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Cathy Urbanski came forward to discuss the Storcella/McMillan/VanSasse situation with the removed conservation easement and proposed 10 stall barn and riding rink. Six acres of the former conservation easement have been cleared with no stormwater permit. Flooding has increased and Mr. Storcella now has water in his basement. A change to the easement had no language about limitations.

Mr. Corboy noted that this is farmland assessed property and the property owner can build what he wants but offered that Attorney Faherty contact Attorneys Shurts and Palilonis concerning the matter. When the conservation easement was removed, it was with the understanding that there was a recommendation to the Township Committee from the Planning Board but perhaps the reasons specified were violated.

Rich Storcella inquired if the letter provided to the Committee was read at a meeting and if the background documents showing the steps taken were received as he has tried to get answers from the Township Committee and the Planning Board. Mr. Storcella then overviewed the history of the property in question and requested that situation be addressed. He believes that adjacent property owners should have been notified of the request for conservation easement removal; questioned the procedures used; that this has opened the door to savvy builders to do something similar; that a conservation easement is independent of wetlands; and, that a protection was removed. Mr. Storcella stated that he is also against the huge structure proposed; is frustrated over the matter; and, and requested that this be looked at one more time. Language should also be added to the deed as to specific uses as this should not be carte blanche.

A discussion ensued with Mr. Corboy explaining that the letter was not read into open session nor was there a request for placement on the agenda. However, it was received as part of the correspondence. The matter will be referred to the attorney and researched to determine whether further action is needed. It was the Planning Board that sent Mr. Van Sasse to DEP to update the LOI for wetlands and none were found. Due to this finding, there was no longer a prohibition although the conservation easement was given as a result of a sub-division. Obviously, something fell through the cracks and a determination is needed on what to do from this point on.

Ron Shapella offered that the Planning Board took no action but that a package of background materials was previously presented to the Township Committee for review. He hopes that the information is reviewed and perhaps a meeting with the property owner held to clear up the situation. Although he was not on the Planning Board at the time, he did sit in on the meeting. His recollection was that the Board went along with what appeared to be a benign project and they did not contemplate a large structure. This situation has been going on for several months but he questioned if the landowner is aware of stormwater and stream encroachment issues. If not, these need to be conveyed.

Hal Shute stated that he was on the Planning Board when Mr. VanSasse came in with his proposal and still has the two letters submitted that mentioned a barn. The reason that this is not on the plans was that it was not determined where it would be or how big. The property consisted of a big skeleton of a house and the purchase was contingent on the ability to use the property. The applicant was sent to DEP as there were spots of wetlands. Mr. Shute does not believe that there was any mis-representation in the plans presented by Mr. VanSasse.

Mr. Molnar commented that he was on the Planning Board at the time; that Mr. VanSasse had complied with requests made of him; and, followed the rules.

Attorney Faherty was directed to check with both the Planning and Zoning Board attorneys on the matter at hand.

Betty Jane Hunt came forward and read a letter concerning the Fulper lawsuit into the record (copy appended) and stated that it was her hope that it was not too late. She then questioned what the total per acre cost was of all preserved land in the Township and how much the Fulper's are asking for their 600 acres compares to what others have received. She believes that the matter can be resolved with a little effort; that the Fulpers want to meet but there's been nothing from the Township Committee; and questioned what would happen if the Township loses.

Mr. Corboy reminded Mrs. Hunt that it was the Fulpers who filed against the Township. Although it is said that they want to talk, until the lawsuit goes away this can't happen. The attorney knows that the Township wants resolution as well but at this point the Township must defend.

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING AND/OR SPECIAL PRESENTATION

Cub Scout Annual Spring Food Drive: Weeblo Scout Drew Mumich requested that he and his scout pack be permitted to hold their annual spring food drive to help the local food pantries. The cub scouts would hand out fliers on June 6th at the Saturday depot and collect canned food on June 13th. He assured the Committee members that they would be very careful, wear safety vests, and only approach cars once they have stopped. Groups of two to three scouts would be supervised at all times by a father. Upon an inquiry from Mr. Corboy as to the particular food pantry involved, Master Mumich stated that everything would go to the St. John's food pantry in Lambertville. This scout effort received commendation from the Mayor. Item approved.

Municipal Alliance: Jason Fuhr reported on the following: 1) The 4th Annual Emotions art show will be held at the Lambertville Library from May 7th through June 6th, with a silent auction the first night from 5-8 p.m. This is a joint venture of the South Hunterdon and Delaware Valley Alliances. 2) The South Hunterdon Alliance will hold a dance on May 13th from 6-10 p.m. for those 55 and over at the Lambertville Rescue Squad. Tickets are \$5.00. Coffee and pastries will be provided and a professional ball room dance instructor will be on hand. This should be a fun evening and flyers are available in the municipal building.

Mr. Fuhr noted that the alliances have to match State funds received through work efforts and that the South Hunterdon Alliance still enjoys meeting in the municipal building.

Public Hearing: Ordinance 8, 2009 AN ORDINANCE 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 March 12, 2009 issue of the Lambertville was presented. The ordinance has been posted and available to the public since its introduction at the March 4, 2009 Township Committee meeting. Mr. Corboy read the Ordinance by title but before opening to the public, comments from the table were given as follows:

Mr. Corboy stated that a lot of grief and consternation went into the decision on this ordinance, as well as sleepless nights. As of April 6th, Township employees, with the exception of police, will receive 10% less pay due to the financial situation. He had hoped that the problem would go away but it hasn't as of yet.

Mr. Masterson offered that committee member salaries be delayed until November 1st. Whether or not to take the salary would then be reconsidered.

Mr. Molnar was opposed to this move as he gave up night school and uses the money to tax his taxes.

Mr. Masterson motioned to put Committee member salaries on hold until November 1st and Corboy seconded. Roll Call: Molnar-no, Masterson-aye, Corboy-aye

The public hearing commenced with Betty Jane Hunt inquiring whether employee salaries would be restored if the law suit went away. Mr. Corboy answered in the affirmative to this question and noted that the decision was not a punitive one. He will also hold payment to himself until the plight of the Township is known.

Hal Shute came forward noting his confusion with the list of employees and the 10% cut. He questioned the timing of the ordinance as it is tied to the budget and wished that there was another way to handle this. Waiting until August to make the cuts would have resulted in little money saved was the response given by the mayor and that the percentage reduction is around 7 3/4%. The Township has spent down the surplus over the years so there is no buffer to pay for the lawsuit. In addition, the State has capped the amount that can be raised, perhaps they're trying to put the municipality out of

business.

Sean Pfeiffer came forward to remind the Committee that all three members gave up their salaries last year. He commended Mr. Corboy and Mr. Masterson for their offer. He suggested that perhaps consideration be given to eliminating the salaries permanently and request expense reimbursement instead. He also re-stated his position from last year that bonuses be given instead of raises. The deferred pension option should not be considered as it is bad fiscal policy, with a pay back of \$1.65 on the dollar. Mr. Corboy responded that he was not in favor of the elimination of compensation in consideration of future Township Committees. He agreed totally about the pension deferral but there was no way around it given the capacity of the budget.

Cathy Urbanski commented that it was her understanding that the 10% cut was made in order to avoid lay offs. She commended the Committee for saving jobs. Mr. Corboy relayed that the potential was there for several lay-offs. The Police were untouchable, although they were asked to rescind their annual raise. There has been no answer; however, the recommendation was made that OT be drastically reduced along with other cost containments. There will also be no new cars.

Hearing no further comments, the public hearing was closed on motion from Molnar and seconded by Masterson. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Molnar's motion to adopt was rescinded. Corboy moved for adoption of the Ordinance and Masterson seconded. Roll Call: Molnar-no, Masterson-aye, Corboy-aye

Public Hearing: Ordinance 9, 2009 – AN ORDINANCE TO AMEND AN ORDINANCE 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 March 23, 2009 issue of the Trenton Times was presented. The ordinance has been posted and available to the public since its introduction at the March 18, 2009 Township Committee meeting. Mr. Corboy read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was closed on motion from Molnar and seconded by Masterson. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Molnar moved for adoption of the Ordinance and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Resolution Amending Salary & Wage for 2009:

RESOLUTION #69-2009
SALARY & WAGE RESOLUTION AMENDMENT
BE IT RESOLVED by the Committee of the Township of West Amwell that the 2009 Salary and Wage Resolution, adopted April 1, 2009, be amended as follows:

Position	Salary/Compensation
<u>Remove:</u> Municipal Housing Liaison/AA Olsen	\$2,250.00
<u>Add:</u> Municipal Housing Liaison/AA Smith-Bohn (effective April 6, 2009)	\$ 25.00/hr

Molnar moved for approval of the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Resolution Awarding Kilmer Appraisal*: Sean Pfeiffer relayed that the Kilmer family has approved the revised project map. The original Rodriguez appraisal has to be updated as Green Acres requires a re-appraisal report not simply a letter.

RESOLUTION #70-2009

WHEREAS as appraisals were previously obtained in June 2004 & November 2005 for Block 8 Lots 14 & 15 (Kilmer) for a potential Green Acres easement acquisition; and

WHEREAS these appraisals now need to be updated; and

WHEREAS Green Areas requires that the original appraisers be retained for the reappraisal; and

WHEREAS the following quote was received:

Thomas Rodriguez of Tom Rodriguez Associates	\$2,300 minus
	10% - 2,070

WHEREAS funds are available in the Reserve for Preliminary Expenses for Open Space and Farmland Preservation

THEREFORE BE IT RESOLVED by the Township Committee that Thomas Rodriguez of Tom Rodriguez Associates be awarded the requested appraisal work on Block 8 Lots 14 & 15.

Molnar moved for approval of the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

- *Project Status Updates*: Final approval was granted by the SADC on Toll but the 2009 appropriation awaits the Governor's signature. The property appraised at a \$17,000/acre fee simple value but the 32% discount brings the cost down to \$11,500/acre.

Environmental

- *Resolution Establishing a Green Team*: Cathy Urbanski explained that the team will be kept as a part of the Environmental Commission. Involvement by the schools and local businesses is sought for diversity. The duties of the group would be to save money and the environment for the future. One project is an energy efficiency audit on municipal property for green improvements. Once the team is certified, application can be made for the grants offered by Wal-mart and other partners. The energy audit is something that's been on their agenda for some time but in the past, grants required a Township match.

Bernie Meader commented that New Jersey is not sustainable the way it's going right now.

RESOLUTION #71-2009

Resolution Establishing a Green Team Advisory Committee

WHEREAS, the Township Committee of the Township of West Amwell strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which would thrive well into the new century; and

WHEREAS, the Township Committee of the Township of West Amwell wishes to build a model of government which benefits our residents now and far into the future with green community initiatives which are easy to replicate and affordable to implement; and

WHEREAS, in an attempt to focus attention on “Green” issues, the Township Committee wishes to establish a Green Team Advisory Committee.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of West Amwell that we do hereby establish a Green Team Committee consisting of the members of the Environmental Commission. The terms of the Green Team shall be for one year, appointed annually, but whose initial term of appointment shall be through December 31, 2009.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township of West Amwell that it is the intention of the Green Team to recruit other members of the municipality for inclusion in the Green Team. Members shall be drawn from skilled residents, citizens, municipal committees and boards, local businesses, schools, civic, nonprofit, and faith-based organizations. The Green Team shall aim for a wide diversity of members.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of West Amwell that the Mission of the Green Team Advisory Committee shall be to advise the Township Committee on ways to improve municipal operations with “Green” initiatives which are economically and environmentally sound through research and evaluation.

NOW THEREFORE BE IT FINALLY RESOLVED, by the Township Committee of the Township of West Amwell that the Objectives of the Green Team Advisory Committee shall be to collaborate with township employees, service providers and other governmental agencies to share resource information and ideas consistent with the Mission of the Green Team Advisory Committee; to encourage participation of all employees to solicit ideas on green initiatives; to research and analyze green initiatives which make practical environmental and financial sense; and to develop strategies for sustainable green initiatives in municipal operations.

Molnar moved for approval of the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

TLC

- *Plan for Municipal Property*: Mrs. Urbanski noted that a plan is in process. There will be meeting with the contracted farmer this Friday at 2 p.m. Other ideas in play include building a trail system which will be ‘temporary’ for the purposes of the ROSI (proposed map viewed); planting pumpkins and sunflowers along the side of the front field; and, the possibility of windmills along the 30 acre rear field. The wind could supply the Township’s energy requirements with the excess being sold. Mr. Molnar suggested that she contact Steve Bergenfeld about the latter idea.

A brief discussion ensued about future need for the property with Mr. Corboy stating that he had proposed selling some of the property for open space money but that with it already on the ROSI, this was not possible. Mr. Meader remarked that the reason behind the purchase was that the Township needed a building; the property came along at a reasonable price; that the purchase was for the future; and, the land is not costing the Township anything. If that purchase had not occurred when it did, the money would have been gone. He objected to the concept of taking government money for government property and, in response to the question if the Township would ever need 100 acres, he noted that local government doesn’t have to be spending money on parks and walking trails elsewhere. He is happy to see the land farmed; supported keeping it in farming now as the land may be needed in the future; and, commented that never again could property be purchased as cheaply. Mrs. Hunt added that the property is also centrally located in the Township. Mr. Pfeiffer relayed that the property is not eligible for farmland preservation money as the new rules state that application must be made within three years of acquisition. He also noted that John Cronic has strong feelings about not adding more restrictions to the property.

- *Insurance & Use of Volunteers for Trail Construction*: Mrs. Urbanski expressed concern about coverage issues. Previous conversations with the insurance agent were relayed by Mrs. Olsen but another call will be placed to verify.

Recycling

- *Proposed Amendment to Recycling Ordinance*: Mrs. Urbanski reported that the Recycling committee would like to change the membership. Specifically, the change would involve having a member of the governing body or a designee. Attorney Faherty saw no problem with this proposal. An ordinance will be prepared making the proposed revision.

UNFINISHED BUSINESS

Possible Appointments – The Mayor made the following appointments:

Phylliss McGuire - Senior Citizen Alternate

David English – Planning Board Alternate #2

Joan Smith – Planning Board Alternate #1

Mr. Pfeiffer relayed that Alison Somer-Sayer resigned her Planning Board seat in February.

Professional Services Resolution –

RESOLUTION #72-2009

WHEREAS there exists a need for the hiring of various professionals without competitive bids; and

WHEREAS the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. allows governing bodies to execute agreements without competitive bidding for professional services; and

WHEREAS executed agreements must be available for public inspection; and

WHEREAS sufficient funds are available in the 2009 Temporary Budget and will be made available in the 2009 Municipal Budget for the Township of West Amwell

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, that agreements be executed with the following professionals:

James G. Coe of Hatch Mott MacDonald
Anthony Mercantante, P.P., AICP

BE IT FURTHER RESOLVED that these agreements are awarded, subject to contract discussions, without competitive bidding as defined under the appropriate section of the Local Public Contracts Law, because each of the above mentioned individuals is authorized by law to practice a recognized profession.

BE IT FINALLY RESOLVED that the notice of this action shall be published in the newspaper of general circulation within the Township of West Amwell not more than ten days from the enactment thereof.

Molnar moved for approval of the Resolution and Masterson seconded. Roll Call:
Molnar-aye, Masterson-aye, Corboy-aye

SHR re: Request for Kids Vote – A call was received from the Election Board that the Attorney General has ruled that persons connected with the operation of a simulated election for minors and the minors present for the purpose of voting in a simulated election are allowed in the polling place. This nullifies the County resolution referred to at the last meeting. Therefore, Kids Vote can take place during polling hours and no distance requirement is involved. These simulated elections for minors can be authorized by the County as long as they do not interfere with the orderly conduct of the official voting process. All the Township can do is to provide an appropriate space. The

plan is to use the prosecutor's office, which will keep the various voting activities to the main entrance. A letter was received from SHR Superintendent Nancy Gartenberg expressing appreciation to the Committee for reconsidering its earlier decision to deny. The item being voted on by the school children is whether the lunch room will offer a slushie or an ice cream machine.

Mowing Schedule for Detention Basins – The word from Township Engineer Clerico is that: 1) The NJDEP Dam permits will be reviewed to see if a specific mowing schedule is specified. 2) Although the project was approved prior to the adoption of the Stormwater Regulations, the Township should treat the maintenance of these facilities as part of that obligation, with Best Management Practices calling for a monthly mowing schedule during the growing season. 3) The areas around the outlet control structure need to be periodically inspected and cleared of debris so that they function as intended. This can be done as part of the mowing operation. In light of the foregoing, the Road Supervisor will be advised that the mowing take place when deemed necessary in light of the State directive and to observe the situation once a month to determine need for appropriate action.

A letter to this effect will be sent to Mary Cupo-Cruz in response to concerns raised.

Award of Gas & Diesel Quote – The low bidder is Allied Oil LLC, the current supplier. The one year bid was selected. For comparison, last year's bid was \$2.9026 for gas and \$3.7172 for diesel.

RESOLUTION 73-2009

WHEREAS, West Amwell is in need of Gasoline and Diesel Fuel to run municipal operations; and

WHEREAS, a request for bids for Gasoline and Diesel Fuel was advertised in the Trenton Times and the Lambertville Beacon on March 5, 2009; and

WHEREAS, solicited bids were received on March 26, 2008 from vendors as follows:

	1 year	2 year
Allied Oil LLC – Gasoline	1.5357	1.5857
Diesel	1.5065	1.5565
Stem Brothers – Gasoline	1.5900	1.6000
Diesel	1.5100	1.5200

WHEREAS, the apparent lower bidder for the requested commodities is Allied Oil LLC; and

WHEREAS, the required paperwork has been submitted and verified by Attorney Faherty; and

WHEREAS, the CFO has certified that funds will be made available in the 2009 Budget under Gasoline OE.

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the bid for Gasoline and Diesel Fuel be awarded to Allied Oil LLC

Molnar moved for approval of the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Engineer Clerico re: Calton Water Situation – The directive to the engineer was to write to DEP and a letter was sent on December 1, 2008. There has been no response but given everything that is going on at DEP, it is probably not getting a high priority.

Mr. Clerico suggested that it might get more attention if the mayor would send a follow up letter. The suggested letter will be prepared for the mayor's signature.

Barry Road ROW – Final action on this was delayed pending consultation with the Township Engineer. The recommendation received was that whenever possible, the Township should acquire a 50 foot ROW on Township roads to cover any future improvements, especially under circumstances where future acquisition would not be possible. A call was placed to Gary Pohorely at SADC as the time frame for response was longer than requested. He stated that if the Township doesn't reserve the ROW, it is practically impossible to do so after the property is preserved. He suggested that if the Township thinks they'll need it, to ask for the extra width now so as to preserve flexibility in the future. If the current ROW is not adequate, notify SADC by letter so that the extra 10 feet can be kept out of the survey. The Township would then need to deal with the property owner to acquire ROW as either a gift or purchase.

Bernie Meader requested that no ROW be taken as the land to the first corner is to be preserved. There is also a good possibility that land extending to the bottom of the hill will be preserved or deed restricted. This is a nice country road; traffic is limited; there has never been a problem with the deep ditches; and, the Township would be spending money for nothing. He also noted that a ROW extension would affect the stone walls on the Roebling property.

Ron Shapella voiced his agreement with Mr. Meader. Mr. Pfeiffer noted that there was no ROW acquisition on the Holcombe property and advocated that there be no acquisition on Barry Road.

The SADC will be advised that no ROW is requested.

Alexauken 319 Grant Extension – A letter requesting an extension has been sent to DEP. The reason for this is that DEP has still not commented on the Draft Characterization and Assessment Report submitted in April of 2008.

Orleans Fence – Attorney Faherty has reviewed the correspondence and advised that the Township cannot get involved unless the parties come to some mutual agreement. Item to be filed.

United Telephone Petition – This has been hanging around since 2007. Contact was made with the BPU to see if something was granted in the meantime. Apparently Attorney Ward was contacted by someone at BPU; has responded with a map; and, appears willing to update the existing ordinance. The file will be provided to Attorney Faherty for review and instruction on how to proceed. Tom Allibone will also be asked to review the submission.

COAH Update – A call was received this afternoon from Shirley Bishop concerning additional items needed for plan certification. The last minute COAH directives are coming in fast and furious—new checklist, revised handbooks for accessories and re-habs, confirmation that Community Options is committed to finding a group house in the township, etc. – as COAH would like to get West Amwell on their May agenda. The main item is that COAH says very accessory apartment provider must be given a minimum of \$20,000 up front. The Township had previously decided to fund up to \$30,000 as a reimbursable. Does the Township wish to now say \$20,000 or \$30,000 **or** \$20,000 plus \$10,000 with extenuating circumstances? The decision was to use the \$20,000 figure. A revised Accessory Apartment Handbook narrative has been provided for review by the Affordable Housing Board and the Township Committee. Any comments need to get to Mrs. Bishop ASAP and the new MHL/AA will be working on this as well. Hopefully, the new apartment and re-hab manuals, and respective marketing plans, will be available for Township Committee review on April 15th.

- *Resolution Appointing MHL:*

WEST AMWELL TOWNSHIP, HUNTERDON COUNTY
RESOLUTION #74-2009

RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON

WHEREAS, the Governing Body of West Amwell Township petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 29, 2008 and

WHEREAS, West Amwell Township's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., West Amwell Township is required to appoint a Municipal Housing Liaison for the administration of West Amwell Township's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, West Amwell Township has amended Chapter 33 entitled Officers and Employees to provide for the appointment of a Municipal Housing Liaison to administer West Amwell Township's affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of West Amwell Township in the County of Hunterdon, and the State of New Jersey that Stacey Smith-Bohn is hereby appointed by the Governing Body of West Amwell Township as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Section 33 of West Amwell Township's Code of the Township of West Amwell.

Molnar moved for approval of the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Centex Roadway Dedication Deed – Attorney Faherty produced a signed deed from Centex. Once recorded, copies will need to be distributed to a list that will be provided.

Resolution to Enter Closed Session –

RESOLUTION # 75-2009

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:
PURCHASE, LEASE OR ACQUISITION OF REAL PROPERTY
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.

Molnar moved for approval of the Resolution and Masterson seconded. Roll Call:
Molnar-aye, Masterson-aye, Corboy-aye

NEW BUSINESS

Consideration of Resolution for Older Americans Month –

RESOLUTION #76-2009

PROCLAMATION

WHEREAS, the month of May is traditionally designated and observed throughout the nation as **Older Americans Month**; and

WHEREAS, the 2009 theme is “**Live Today for a Better Tomorrow**” in honor of older Americans; and

WHEREAS, West Amwell Township recognizes the contributions older Americans have made to our families, our communities, and our nation; and

WHEREAS, older Americans remain active and productive, volunteering their time, talents and expertise, thereby enriching all our lives

NOW, THEREFORE, BE IT RESOLVED that West Amwell Township does hereby proclaim the month of May as Older Americans Month and calls upon individuals and entities to honor and celebrate the outstanding contributions of West Amwell Township's older residents.

Molnar moved for approval of the Resolution and Masterson seconded. Roll Call:
Molnar-aye, Masterson-aye, Corboy-aye

Audit Services Agreement for 2008 – Presented and signed by the Mayor.

Discussion Concerning Possible Intersection Street Light – Lt. Bartzak has suggested that a street light be placed at the intersection of Mt. Airy-Harbourton and Rocktown-Lamb. Roads due to area high school students crossing the street at night after attending various school functions. His expressed concern is that by being unlit, the intersection is unsafe. Also noted was that he is in the process of soliciting the County for some type of crosswalk for pedestrian safety. Mrs. Olsen relayed that, if interested, the cost of a street light would be on the Township and that Tom Matthews at the County was contacted. His only concern was for the effect of the light on the corner house. However, he wants to look into a 4-way STOP at the intersection now that the DOT traffic regulations have been changed. He will contact Lt. Bartzak about the number of accidents as there has to be five in a year to qualify.

Resolution for Application to Local Finance Board for Reduced Pension Contribution –

RESOLUTION #77-2009

Resolution of the Township of West Amwell Making Application to the Local Finance Board for a Reduced Pension Contribution Pursuant to N.J.S.A 43:15A-24(c) and/or N.J.S.A. 43:16A-15(9)

WHEREAS, the Township Committee of the Township of West Amwell in the County of Hunterdon desires to make application to the Local Finance Board for its approval of a reduced pension contribution pursuant for its Police and Fire Retirement System contribution pursuant to

N.J.S.A. 43:15A-24(c) and its Public Employee Retirement System contribution pursuant to N.J.S.A. 43:16A-15(9) for certain normal and accrued liability contributions in the amount of: \$43,595

- *Police and Fire Retirement System in the amount of \$21,741*
- *Public Employee Retirement System in the amount of \$21,854; and,*

WHEREAS, the *Township Committee* has made certain determinations concerning this application as required by statute and has completed the required Attachment that documents said determinations; and,

WHEREAS, the Township Committee determined that it needs to pay the reduced contribution and said determination is in the public interest; and,

1. *the inability of the Township of West Amwell to meet the cap without jeopardizing public safety, health, and welfare or jeopardizing the fiscal stability.*

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell in the County of Hunterdon as follows:

Section 1. The reduced pension contribution Attachment, as attached hereto, is incorporated by reference into this Resolution as if contained fully within.

Section 2. The reduced pension contribution for *PFRS in the amount of \$21,741* and *PERS in the amount of \$21,854*, pursuant to *N.J.S.A. 43:15A-24(c) and/or N.J.S.A. 43:16A-15(9) et. seq.* have been confirmed by the Chief Financial Officer and are the amounts deemed by the governing body for application to the Local Finance Board and as allowed by the New Jersey Division of Pension and Benefits.

Section 3. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Township of West Amwell are hereby authorized to submit such application and to represent the Township of West Amwell in matters pertaining thereto.

Section 4. The Certification of the Chief Financial Officer of the Township of West Amwell, is incorporated into this Resolution as a certification of the truth and accuracy of the facts submitted in the application for pension deferral.

Section 5. The Clerk of the Township of West Amwell is hereby directed to file a copy of this reduced pension contribution resolution as part of the application with the Local Finance Board.

Section 6. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by law.

Molnar moved for approval of the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Lt. Bartzak Contract 2009-2010 – Held

Possible Ordinance Changes – The Township has few revenues and some of the existing fees have not been changed in many years. The following increases were proposed: Certified Vital Records - \$25/each; Late Fees for Dog Licenses - \$25/month; Junkyard license - \$100/year. A \$5.00 charge for duplicate and lost trash cards was also proposed. Proposal approved and ordinances will be prepared. The fee on the liquor license will also be reviewed.

The problem with junk cars was mentioned as was the 'bus terminal' on Mt. Airy-Harb. Road. Attorney Faherty advised that the usual procedure is to react to a citizen complaint. Mrs. Hunt relayed that she thought that the latter was part of a court decision. The Zoning Officer will be requested to investigate and provide an alert.

Discussion Concerning the Transport of Recording Equipment – Mr. Pfeiffer relayed that the Planning Board is required to perform a re-examination of the Master Plan this year and would like to involve the public early on. A suggestion was made that hearings be held at South where there is a larger capacity room. However, South has no ability to record and this is needed. The tape recorder used previously was not particularly satisfactory. Although the Township's recording equipment is portable and has redundancy with both a CD and hard drive, there's no policy in place about removing it from the premises. Mr. Pfeiffer suggested that this be something thought about and discussed going forward.

Concern about possible damage to the equipment, security issues and the over-all advisability of this action was raised. Mr. Corboy indicated that he was not in favor of the equipment leaving the building. Mr. Molnar will contact Mike Godown at South to investigate this matter further.

RESOLUTION #78-2009

A Resolution Honoring Our Troops and "Support Our Troops Day"

WHEREAS, the people of this municipality support the New Jersey National Guard and Reserve in the strongest possible terms, are immensely proud of their accomplishments, and are extremely grateful for their services to this State and to the nation over the years; and

WHEREAS, in the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession by responding to their community and their country in time of need; and

WHEREAS, it is right and proper that we set aside time to honor these fine men and women for the sacrifices they make for every one of us; and

WHEREAS, the New Jersey National Guard State Family Readiness Council is honoring them with a concert by the Blawenburg Band at the National Guard Armory in Lawrenceville on "Support Our Troops Day" on Sunday, April 19, 2009

THEREFORE BE IT RESOLVED, that the governing body of West Amwell Township, County of Hunterdon, hereby resolves that it honors these service members and the day of appreciation set aside for them

AND BE IT FURTHER RESOLVED, that copies of this resolution be sent to the New Jersey National Guard State Family Readiness Council, and the New Jersey League of Municipalities.

Molnar moved for approval of the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Binding Arbitration Reform – Mr. Corboy referenced a recent League advisory and the need to go on record in support of change to requirements that are weighted adversely against local government. A resolution supporting binding arbitration reform to be sent to the governor and legislature is needed.

COPS Hiring Recovery Program Report – Mr. Corboy relayed that he and Lt. Bartzak attended a recent meeting to learn about funding available through the American Recovery and Reinvestment Act. CHRP is federal money that provides funding directly to law enforcement agencies to hire and/or rehire career law enforcement officers. Grant recipients must retain any CHRP-funded officer for at least 12 months after the 36 months of federal funding has ended. If there's a layoff, application can be made to pay for the laid-off officers but there can be no lay off with the expectation to re-hire. Some money is available and getting into position to help offset costs is under consideration but more research is needed. However, no supplanting will be entertained.

Another area where grant money would be useful is for municipal facility improvement. A non-matching grant to fund basement renovations in order to install an elevator and re-locate police offices from the Fire House to the municipal complex is envisioned. Information on the potential cost of this activity will be gathered.

OPEN TO THE PUBLIC

Mrs. Hunt inquired if the Lambertville Court has moved out of the building and if payment has been made. Although no check has been received, an offset for the use of the garbage truck is under consideration. Mr. Corboy also relayed that no letter of appreciation from Lambertville has been received for the almost 4 years of court housing that was provided. However, the river will rise again.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #79-2009
EMERGENCY TEMPORARY RESOLUTION
PRIOR TO ADOPTION OF THE BUDGET
April 1, 2009

WHEREAS, an emergency condition has arisen with respect to inadequate appropriation balances remaining in many of the 2009 temporary budget appropriations due to delays in the 2009 budget process; and

WHEREAS, inadequate provision has been made in the 2009 temporary budget for the aforesaid purposes, and N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for the purposes above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2009 pursuant to the provisions of N.J.C.A. 40A:4-20 (Chapter 96, P.L. 1951 as amended) including this resolution total \$225,216.00

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation has been provided for in the 2009 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

NOTE: see appended chart

Molnar moved for approval of the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

RESOLUTION #80-2009

WHEREAS, it has been determined by the Township Committee of West Amwell Township that the following escrow amounts can be refunded

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 applicant:

Applicant	Amount Refunded
Centex Homes, LLC (1 Ferris Wheel)	\$4,500.00

Molnar moved for approval of the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Presentation of Bills for Approval: The addition of a \$13,161.37 check to DeNagal was noted. The official copy has this amount included. Molnar motioned to approve the evening's bills for payment and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Statement of Cash and Revenue Report: As of this date there is a cash total of \$3,277,930.17 between the operating and capital accounts. Revenue report for January/February: Receipts were \$39,971. Molnar motioned to accept and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Tax Collector –

RESOLUTION #81-2009

WHEREAS, a duplicate payment was made on the first quarter taxes for Block 11 Lot 5-39. The overpayment was \$2,954.32. The homeowners, Jason & Esperanza Weber, have requested a refund.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey to instruct the Treasurer to issue a check in the amount of \$2,954.32 for the refund of the amount overpaid on Block 11 Lot 5-39.

Make check payable to: Jason & Esperanza Weber
Mail with a copy of this resolution to:

Mr & Mrs Jason Weber
7 Williamson Lane
Lambertville NJ 08530

Molnar moved for approval of the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

RESOLUTION #82-2009

WHEREAS, funds were received by the tax office for the redemption of a tax sale certificate #3-2001 for Block 13 Lot 23, owner of record, Anthony Lofaro. This certificate is held by Eugene DeNagel. Redemption amount paid \$13,161.37.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, to instruct the Treasurer to issue a check for the redemption for tax sale certificate #3-2001 in the amount of: \$13,161.37. Make check payable to Eugene DeNagel

Mail to: Eugene DeNagel
71 Catskill Court
Belle Mead NJ 08502

Include a copy of this resolution

Molnar moved for approval of the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

The monthly report for February 2009 was received showing receipts in the amount of \$2,122,381.50. Molnar motioned to accept this report and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

The Committee entered their previously approved Closed Session at 9:50 p.m., returning to Open Session at 10:35 p.m.

The Clerk was requested to advertise for PT police officers.

The Clerk announced that her new office hours will be Monday through Thursday from 8:30 a.m. to 4:30 p.m. The office will be closed to the public on Fridays, although the

Clerk and/or Deputy will most likely be working. The schedule aligns with previously announced court hours to lessen public confusion as to when the building is open. Hours will need to be posted.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 10:40 p.m. on motion from Molnar, seconded by Corboy.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk