

WEST AMWELL TOWNSHIP COMMITTEE MEETING

April 8, 2013 - 7:00 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 7:18 p.m. Present were Mayor Zachary T. Rich, Deputy Mayor Thomas J. Molnar, Committeeman George A. Fisher, Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance were Dave Leutwyler, Kenny Esser, Nancy Pelicano, Jennifer Andreoli, Alfonsina Sabidussi, David Arwine, Mark Mahoney, Mike Slapp, Frank DiSanti, Andrew Sinclair, and Stephen Thayer.

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 2, 2013, 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

Hal Shute led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were deleted: 9.A Open Space

ANNOUNCEMENTS

The following announcements were made:

- Electronics Recycling, April 20th – 8:00-12:30 p.m. Municipal Complex
- Party Declaration for Party Affiliation Change/June Primary Due April 10th
- Fire Company Auxiliary Roast Beef Dinner – April 13th, 4:00 – 7:00 p.m.
- County Computer/Electronics Collection – April 13th, 9 a.m.-1 p.m. 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 following Regular, Special and Closed Session minutes were unanimously approved on motion from Fisher, seconded by Molnar.

March 27, 2013 Special

March 27, 2013 Regular

March 27, 2013 Closed Session (Purchase, Lease or Acquisition of Real Property)

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Alfonsina Sabidussi relayed that she attended last week's Zoning Board meeting on Garden Solar and at the end addressed the Board relaying that they represent 'us,' the impacted neighbors. She stated that the attorney said she was condescending, which was upsetting, in that she is interested in the proceedings; has faith in the process; and believes he is a paid representative. Mr. Rich will follow up.

SPECIAL PRESENTATION(S)

Community Energy Aggregation Presentations

There were several interested parties present, including Fred DeSanti, Dave Leutwyler, and representatives of Gabel Associates and Steam Energy, C-G Power, and Jersey Energy Group. Mr. Fisher relayed that SHREC is looking into energy aggregation and that Mayor DelVecchio had brought Mr. DeSanti in for a presentation held previously in Lambertville. He also noted that Mr. Leutwyler had sent him information and that the Township has saved 25% through a reserve auction for electricity that was held last year by SHREC through an online auction. Mr. Rich has also made an outreach in this regard in order to hear from others in the field.

Fred DeSanti of Simac relayed that aggregation is a good way to save money and that a RFP would be good for the community. He then overviewed the history of aggregation laws and regulation changes whereby transmission and distribution was separated from generation. JCP&L will still be responsible for the wires and infrastructure but doesn't care who generates the electricity. In 2003, the Community Aggregation Act allowed residents to opt out of a plan; however, businesses have to opt in, in writing. The process involves the preparation of an ordinance wherein specifications are laid out as to what is desired by the community. Brokers

will then compete for the best price. Traditionally, a broker solicits bids, takes the ordinance to the suppliers and negotiates with each bidder for the best price. A reverse auction is one way to do this but a lot depends on how the ordinance is prepared.

Steve Thayer and Mike Slapp of Jersey Energy Group, whose NJ broker is Mr. DeSanti, relayed that their background with the process in is Illinois, and stated that brokered rates can be contracted for 12, 18 or 36 months. The basic idea is to get a large enough pool to achieve the best rate. A chart in their handout showing estimated savings was referenced. Also noted was that consumer protection is an importance component. If utility rates fall below the contracted price, the winning supplier has to match the rate or transfer the customer back to the utility. Information is made available to the public and outreach to educate the residents is part of the effort. Prior to going out for a bid, JCP&L signs an agreement with the municipality and hands over the total number of homes and small business accounts, which then goes into the bid package. After a contract is signed, actual accounts numbers will be needed. The winning supplier pays the broker and the fee is rolled into the fixed rate.

Dave Leutwyler of Public Utility Service Corporation provided a handout as an overview of his presentation. Mr. Leutwyler is the mayor of Plumsted Township but was not involved with their aggregation process. He relayed that a 15% savings can be obtained which results in \$165/yr per resident. The key point is overcoming resident mistrust. To do this, public meetings are held. Once a contract is signed, the rate is good for one year. It is also important for residents to know that their bill will come as always but will show a reduction in rate. Regarding energy market exchanges, he has found that in some instances a reverse auction that combines a municipal entity with residents isn't advantageous as some residents do not pay their bills. He recommended separate RFP's. Also relayed was that businesses have to opt in prior to going out for an auction bid but residents can opt in or out at anytime. The auction itself is blind and his experience is that there are usually 5 bidders.

Kenny Esser, representing Gabel Associates, spoke about the bid process, nothing that they do sealed bid, not reserve. He relayed that all costs incurred by the township in preparation for a bid gets included into the RFP; after one or two years, a detail analysis can be provided; an energy year runs from June 1st; after the second year a rate can be forecast; the market has to be looked at for a region; there's an interactive dialogue with the township on questions; residents can opt out at anytime without penalty and for any reason. The idea is for transparency and no strings.

Mark Mahoney of C-G Power relayed that natural gas is also a possibility for aggregation. He was advised that there is limited areas of natural gas in the township.

Nancy Pelicano of Ignite Inc. indicated that they would like to be part of the RFP and can broker an auction.

Appreciation was extended to all for their interest. The direction to be taken by the Township Committee will have to be discussed further but everyone will be kept advised.

A short break in the meeting was taken.

Municipal Alliance: No report as Mr. Fuhr was not in attendance.

Regionalization Study: No report as Mr. Beaumont was not in attendance.

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

None

STANDING COMMITTEE REPORTS

Finance Advisory

- Authorization to Post February 6 & March 13, 2013 Minutes to Website: Approved.

Country Fair

- Flyer for Website: Approved. The event will be held May 18th from 4 to 9 p.m.

Community Forestry

Gary Robinson questioned whether the Committee's intent was to revitalize the CFC in order to prepare the second 5-year plan or to withdraw from the program. To date there has been a lack of participation but the plan should be reflective of the Township's vision, not a generic plan based on suburban and urban situations. The plan would be for use by various Township

entities in line with Ordinance 22, 2006 (Woodland Protection) and could be administered through another committee or board, with community events done by the schools. He noted the liability issue encountered with the hazardous tree inventory but this would be covered. Mr. Robinson relayed that he will not be around for too much longer as he plans to move, but that he wants to get the loose ends pulled together. He also noted that there is some redundancy between the Environmental Commission and Community Forestry as trees are a natural resource that needs oversight. Mr. Robinson will be meeting with various parties concerning the program and expects to report back within a week. He was advised that the next meeting is April 24th.

UNFINISHED BUSINESS

King Complaint/Ordinance Enforcement Responsibility – Mr. King was not in attendance but the matter concerned his ongoing dispute with a neighbor and an OPRA request was recently filed in his quest. Related to this was an inquiry as to whom the enforcement responsibility of Chapter 137 would fall as the official named has indicated previously that it is not within his job responsibilities. Therefore, there is a problem with this 1978 ordinance that needs to be remedied.

Appointments –
None

Updates – 1) The upgrade to the **Router & Switch** will move forward; 2) There's been no further word on the status of the new **Website**; 3) Two applications have been received for the **MHL/AA** position, but item was held; 4) The property at **83 Belvidere** has been fenced and no trespassing signs posted. Demolition is problematic as there is a basement involved. Once the deed is transferred to the Township, the property can be torn down. 5) There's a question as to whether or not the **United Water** dam can be assessed. Mr. Fisher will reach out to Mr. Gillooly. There's been no appeal from Texas Eastern on the recent reassessment and one is not expected, per Mr. Fisher.

Resolution to Renew SHREC Cooperative Pricing System – Mr. Fisher relayed that the purpose of the resolution is to extend the co-op for 5 years, although he is not particularly happy with the solar situation,

Resolution #70-2013

"A Resolution Authorizing West Amwell Township to Continue With the Cooperative Pricing System and Authorize the Cooperative Pricing Agreements with Other Contracting Units"

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes two or more contracting units to establish a Cooperative Pricing System and to enter into a Cooperative Pricing Agreement for its administration; and

WHEREAS, the City of Lambertville, West Amwell Township, the Lambertville Municipal Utilities Authority, the Lambertville Public School, West Amwell Elementary School and the South Hunterdon Regional High School formed the Cooperative Pricing System on October 20, 2008 for the provision of performance of goods and services, and

WHEREAS, the approval from the New Jersey Division of Local Government Services for 177SHRECPS will expire on January 21, 2014.

NOW, THEREFORE BE IT RESOLVED as follows:

1. COOPERATIVE PRICING SYSTEM ESTABLISHED. The Mayor and Township Committee of West Amwell Township hereby authorize the renewal of the Cooperative Pricing System to be known as SOUTH HUNTERDON RENEWABLE ENERGY CO-OP with the CITY OF LAMBERTVILLE serving as the Lead Agency.
2. COOPERATIVE PRICING AGREEMENT. The Mayor is hereby authorized to enter into separate Cooperative Pricing Agreements with the participating contracting units and said Agreement shall be deemed a single Agreement.
3. A certified copy of each resolution adopted by the entity shall be forwarded to the Division of Local Government Services as part of the application for the registration of this Cooperative Pricing System.
4. This resolution shall extend the cooperative for an additional five years, ending January 21, 2019 pending approval from the State of New Jersey Division of Local Government Services.

The Resolution was unanimously approved on motion by Fisher, with a second from Molnar.

Addressing the evening's presentations on energy aggregation, Mr. Fisher favored putting together a RFP with SHREC in order to have a larger body of participants. Mr. Rich was in agreement and would like everyone who was in attendance this evening to submit a bid. The general consensus was if the electrical bills go down by doing aggregation, why not pursue it.

NEW BUSINESS

Disposition of 2007 Dodge Durango – The vehicle is to be auctioned with a minimum bid of \$4000. Mr. Molnar offered to take pictures but will need to obtain the key from the DPW Supervisor. Whether anything else has to be done to move this forward will be investigated.

OPEN TO THE PUBLIC

ADMINISTRATIVE REPORTS

Construction – The Permit Fee Log details (21), Monthly Activity Report-Permits, Payment Audit Report (33; \$\$5,786), Monthly Activity Report-Certificates (14), Certificate Log Detail (15) were received for PermitsNJ for March 2013.

Police – The March 2013 Monthly Report showing 147 incidents, 331 summonses and 2 warnings was received.

Website Review - Held

The reports were unanimously accepted as filed.

RESOLUTION #71-2013

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
CONTRACT NEGOTIATIONS – Police Captain
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 Fisher, with a second from Molnar.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 8:42 p.m. on motion from Fisher.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk

APPROVED: April 24, 2013