

SPECIAL WEST AMWELL TOWNSHIP COMMITTEE MEETING

August 15, 2013 – 6:00 p.m.

The West Amwell Township Committee met on the above date at 6:05 p.m.. Present: Mayor Rich, Committeemen Molnar and Fisher, Captain Bartzak, Construction Official Rose and Clerk Olsen. Also present at various times were Charisse Muscatell, Barbara Gallagher, Susan Hayes, Krista Foran Parsons, George Squitieri, Shelley Corrado, Pamela Williamson, Ruth Hall, John Hyland, and Mike Mullin.

In compliance with the Public Meetings Act, Mayor Rich announced that this Special Meeting was called pursuant to the provisions of the Open Public Meetings Act with notices faxed to the Hunterdon County Democrat and the Trenton Times on August 8, 2013. 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 open portion of the meeting was recorded via digital recording system.

CLOSED SESSION:

RESOLUTION #124-2013

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:
PERSONNEL (Interviews-Police/Construction/Zoning)
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, seconded by Rich.

The meeting returned to Open Session at 9:05 p.m.

INTRODUCTION OF ORDINANCES:

Ordinance 11, 2013 The following ordinance was read by title and introduced on first reading:

AN ORDINANCE TO AMEND ORDINANCE 1, 2013 TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY

SECTION 1

The following shall be the rate and ranges of compensation for officials and employees of the township for the year 2013.

Municipal Housing Liaison/AA

\$4,500.00 – 6,000.00

SECTION III

All Ordinances and parts of Ordinances inconsistent with this Ordinance are hereby repealed.

SECTION IV

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

Rich moved to introduce the Ordinance on first reading and Fisher seconded. Motion carried unanimously. The public hearing will be held September 9th.

Ordinance 12, 2013 The following ordinance was read by title and introduced on first reading:

AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE ESTABLISHMENT OF A GOVERNMENT ENERGY AGGREGATION PROGRAM

WHEREAS, the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 *et seq.* governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers purchase energy together under the auspices of a government aggregator; and

WHEREAS, the New Jersey Board of Public Utilities (“BPU”) has promulgated rules (N.J.A.C. 14:4-6) for the implementation of government energy aggregation programs; and

WHEREAS, pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 *et seq.*, the Township of West Amwell seeks to establish a Government Energy Aggregation Program (“Program”) for the provision of electricity within the City, for the purpose of obtaining power supply cost savings for residential and business participants in the City; and

WHEREAS, the Township of West Amwell intends, for efficiency and cost-effectiveness and to achieve additional purchasing power for its residents and businesses, to implement its Government Energy Aggregation Program through the South Hunterdon Regional Energy Cooperative (“SHREC”), of which the City of Lambertville will serve as the Lead Agency and, in that capacity and consistent with applicable rules, the City of Lambertville on behalf of SHREC participants will solicit proposals and enter into a contract for the provision of electric generation services on behalf of participating residential and business customers, to the extent that such a contract will produce power supply cost savings to participants; and

WHEREAS, the Township of West Amwell will, via the SHREC, from time to time during the Effective Period as defined below solicit proposals from electric power suppliers for electric generation services through the Program; and

WHEREAS, the Township of West Amwell will, via the SHREC, from time to time during the Effective Period as defined below issue one or more Request for Proposals for electric generation services and energy aggregation services on behalf of the participating residents and businesses pursuant to the Local Public Contract Law Regulations, the Government Energy Aggregation Act and the Electric Discount and Energy Competition Act; and

WHEREAS, the SHREC will only award contracts for said electric generation service and energy aggregation services to electric power suppliers that are deemed qualified and that submit price bids lower than the prevailing price for utility-provided basic generation service;

WHEREAS, pursuant to applicable BPU rules, the City needs to enter into an Electric Distribution Company Aggregation Agreement with Jersey Central Power and Light Company (“JCP&L”); and

WHEREAS, N.J.S.A. 48:3-93.1 *et seq.* requires the Program to be established by ordinance.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Township of West Amwell, County of Hunterdon, State of New Jersey as follows:

SECTION 1. The Township hereby establishes a Government Energy Aggregation Program, in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 *et seq.*

SECTION 2. The Mayor is authorized to execute and the Clerk to attest to the execution of and Electric Distribution Aggregation Agreement, in a form acceptable to the City, with Jersey Central Power and Light Company (“JCP&L”).

SECTION 3. The Township of West Amwell will implement the Program through the SHREC, of which the City of Lambertville is Lead Agency, and, consistent with applicable rules, the Township will via the SHREC solicit proposals for electric generation service and energy aggregation services on behalf of Township residents and businesses, and via the SHREC enter into a contract for such services provided that the lowest qualified bid price is below the prevailing price for utility-provided basic generation service.

SECTION 4. The Township will, via the Lead Agency of the SHREC, execute a master performance agreement that obligates the participants in the Program to purchase electricity at terms and conditions stated therein with a third party supplier who has been awarded the contract by the Lead Agency on behalf of participating members of the SHREC, and provided that such contract shall be at prices reasonably forecast and estimated by the Lead Agency to provide savings to participants relative to the price charged for basic generation service by JCP&L.

SECTION 5. The authorization provided to the Lead Agency shall be valid until September 2015 (the “Effective Period”), at which time the authorization of the Program and the Township’s participation in the SHREC for that purpose will be subject to renewal at the discretion of the Township of West Amwell.

SECTION 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Fisher moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held September 9th.

Ordinance 13, 2013 The following ordinance was read by title and introduced on first reading:

AN ORDINANCE AMENDING ORDINANCE 8, 2013 AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AS BLOCK 29, LOT 16 IN THE TOWNSHIP OF WEST AMWELL FROM WOODEN AND/OR D&R GREENWAY LAND TRUST, INC.

BE IT ORDAINED by the Mayor and Township Committee of the Township of West Amwell, County of Hunterdon and State of New Jersey, that Ordinance 8, 2013 adopted on July 24, 2013 entitled “An Ordinance Authorizing the Acquisition of Real Property Known as Block 29, Lot 16 in the Township of West Amwell from Wooden and/or D&R Greenway Land Trust, Inc. ” is hereby amended to correct a typographical error as follows (deletions are marked thus [] and additions are underlined thus):

Section 1. The third “Whereas” paragraph contained in Ordinance 8, 2013 shall state:

WHEREAS, D&R Greenway has requested that the Township partner with it in the acquisition, whereby the Township would use funding in the amount of \$140,300.00 available to it through the N.J. Green Acres Program, an \$85,000.00 grant made available to the Hunterdon Land Trust, a cash amount of [\$27,900.00] \$29,700.00 from the Township’s open space trust fund and a partial donation from the Owner to purchase the Property by way of Assignment Agreement in exchange for a 62.3% ownership interest in the Property to be shared with D&R Greenway which will have a 37.7% ownership interest in the Property; and

Section 2. All other parts, sections or provisions of Ordinance 8, 2013 not specifically amended herein shall remain in full force and effect.

Section 3. If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 4. This ordinance shall take effect immediately upon final adoption and publication pursuant to the laws of the State of New Jersey.

Mrs. Olsen explained that this ordinance is amending the transposition of the dollar figure in the original. There should be no effect on the closing. This is just to correct the record.

Rich moved to introduce the Ordinance on first reading and Fisher seconded. Motion carried unanimously. The public hearing will be held September 9th.

RESOLUTIONS:

Awarding Quote for Firehouse Furnace Replacement – Mr. Fisher advised of his meeting with Mr. Tillett for this work and that, in addition, a change in piping will be required. This extra work will exceed the amount in the ordinance and will be paid out of operating expenses.

RESOLUTION #125-2013

WHEREAS, West Amwell Township is in need of new furnaces for its police-fire-emergency management facility located at 24 Mt. Airy Village Road; and

WHEREAS, proposals/quotes were solicited by the Township Engineer and received as follows for a 95% efficiency Gas Furnace:

Ronald Tillett & Sons, Inc	\$ 9,587.23
Custom Cooling Services	\$ 9,697.00
Stellitano Heating & A/C	\$ 12,880.00
OnTime Heating & A/C	\$ 17,100.00

WHEREAS, Ronald Tillett & Sons, Inc. has submitted the lowest bid for the requested commodity; and

WHEREAS, a Business Registration Certificate has been submitted; and

WHEREAS, the CFO has certified that sufficient funds are available in Ordinance 7, 2013 for this expenditure

NOW, THEREFORE, BE IT RESOLVED the by Mayor and Committee of the Township of West Amwell that the proposal/quote for the provision and installation of new high efficiency gas furnaces at the police-fire-emergency management facility be awarded to Ronald Tillett & Sons, Inc. for \$9,587.23.

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

Appointing MHL/AA – The first resolution is to hire. The second is required by COAH.

RESOLUTION #126-2013

WHEREAS, the Township of West Amwell advertised for the position of Municipal Housing Liaison/Administrative Agent; and

WHEREAS, interviews were conducted with two applicants; and

WHEREAS, the Township Committee has determined that Linda Jacukowicz is best qualified for said position; and

WHEREAS, Linda Jacukowicz has accepted the Township's offer for the position

THEREFORE, BE IT RESOLVED that Linda Jacukowicz be appointed Municipal Housing Liaison/Administration Agent, effective immediately.

The Resolution was unanimously approved on motion by Molnar, seconded by Fisher.

WEST AMWELL TOWNSHIP, HUNTERDON COUNTY

RESOLUTION #127-2013

RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON

WHEREAS, West Amwell Township was granted substantive certification of its Housing Element and Fair Share Plan by the Council on Affordable Housing (COAH) on May 14, 2009; 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 Linda A. Jacukowicz 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.

The Resolution was unanimously approved on motion by Molnar, seconded by Fisher.

Amended S & W Resolution

RESOLUTION #128-2013

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2013 Salary and Wage Resolution, adopted January 2, 2013 be amended as follows:

Position	Salary/Compensation
<u>Add</u> : Municipal Housing Liaison/AA Jacukowicz	\$5,300.00 (pro-rated)
<u>Delete</u> : Police Secretary Griffiths	\$27,669.54
<u>Delete</u> : Zoning Official Baldino	\$ 8,739.91

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

POSSIBLE DISCUSSION ITEMS:

Public Information Meeting Date for Energy Aggregation – Mr. Fisher advised that this public information meeting will be hosted by Gabel Associates, the group that will be running the aggregation bidding. He will advise Gabel to check with Mrs. Olsen as to availability of the meeting room.

Advertised Auction – The Open Space committee has recommended that the auction be postponed until October on a date TBD, per Mr. Fisher. This is to permit further discussion on base bid and the preparation of the bid packet. The consensus of the Committee was to postpone and a legal notice to that effect will be sent to the Democrat and Attorney Faherty.

OPEN TO THE PUBLIC:

Mr. Fisher produced an agreement to be completed and signed that is required by JCP&L for the solar project. Although at first read this would appear to be something that Brad Campbell should sign, the installation will be on Township property; hence, it must be signed by the Township as property owner. The agreement has been shared with both the Township Attorney and Township Engineer but as the language is 'boiler plate' nothing can be changed. Mr. Fisher was unanimously authorized to complete and sign the agreement on behalf of the Township.

ADJOURNMENT:

There being no further business, the meeting was unanimously adjourned at 9:22 p.m. on motion by Rich.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk

APPROVED: August 28, 2013