

# **WEST AMWELL TOWNSHIP COMMITTEE MEETING**

## **December 9, 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, Committeeman-elect George Fisher and Attorney Philip J. Faherty III. Also in attendance were Rob, Heidi and Robert Tomenchok, Dave Beaumont, Ron Shapella, Hal Shute, Sean Pfeiffer, Lonnie Baldino and Ray Barson

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**

West Amwell school sixth-grader, Robert Tomenchok, led the assembled group in the pledge to the nation's flag.

### **AGENDA REVIEW BY TOWNSHIP CLERK**

The following items were added: 8.A Open Space Minutes for October; 9. Cost Estimate for Municipal Building; Appointments; 10. School Funding; Property Tax Funding Deferral/Cut; Staff Salaries. Deleted were: 7. Municipal Alliance; Ordinance 34, 2009; 12. Police

### **ANNOUNCEMENTS**

Mayor Corboy made the following announcements:

- PSE&G Power Line Mowing in Various ROWs – December 14<sup>th</sup> through March 31, 2010 (map on file in Clerk's office)
- Township Offices Closed – December 24<sup>th</sup> through 28<sup>th</sup> (Christmas)
- Last Township Committee Meeting for 2009 - December 30<sup>th</sup>
- Township Committee Re-Organization Meeting – January 1<sup>st</sup> at 1 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 November 18, 2009 Special, Regular and Closed Session minutes were unanimously approved on motion from Molnar and seconded by Masterson.

### **OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA**

Ray Barson requested consideration of receiving health benefits in lieu of salary on a dollar for dollar basis. Additional cost over current salary would be supplemented personally. Mr. Barson stated that this had been done before and would be a benefit to the township as there would be no matching social security. It would also permit him to receive better coverage than if purchased on his own. Mr. Corboy indicated that this would be discussed at the upcoming budget meeting and is a concept considered previously.

Sean Pfeiffer inquired about the withholding of municipal aid and its impact as there was no December 1<sup>st</sup> payment. He also asked if there were any results from the closed session for the police study. Mr. Corboy advised that authorization was given to release the report through the Chamber of Commerce website. Mr. Pfeiffer requested that a link be provided from the township's website. Approved.

Frank Masterson repeated his previously asked question concerning his mayoral status for 2010. This decision will be made on January 1<sup>st</sup> was the response from Mr. Molnar.

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

**Sixth Grade Community Service/Washington Trip:** Master Robert Tomenchok came forward about their pending Washington DC trip. The class would like to collect Christmas trees on December 26th, January 2<sup>nd</sup> and 9<sup>th</sup> and receive donations from residents interested in this service to be applied to the trip account. They would also receive community service time credit. Parents would be involved to assist with the transport and money collection. Master Tomenchok presented a flyer for distribution at the depot offering the service and contact information. The flyer will also be distributed at the school and local businesses. It was suggested that he also submit the information to the Beacon for a Beacon Brief. Rob Tomenchok further noted that they will be using his truck for the pick-ups and will work with Road Supervisor Hoagland as to appropriate spot for unloading. Request approved.

**Municipal Alliance Update:** Mr. Fuhr was not in attendance. Item deleted.

**Update on Monthly Budget Meetings with South Hunterdon:** Dave Beaumont expressed appreciation for the opportunity to speak with the Committee. The background is that last spring, South's budget was defeated by two of the three sending districts. This was primarily due to concern that South has the highest per pupil cost in the State, based on the model purported to demonstrate school cost/efficiency, something which he feels does not apply to South. As a part of the resolution to the meetings, it was determined that municipal government needs to understand the school's budget and accompanying cost drivers. To this end a committee of municipal representatives, called the South Work Group, was assembled. In addition to the mayor, the township is represented by Gail Brewi and Celeste Mosby. The group has had three meetings to date with a less formal gathering to be held sometime in December. Mr. Beaumont then overviewed the packet of materials provided that included background, what the mission/chapter is and is not, the goal/objectives, focus, approach, membership, roles/responsibilities, accomplishments to date, some outcomes and next steps.

A discussion ensued and questions were directed to Mr. Beaumont who offered that the effort is going well; he has learned a lot; there's not been much on cost savings as yet and explaining why the costs are high is difficult; and, comparatively South is higher than the State average by 10-15%. Mr. Corboy stated that the universe of special needs has expanded over the past 10-15 years and that parents can almost demand special attention for their child. The expense for just one child could exceed \$80,000 but the irony is that if there were 780 students now, the cost per pupil would drop but the tax dollar would rise. The big question needed for comparison is just how much it costs to run a high school. Mr. Beaumont explained that special education is really a K-12 issue; students are classified by the time they reach South; the aggregate of special needs today at the elementary level is 14%, which could be lower in the future. The area of special education is a big chunk of the budget—around 22-24%. Mr. Fisher offered that being a small school, with small class sizes, is part of the problem. This was acknowledged but countered that offerings are important and that there are State mandates. Mr. Molnar inquired how much would be saved if the special education students could be reduced by half. This information is not available at this time. Mr. Molnar also commented on the North/Voorhees arrangement and that something similar between South and Central would eliminate administration costs and the number of superintendents. Mr. Beaumont stated that the State has mandated the County super-superintendent to get a plan together by March to regionalize schools in Hunterdon County and the three local boards have been meeting to discuss a regional feasibility study. This could mean a Hunterdon County K-12 district of which South would become a part. The feasibility study would determine if this is worth it and a lot depends on land values. In addition, all towns would have to approve. The scope of the panel is not known but the concept is looming.

Mr. Molnar will be taking over for the mayor as the Township representative to the South Work Group. Their next meeting is December 22<sup>nd</sup> in the media center.

**Introduction:** Ordinance 30, 2009

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

AN ORDINANCE AMENDING CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY – Stream Corridor Protection

BE IT ORDAINED by the Township Committee of the Township of West Amwell, Hunterdon County, State of New Jersey, that Section 109-148.A.(1) of the Stream Corridor Management Plan be amended to read:

Section 1. 109-148. Establishment of a Stream Corridor

A. Stream corridors shall be delineated as follows:

- (1) a) For Category One Waters, the stream corridor shall be measured as defined in the Flood Hazard Area Control Rules, N.J.A.C. 7:13, or as defined by this ordinance, whichever is more restrictive.
- b) For Trout Maintenance and Production Waters, the stream Corridor shall be measured as defined in the Flood Hazard Area Control Rules, N.J.A.C. 7:13, or as defined by this ordinance, whichever is more restrictive.

Section 2. All ordinances or parts of ordinances deemed to be inconsistent with this ordinance are hereby repealed.

Section 3. This Ordinance shall become effective immediately upon final adoption and publication in accordance with the laws in the State of New Jersey, and upon filing a copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

Section 4. Upon adoption this ordinance shall become part of the Code of the Township of West Amwell.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be held December 30<sup>th</sup>.

**Introduction:** Ordinance 31, 2009

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

AN ORDINANCE DELETING ARTICLE XXVIII, STORMWATER MANAGEMENT, FROM CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY

BE IT ORDAINED by the Township Committee of the Township of West Amwell, Hunterdon County, State of New Jersey, that Sections 109-168 through 109-171 of Article XXVIII (Stormwater Management) be deleted.

Section 1. All ordinances or parts of ordinances deemed to be inconsistent with this ordinance are hereby repealed.

Section 2. This Ordinance shall become effective immediately upon final adoption and publication in accordance with the laws in the State of New Jersey, and upon filing a

copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

Section 3. Upon adoption this ordinance shall become part of the Code of the Township of West Amwell.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be held December 30<sup>th</sup>.

**Introduction:** Ordinance 32, 2009

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

AN ORDINANCE AMENDING ORDINANCE 27, 2009 THAT AMENDED CHAPTER 109 ARTICLE IV SECTION 109-13 FEE SCHEDULE OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY

BE IT ORDAINED by the Township Committee of the Township of West Amwell, County of Hunterdon and State of New Jersey, as follows:

**Section 1.** Section 109-13.E is hereby amended as follows:

E. Zoning Fees.

II. Residential

- a. no change
- b. COAH Apartments \$ 375.00  
(Includes Deed Restriction Recording Fee)
- c. no change
- d. Mother-Daughter Dwellings \$ 375.00  
(Includes Deed Restriction Recording fee)
- e. ECHO (Elder Cottage Housing Opportunity) \$ 375.00  
Unit (Includes Deed Restriction Recording fee)
- d. through g. of Ordinance 27, 2009 to be re-ordered as f. through i.

III. Tents

- a. no change
- b. Itinerant Sales – Special Event Permit \$ 40.00

**Section 2.** All ordinances or parts of ordinances deemed to be inconsistent with this ordinance are hereby repealed.

**Section 3.** This Ordinance shall become effective immediately upon final adoption and publication in accordance with the laws in the State of New Jersey, and upon filing a copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

**Section 4.** Upon adoption this ordinance shall become part of the Code of the Township of West Amwell.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be held December 30<sup>th</sup>.

**Introduction:** Ordinance 33, 2009

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

AN ORDINANCE TO AMEND CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY

**BE IT ORDAINED** by the Township Committee of the Township of West Amwell, Hunterdon County, New Jersey that Chapter 109 be amended as follows:

Part I

Section 1: Chapter 109 Section 216C (3) (a), (b), (c), (d) are hereby amended and replaced with the following:

Section 109-216. Application. C(3) in order to determine the completeness of an application, there are hereby adopted the following checklists which are made part of this chapter and are on file at the Township Clerk's office.

- a) Checklist #1 Development Review Checklist, made a part of this chapter as 109 Attachment 9.
- b) Checklist #2 is eliminated.
- c) Checklist #3 is eliminated.
- d) Checklist #4 is eliminated.
- e) Paragraph e becomes paragraph b and Checklist #6 becomes Checklist #2 for the determination of completeness for general development planning approval made a part of this chapter as Attachments 10, 11 and 12.
- f) Paragraph f becomes paragraph c Checklist #3, escrow agreement, made a part of this chapter as 109 Attachment 15.
- g) Paragraph g becomes paragraph d, Checklist #4, Memorandum of Understanding made a part of this chapter as 109 Attachment 16.

Part II

- 1) Chapter 109 Attachments 9, 10, 11 and 12, as they currently exist are eliminated and amended as Checklist #1, 109 Attachment 9.
- 2) Chapter 109 Attachment 14 is amended to Checklist #2 Attachment 10.
- 3) Chapter 109 Attachment 15 is amended to Checklist #3 Attachment 11.
- 4) Chapter 109 Attachment 16 is amended to Checklist #4 Attachment 12.

Part III. The following new section is added:

SECTION 109-274. ENVIRONMENTAL IMPACT STATEMENT

This Environmental Impact Statement shall consist of an inventory of environmental conditions present on the site that is subject to a land use application, and an assessment of the environmental impacts of the proposed action. It shall address the following:

- \* All adverse environmental effects that cannot be avoided should the proposal be implemented, providing alternatives to the proposed actions;
- \* The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity; and
- \* Any irreversible or irretrievable commitments of resources that would be involved in the proposed action should it be implemented.

The Environmental Impact Statement shall include a written and graphic description of the following:

**A. Critical areas**

1. Stream corridors
2. Waterways and streams on site including steep banks, springs and streamside vegetation and mapping of 100 year floodplain
3. Location of water courses on site and classification under NJDEP Water Quality Management regulations;
4. Wetlands
5. Mature woodlands
6. Steep slopes, 15 percent or greater
7. Areas identified as suitable habitats for rare, threatened or endangered species using NJDEP Landscape Mapping prepared by a qualified environmental consultant
8. Highly erodible soils
9. Areas of high water table
10. Mature stands of woodlands and other native vegetation
11. Ground water and surface water recharge areas
12. Any other environmentally sensitive features not addressed elsewhere in the EIS.

**B. Onsite soils and soil conditions**

1. Describe capabilities and limitations including depth to seasonal high water table
2. Describe topography and the geologic formations and features associated with the site, including depth to bedrock conditions (provide cross-sectional drawing(s) of elevation of bedrock as encountered in all test pits and borings)

**C. Potable water supply**

1. Identify the location, depth, capacity and water quality of all existing wells on the site.
2. Locate all wells within 500 feet of the proposed development site
3. Project water demand and supporting standards for the proposed development
4. Document aquifer yield to support water demand
5. Assess in a draw-down study or map the development's impact on existing wells and surface water within the geologic formation
6. Provide NJDEP certification of adequacy for proposed water supply for the development plan including 50 or more dwelling units and/or other high-demand commercial and agricultural uses.

**D. Existing land use impacts**

Identify the following:

1. Any existing sources of groundwater pollution on-site and within 200 feet of the subject property.
2. Any past or present use that involved the disposal of solid waste or toxic or hazardous materials, such as a dump, disposal site, or manufacturing operation.
3. Impacts of past or present uses on the site's environmental characteristics.
4. Portions of the site located within a historic district or sites identified as historic according to the West Amwell Township Master Plan.

**E. Traffic study**

1. Provide a study on current motor vehicle traffic volume including capacity of road(s) serving project and nearest major intersection(s).
2. Provide assessment of impacts on motor vehicle traffic from the proposed project.

**F. Wastewater management**

1. Estimate the expected quantity and type of wastewater generated from the proposed project.
2. Describe how the proposed project complies with the Township Wastewater Management Plan.

**G. Permits**

1. List any permits required for the proposed project from federal, state, county, local or other governmental agencies.
2. Provide copy of application (if application has been made), and the current status (action pending, under review, comments returned, issued, etc.).

**H. Other information**

1. List all environmentally protective measures that will be utilized should the proposed project be implemented.
2. Describe:
  - a) any adverse environmental impacts from the proposed project
  - b) measures taken to mitigate those adverse impacts
  - c) any positive environmental effects and public environmental benefits from the proposed project.
3. List all sources of information in bibliographic form utilized in preparation of the EIS.
4. List all agencies and individuals from which pertinent information was obtained orally or by letter.
5. Provide a copy of all agency-related correspondence utilized in the development of this EIS.
6. Provide a log indicating the dates, times, weather conditions, and specific site locations of the on-site testing or inspections required for the preparation of this EIS.
7. Provide the author's Statement of Qualifications for all professionally prepared documents.
8. List the qualifications of experts preparing reports and data contained in the EIS.
9. Provide certification by the individual or entity preparing the EIS that the information contained in the EIS is accurate and complete.

Part IV. All ordinances or parts of ordinances deemed to be inconsistent with this ordinance are hereby repealed.

Part V. This Ordinance shall become effective immediately upon final adoption and publication in accordance with the laws in the State of New Jersey, and upon filing a copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

Part VI. Upon adoption this ordinance shall become part of the Code of the Township of West Amwell.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be held December 30<sup>th</sup>. (NOTE: The checklists are appended to these minutes.)

**SPECIAL AND/OR STANDING COMMITTEE REPORTS**

**Open Space**

- *SFY 2011 Farmland Preservation Planning Incentive Grant*. Mr. Pfeiffer stated that although the SADC has not approved the municipal plan, the township must comply with their deadlines. The application is basically the same as last year but updated concerning properties that have closed. The township will be eligible for funding in 2011, if available. Joe Kowalski has offered to hand deliver the application to the Trenton on the 15<sup>th</sup>. Hal Shute inquired as to the included farms and if there's a deadline on additions. These are Amwell Chase, Amwell Hunt/West Amwell Ltd, Nunn, Fulper GPD Parcels C & E, Runkle, Gulick III and Hanover Shoe. Any additions would be an amendment and would require computations by County staff; however, Open Space can do this if there is new farmer interest. Mr. Pfeiffer noted that there's been an outreach to Roebling but there's been no authorization to proceed. The project area for preservation has been expanded to include the entire ADA, so that most landowners can apply. The application was approved for submission and the mayor signed the cover letter.

Mr. Corboy inquired about the County's letter of response concerning the option agreement. Mr. Pfeiffer relayed that the Township's letter of concern was discussed

with County staff but the CADB's decision stands, which means that landowners are required to sign before appraisals and CMVs are established in order to be considered for funding. This has had a cooling effect on applicants and has created an extra layer of bureaucracy that is found nowhere else. The Township's options are either to prepare and submit an application without the County, do the appraisals, acquire CMV and then re-coup the County cost share (currently being practiced by East Amwell) or only go with applicants who are willing to do the option agreement.

The mayor stated that he attended the last open space meeting and offered that this is an effective committee with a great deal of talent. Pete (Hess) does the maps; Joe (Kowalski) acquisitions, Allison (Sommers-Sayre) prepares the newsletter; and, Sean (Pfeiffer) prepares the applications. He noted that this is a good group and that there's been a considerable amount of land preservation. Mr. Corboy then relayed that Mr. Kowalski resigned last night.

Mr. Pfeiffer extended appreciation to the mayor for working with them and for his support. It has been a pleasure to work with him; was appreciative of the accessibility; and, the political pressure that was offered to move things along.

Mr. Shute questioned the vacancy and was informed that Mr. Kowalski later rescinded. He is now being appointed to the three-year unexpired term of Bonnie Eick.

- *Update on PIG Soft Cost Reimbursements:* A check for soft cost reimbursements dating back to 2006 has been received. This closes out the old PIG account, with the exception of approximately \$2400, and means that reimbursements have been paid.

- *Project Status Updates:* The closing with Toll is still pending. Conversations with the neighbors on the driveway issue have been positive and they have been cooperative. The actual contract for the easement is being handled by Toll.

- *Authorize to Post the October 13, 2009 Minutes on Website:* Mr. Pfeiffer clarified the portion concerning easement money. The DEP has provided the signs but there are no posts. The latter will cost approximately \$546.00. Glenn Baran will be asking the State to provide the posts. Chain has been purchased for the conservation easements. Minutes approved for posting.

## **Recycling**

- *Truck Discussion:* Ron Shapella came forward concerning the proposal for 2010 trash service for consideration in budget talks. Purchasing a garbage truck is something they have been looking at since last year. The idea of a municipally-run Saturday collection system and whether this would be a savings has been discussed with Paul Cronic. Preliminary truck shopping has found that a good used truck could be obtained for around \$50,000. The tipping fee is a key ingredient and the number is based on the fact that the current truck is only half full each week. Other portions of the proposal were reviewed and Mr. Shapella relayed the committee feels that there could be a significant savings—probably around a tax point. Mrs. Olsen shared that past tonnage numbers have been reviewed, most of which were in the 600+ range, and that the accuracy of the 400+ figures currently provided by the hauler could be questioned. She also relayed a recent conversation with the insurance agent. Mr. Tarricone foresaw no general liability problems with a township garbage truck. However, pollution exposure would need to be discussed with PAIC as the township would be contracting with a dump site and would carry the burden of liability should a load be polluted—as it did in the Combes suit. Mr. Shapella offered that landfills are better constructed and more closely regulated today than in the past so that this shouldn't be an issue.

Mr. Corboy pointed out that the decision is whether the township should be in this business or not and then determine how to handle. The current system of collection is rather open and unmonitored so there is potential liability. Although he favors providing garbage service, it is currently a large expense that may be possible to offer for less. The truck could possibly also be used for both garbage and recycling with an interlocal agreement for a back-up truck. Mr. Shapella offered that a separate back up truck would still be needed, although block bins for temporary storage could be constructed for use in the event of a break down, because Lambertville cannot supply a truck due to their schedule and that fact that the transfer station closes at noon on Saturdays.



Mr. Fisher commented that what was presented is an aggressive proposal. Mr. Molnar stated that the maintenance figure of \$20/trip was rather light as a blown tire would cost \$500. Estimates were based on Mr. Cronce's experience at Lambertville.

### **Affordable Housing**

- *Resolution Refunding COAH Non-Residential Fee:* Mrs. Walsh previously spoke to the Committee concerning this and the property owner has requested a refund.

#### **RESOLUTION #181-2009**

WHEREAS, the New Jersey Economic Stimulus Act of 2009 suspended the Non-Residential Development Fee Act signed into law on July 17, 2008; and

WHEREAS, developers that paid a non-residential development fee since July 17, 2008 may claim a refund of the difference between the monies committed prior to July 17, 2008 and monies paid if the non-residential development received preliminary or final site plan approval prior to July 17, 2008; and

WHEREAS, a developer seeking a refund is required to submit the claim in writing to the entity that received said fee prior to November 30, 2009; and

WHEREAS, Kari Drive Associates has submitted a claim for \$569.25 in line with the legislation

THEREFORE, BE IT RESOLVED by the West Amwell Township Committee that a refund of \$569.25 in non-residential COAH fees be made to Kari Drive Associates, 8 Benjamin Road, Chester NJ 07930 for the project located at Block 8 Lot 23.04

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

- *Resolution Approving Spending Plan:* Although not specifically requested by COAH at the time of their approval of the Township's plan, Mrs. Walsh has relayed that the plan has to be officially approved.

#### **RESOLUTION #182-2009**

WHEREAS, on December 30, 2008, West Amwell transmitted to COAH a spending plan for COAH's approval with its petition for third round substantive certification; and

WHEREAS, COAH has reviewed West Amwell's spending plan and has determined that the manner in which West Amwell wishes to expend affordable housing trust funds is in conformance with N.J.A.C. 5:97-8, P.L.2008, c.46; and

WHEREAS, the referenced spending plan was approved by COAH on April 24, 2009 according to their letter dated May 4, 2009

THEREFORE BE IT RESOLVED, that the West Amwell Township Committee hereby adopts the spending plan as reviewed and approved by COAH.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to COAH.

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

### **UNFINISHED BUSINESS**

**Professional Services Resolution for Princeton Hydro** – DEP recently approved an extension as they have not completed their review. This is at least the second extension to a project that was to be completed a couple years ago. In order to cover payments made for the period of February 2009 through February 2010, another professional services contract is required to avoid problems with the Auditor.

RESOLUTION #183-2009

WHEREAS, the Township of West Amwell has a need to continue the services of an environmental engineer to provide consulting services to complete a Watershed Protection Plan for the Alexauken Creek Watershed in line with a NJDEP Section 319H NPS Pollution Control and Management Implementation Grant, Year 4, as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

WHEREAS, the Treasurer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is through February 21, 2010 in line with a amendment/modification of the agreement approved October 7, 2009; and

WHEREAS, Steven J. Souza of Princeton Hydro, LLC has submitted a proposal dated August 8, 2008 indicating they will provide continuation of this grant work for \$37,191.00; and

WHEREAS, Stephen J. Souza of Princeton Hydro, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Princeton Hydro, LLC has not made any reportable contributions to a political or candidate committee in the Township of West Amwell in the previous one year, and that the contract will prohibit Princeton Hydro, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, sufficient funds are available in the referenced grant

NOW THEREFORE, BE IT RESOLVED by the West Amwell Township Committee as follows:

1. The Mayor and Clerk are authorized and directed to execute a contract for continued professional services with Stephen J. Souza of Princeton Hydro, LLC for the period February 21, 2009 through February 21, 2010.
2. This contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contract Law because the services are performed by a person authorized by law to practice a recognized profession, and it is not possible to obtain competitive bids.
3. Payment will not exceed that of the contract amount.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

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.

The Resolution of award was unanimously approved on motion by Molnar, seconded by Masterson.

**Resolution to Enter Closed Session** – Not needed

**Cost Estimate for Municipal Building Renovations** – The estimated cost of the plan presented at the last meeting is \$522,000 with the Sallyport adding another \$105,000. It was requested that the cost of the elevator alone be acquired. No action taken.

**Appointments** – Joe Kowalski was appointed to the 3 year, unexpired term of Bonnie Eick.

## **NEW BUSINESS**

**Website Site Posting Authorization for New Records Request Form** – A new standardized form is required. The ability to modify is limited to applying the municipal logo. Approved for posting.

**Resolution Awarding New RO Installation** – Held. Mr. Molnar requested that warranty information be requested.

**Spectra Energy Questionnaire** – The Clerk was directed to consult with Harry Heller in the completion of this survey.

**Trails at Dondero Property** – Mr. Molnar relayed receiving a call from Terry Anderson of Chimney Hill who had been contacted by the Hunterdon Land Trust Alliance concerning trails on the referenced property. He inquired if there were any concerns (none expressed) and added that these would be walking trails made by volunteers. There's a meeting next Saturday. Rob and Heidi Tomenchok were receptive to the idea of this being a community service project for the 6<sup>th</sup> grade class as well as the Boy Scouts. Consideration is being given to naming the trail in honor of Kyle Donnelly, a South Hunterdon graduate and US Marine, who died in a crash across from the property. Mr. Molnar will report back at the December 30<sup>th</sup> meeting.

**Pending Legislation** – The League is urging municipal opposition to two pieces of legislation. A3119 would grant greater power to the Local Unit Alignment, Reorganization and Consolidation Commission (LUARCC) and impose unfair financial penalties on voters who disagree with their recommendations. Citizens should not be led to believe that the work of LUARCC will deliver relief because shared services and consolidations will be only a part of the solution. The bill directs the Commission to place particular emphasis on the assumption, by counties, of municipal functions. The League hopes that the Commissioners will go in the direction dictated by the facts. There is a major problem in section 6 of the bill. This would impose serious financial hardships on voters who democratically reject a proposed consolidation. These voters would be denied the benefit of CMPTRA funding for five years, and be denied full revenue replacement funding for another five years after that. The Clerk was directed to prepare a letter of opposition to the bill.

A-4280/S-3045 would eliminate the Time of Decision rule and grant protection to any Land Use application once it has been submitted for consideration by the municipal Planning or Zoning Board. As such, the application would be immune from any changes in municipal ordinances. The 'time of decision' rule is a judicially-recognized principle that decisions are to be made on the basis of the laws, ordinances and regulations in effect at the time the decision is rendered. In addition, this could have implications for construction. The League is concerned about this infringement on local zoning discretion possibly being fast-tracked during the lame duck legislative session. The Clerk was directed to prepare a letter of opposition to the bill.

**Consideration of Resolution for "Radon Action Month" & Press Release** – No action taken.

**Vital Statistics Audit** – The major violation cited was that 'vital records are to be stored in a secure area and protected from extreme heat, fire, and pests. A fire resistant area and filing cases are mandated and access restricted to the local registrar and deputy. There are proposed federal regulations that will require that the VS office be safeguarded from access by non-VS staff, including cleaning crew, repairmen, etc., unless federal background checks have been done. The situation has to be remedied within 60 days (1/24/10). Other possible forthcoming initiatives want the VS office to be separate and distinct from other offices; that there be a building security guard; and, that there be restricted access by non-VS staff, which would include the Township Committee. Weight issues surrounding a fire-proof cabinet has precluded purchase in the past. An elevator to make the basement more easily accessible for records required

to be secluded and contained in fire proof cabinets, would be the ideal. In the meantime, a small, lighter containment unit will be pursued.

Concern was expressed about the extent of the mandates mentioned. A brief discussion ensued about the pros and cons/possibility of sending this function to the County.

**School Funding** – The Mayor's Task Force for School Funding Reform is developing a proposal that would require the State to fund per pupil education costs from a source other than the local property tax. Mayors are being asked to demonstrate their individual support for this effort by signing a Statement of Support. The Committee was supportive of this initiative. The mayor was authorized to sign and remit.

**Property Tax Funding Deferral/Cut** – The December 1<sup>st</sup> payment was not received as scheduled. The League's position is that cuts in property tax relief funding, especially in the final month of a budget year, do not help speed the State's economic recovery nor homeowners already facing unemployment or possible foreclosure. This also does not inspire business confidence in the State. They are exploring a possible legal challenge to this unprecedented State policy surprise. Specifically, West Amwell took the second biggest hit in the State (\$42,105.25 or 5%). It is assumed that this was determined by percentage of budget.

Concern was expressed about the revenue vs. aid situation. Mr. Shapella suggested that the previous letter to the Governor explaining the CMPTRA situation in West Amwell be re-written in light of this latest event and sent out to remind Trenton that they are messing with our ratable. Mr. Corboy commented that the gross receipts and franchise taxes used to come directly to the Township but were bundled under CMPTRA and are now unrecognizable.

**Staff Salaries** – Mr. Corboy commented on the drastic steps that had to be taken during the last budget cycle, noting that the inordinate cost was funded on the backs of the employees. If the State provides the same money as last year; the hope that legal expenses will be reduced; and, with the money received from trash cards, he feels that there should be money to restore a full work week and staff salaries and urged the Committee to do so. Mr. Beaumont inquired about the loss to the residents with the current 4-day week and what is not happening because of it. As this is something better answered by the department heads, he was directed there. It was explained that taxes could not be raised to cover the short fall due to CAP regulations.

## **OPEN TO THE PUBLIC**

Mr. Shapella came forward noting that LUARRC could possibly mandate police study action between Lambertville and West Amwell as a condition for CMPTRA. He feels it would be a good idea to re-new the outreach to Delaware and East Amwell Townships as these are more compatible. He also inquired about the pile of metal on the pad as Gregg Sappington has offered to get rid of it. Mr. Molnar relayed that the DPW staff is turning this in for money as time permits. Mr. Shapella then inquired about the mayoral decision slated for January 1<sup>st</sup>, questioning what was stopping a decision this evening. He was informed that this is just the way it will be done.

## **ADMINISTRATIVE REPORTS**

**Treasurer –**

### **RESOLUTION #184-2009**

WHEREAS, N.J.S.A. 40A:4-58 permits appropriation transfers during the last two months of the fiscal year between line items of the municipal budget, and

WHEREAS, it has been determined that certain line items are in excess of the sums needed and certain line items have insufficient funds to complete the operation of the fiscal year,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, that the following transfers be made between the Budget Appropriations as follows:

	From	To
Revenue Administration:		
Salaries & wages	\$10,000.00	
Liability Insurance: Other Expenses	\$ 2,000.00	
Employee Group Insurance:		
Other Expenses	\$ 8,000.00	
Solid Waste Collection:		
Other Expenses	\$10,000.00	
Animal Control:		
Salaries & wages	\$ 2,000.00	
Gasoline: Other Expenses	\$ 5,000.00	
General Government:		
Other Expenses	\$ 4,000.00	
Legal Services:		
Other expenses		\$35,000.00
Public Health Services:		
Other expenses		\$ 6,000.00
Total	\$41,000.00	\$41,000.00

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

#### RESOLUTION #185-2009

WHEREAS, certain Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that he unexpended balances may be returned to each respective Capital Improvement Fund, Capital Reserve, or credited to Surplus, and unused debt authorizations may be canceled;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, that the following unexpended and dedicated balances of the Capital appropriations be canceled:

Project	Amount Canceled	Canceled to
Ordinance 04-03 Fulper	\$ 8,387.31	Open Space Trust Fund
Ordinance 19-07 Holcombe	\$31,256.80	Open Space Trust Fund
Ordinance 23-07 Janyszeski/Kutz	\$15,577.35	Open Space Trust Fund
Ordinance 25-07 Gulick 1	\$50,204.95	Open Space Trust Fund
Ordinance 27-07 Gulick 11	\$44,984.24	Open Space Trust Fund
Ordinance 08-08 Stiefel	\$25,939.96	Open Space Trust Fund
Ordinance 04-11 Fulper	\$ 818.07	Capital Surplus
Ordinance 17-05 Fulper	\$ 788.39	Capital Surplus

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

#### RESOLUTION #186-2009

WHEREAS, it has been determined by the Board of Adjustment of West Amwell Township that the following applicant's escrow fee and application fee can be refunded;

WHEREAS, the Board of Adjustment has approved a refund of the following amounts;

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 amounts to the applicant:

Applicant	Amount Refunded
Kevin Snyder (Escrow fees)	\$264.10
Kevin Snyder (Application fee)	\$ 75.00

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

RESOLUTION #187-2009

WHEREAS, it has been determined by the Township Committee of West Amwell Township that the following applicant is eligible to receive a reimbursement of non-residential development fees paid to the Township of West Amwell pursuant to the NJ Economic Stimulus Act of 2009,

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
Kari Drive Associates	\$569.25

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

RESOLUTION #188-2009

FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE  
AND APPROPRIATION – NJS 40A:4-87

Township of West Amwell  
Hunterdon County, New Jersey

Certified to Director of the Division of Local Government Services

WHEREAS, NJS 40A:40-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget or any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of West Amwell in the County of Hunterdon, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$4,112.77, which is now available from State Recycling Fund Recycling Tonnage Grant in amount of \$4,112.77.

BE IT FURTHER RESOLVED that the like sum of \$4,112.77 is hereby appropriated under the caption Recycling Tonnage Grant; and

BE IT FURTHER RESOLVED that the above is a result of funds from the New Jersey State Solid Waste Administration Recycling Fund in the amount of \$4,112.77.

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

Presentation of Bills for Approval: 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 Reports: As of this date there is a cash total of \$5,505,505.47 between the operating and capital accounts. Revenue report for Oct/Nov show Receipts in the amount of \$1,088,967.

**Tax Collector –**

**RESOLUTION #189-2009**

WHEREAS, a payment was made on the FOURTH quarter for 2009 on Block 13 Lot 70 by the Mortgage company and the homeowners.

The overpayment totals \$2,026.20. Bryan D. Russo, owner, is requesting the 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 \$2,026.20 for the refund of the amount overpaid on Block 13 Lot 70.

Make check payable to: Bryan D. Russo

Mail with a copy of this resolution to:

Bryan D. Russo  
368 Mt. Airy Harbourn Road  
Lambertville NJ 08530

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

The monthly report for November 2009 was received showing receipts in the amount of \$1,993,602.32.

**Clerk/Human Resources**

Resolution Appointing Construction Official

**RESOLUTION #190-2009**

WHEREAS, the Township of West Amwell is in need of an in-house person to fill the positions of Construction Official and Plumbing Sub-code/Plumbing Inspector; and

WHEREAS, Christopher Rose has indicated his desire to return to the Township to fill the referenced slots after his earlier retirement; and

WHEREAS the Township Committee has determined that Christopher Rose be re-hired as Construction Official and Plumbing Sub-code/Plumbing Inspector for West Amwell Township

THEREFORE, BE IT RESOLVED that Christopher Rose be appointed Township Construction Official and Plumbing Sub-code/Plumbing Inspector effective December 14, 2009

BE IT FURTHER RESOLVED that this appointment is a 4-year term expiring on December 14, 2013

BE IT FURTHER RESOLVED that Christopher Rose will receive pro-rated salaries of \$9225 for the position of Construction Official and \$4815 for the position of Plumbing Sub-code/Plumbing Inspector in line with the S & W resolution #52-2009

BE IF FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Office of Regulatory Affairs

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

**Construction** – The November 2009 Permit Fee Log detail, Monthly Activity Report/Permits, Payment Audit Report, Monthly Activity Report/Certificates and

Certificate Log Detail were received for PermitsNJ. Sixteen permits and 7 certificates were issued.

**Zoning Officer Report** -- The November 2009 report of activities was received. Numerous phone calls and interpretations were noted, together with site visits and complaints. Two permits were issued.

The Treasurer, Tax Collector, Construction and Zoning reports were unanimously accepted on motion from Corboy, seconded by Molnar.

#### **CORRESPONDENCE**

The correspondence as listed on the Agenda was ordered filed.

#### **ADJOURNMENT**

There being no further business, the meeting was unanimously adjourned at 9:40 p.m. on motion from Molnar, seconded by Masterson.

Respectfully submitted,

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Lora Olsen, RMC  
Township Clerk