

**WEST AMWELL TOWNSHIP COMMITTEE MEETING**  
**December 7, 2011**

**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 7:06 p.m. Present were Mayor Molnar, Deputy Mayor George Fisher, Committeeman Zachary Rich and Attorney Philip J. Faherty III. Also in attendance were Housing Consultant Shirley Bishop, Rob Low, Cathy Urbanski, John DuPuis, Dave Beaumont and Hal Shute.

Mayor Molnar 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 1, 2011, 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**

Rob Low led the assembled group in the pledge to the nation's flag.

**AGENDA REVIEW BY TOWNSHIP CLERK**

The following items were added: 8.A Adam Certification; 10.D Vehicle Maintenance Specs. Deleted were: 9.D Energy Resolution

**ANNOUNCEMENTS**

The following announcements were made:

- Township Offices Closed December 26<sup>th</sup> & 27<sup>th</sup> for Christmas Holiday
- Last Regular Township Committee Meetings for 2011 is December 28<sup>th</sup>
- Annual Township Re-Organization Meeting – January 4<sup>th</sup> @ 6 p.m.
- First Energy Tree Pruning Commences October 20<sup>th</sup>, Ongoing
- PSE&G Power Line Work, Various Lines, Ongoing Until 2012
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

**PRESENTATION OF MINUTES**

The November 23, 2011 Special and Regular Meeting minutes were unanimously approved as presented on motion from Fisher, seconded by Rich.

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

Rob Low of Corsalo Road inquired about the status of the Toll property; if there were talks concerning purchase; and, the price. He was advised of the bid amount that was rejected and the reason for same. Mr. Low would like to be kept up-to-date on future talks and requested access to the appraisals that were done on the property. His stated purpose for the property was to preserve it as-is for recreational purposes at first and eventually demolish the house and re-build. He also inquired whether the Township would consider holding the deed until the property is paid in full, a lump sum, or installments. Attorney Faherty advised that a mortgage could be held, with Township Committee approval, for a period of five (5) years. However, a proposal would first have to be presented.

John DuPuis inquired whether the property for the new development off of Route 179 abutted that of the elementary school, as installing sidewalks for kids to walk to school would be cheaper than bus transportation. He was advised that it did not. Mr. DePuis was also curious about whether there would be left over lands for park land in the development. The answer again was no.

Mr. Low came forward again to question the status of the house on Corsalo Road that burned several years ago. It does not appear that anything is being done on it and it's been six years. The property is currently owned by Mickey Nanni. Mr. Low was advised to contact Construction Official Rose about identifying whether or not there has been/is progress and whether a notice of violation would be in order. Attorney Faherty reviewed the process that would be involved from initial inspection through fines and penalties should the property owner fail to respond.

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

**Affordable Housing Program:** Housing Consultant Shirley Bishop relayed that her mission this evening is to provide an update on the State's direction and consequences for West Amwell. Although COAH has been abolished, its duties and responsibilities have been transferred to DCA. West Amwell has an obligation for the 3<sup>rd</sup> round even though the Court invalidated the third round. Currently West Amwell has a certified plan, which includes 4 rehabs, a 16 unit prior round obligation and a growth share obligation of 52. Twenty three of the 52 unit growth share obligation has been completed but there has been no activity on the remaining 29 unit obligation which was to be met with 15 more accessory apartments and 14 group home bedrooms. There is also the matter of the development fee trust fund. Dollars that are not expended or committed by June 30, 2012 will be taken by the State, so it is important that a contract be in place and that the Township have an ongoing program. Mrs. Bishop also relayed that when the Township's plan was certified, Fair Share Housing Center objected in that there were no very low income housing units accounted for. To settle the suit, it was agreed that the two existing accessory apartments for low income families become very low and that West Amwell would subsidize the difference in rent to the property owner for 10 years with the use of the Trust fund money. This use would be considered as committed funds. If a low-income renter cannot be found, it can be rented to a low income person but there would be a process to go through. She also noted that Attorney Faherty had given the Township good advice because to have fought the Fair Share Center in court would have cost \$25,000 and the Township would have lost. Mrs. Bishop relayed that only \$1000 was collected in 2010 in COAH fees; none so far in 2011; and, no anticipated fees in the future. In addition, there are no more fees collected on non-residential development. She inquired whether the Township Committee would rather lose \$70,000+ from the trust fund to the State or commit the money to a rehab or group home. Admittedly, COAH has nothing in place as to how to take the trust fund money but they do have access to the account. As the accessory apartment program has no viable owner interest, only a rehab or group home program is left. The parameters of a rehab program were relayed and getting an experienced consultant, such as Ed Geubtner, involved to make determinations as to who would qualify and how much would need to be allocated to a home in order to bring it up to code was discussed. Homes involved in a rehab usually have a 10 year lien placed on them which is forgiven after that time if the home is still in the family. The consensus of the Committee was that keeping the money in the Township was preferred. Housing Official Walsh will be requested to attend the December 28<sup>th</sup> meeting to talk about possible consultants for getting the rehab program up and running. It was suggested that the Affordable Housing Committee interview potential consultants and make a recommendation to the Township Committee. Mrs. Bishop left the meeting at 7:45 p.m. with appreciation extended for the information imparted.

**FAA Update** – Ms. Albanir was not in attendance.

**South County Regionalization Study** – Dave Beaumont relayed that there will be a regional meeting on January 5<sup>th</sup>. A first glimpse of the recommendations will be given at that time. The 14 homes subdivision on Route 179 will also be raised and whether this has been considered.

**Public Hearing:** Ordinance 21, 2011 AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AS BLOCK 32, LOT 21.01 IN THE TOWNSHIP OF WEST AMWELL FROM ADAM AND/OR D&R GREENWAY LAND TRUST, INC.

Proof of publication in the November 29, 2011 issue of the Trenton Times was presented. The ordinance has been posted and available to the public since its introduction at the October 26, 2011 Township Committee meeting. Mr. Molnar read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was unanimously closed.

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

## **SPECIAL AND/OR STANDING COMMITTEE REPORTS**

### **Open Space**

- *Adam Certification for Preliminary Assessment Report.* This certification is in addition to the one for historical pesticide use that was presented at the last meeting. This certification states that the Committee has reviewed the preliminary assessment report.

The Mayor was unanimously authorized to execute the referenced document on motion by Fisher, seconded by Rich.

The Clerk relayed that a check should arrive from Green Acres next week per an e-mail from Pam Thier.

### **Finance**

Mr. Rich relayed that the group is running the numbers from the audit of the Firehouse as well as discussing how to minimize the debt in the Township, which is now at 20%. The goal for the latter is to bring this to the 10% level.

### **Recycle**

Mr. Fisher indicated that he had nothing to report.

### **Website**

Cathy Urbanski came forward to address the somewhat disjointed appearance of the website committee reported by Mr. Beaumont at the last meeting. She assured the Committee that she has been meeting with Mr. Gill every week; that a domain name is in place; that there is movement to the new site; and, that there are great pictures. Progress is being made and the site should be up and running mid-January. Updates can be made later once the changes are in place. Mrs. Urbanski inquired whether it was okay to continue to meet with Mr. Gill on this and the response was in the affirmative. A brief discussion over upload responsibilities ensued and the need for a Plan B in case of illness or over-commitment of the webmaster. A first showing is anticipated at the December 28<sup>th</sup> meeting.

Mr. Low inquired whether the website is volunteer or fee for service and was informed that it was the former.

### **UNFINISHED BUSINESS**

**Updates** – 1) Attorney Faherty relayed that the letter on the former **Perrine** property is close to going out and that he is in consultation with the Mr. Case concerning the interest rate that would be allowed should the Township hold paper for a statutory 5 year pay off. He will circulate the draft letter to the Committee for comment. A two week response time was agreed upon with a response requested for December 28<sup>th</sup> meeting. 2) Mr. Rich reported on his meeting with Anna Lustenberg of **Verizon**. Three big issues were discussed and a meeting with the engineers concerning the Township's infrastructure will be set up for next month. The process where by residents would contact the Clerk's office if they were not making progress in their repair work was mentioned and briefly discussed as to whether the Township should be doing work for Verizon. Mr. Rich noted that until FIOS gets here in 5 years, the only other option is to go to the BPU with a complaint. An anticipated discussion with Verizon was set for for January 25<sup>th</sup>. 3) The 2012 numbers have not been released by PAIC and a proposal from Statewide has not yet materialized in order that **insurance options** can be discussed. A December 9<sup>th</sup> release is anticipated. A special meeting with the Township's insurance broker was set for December 15<sup>th</sup> at 6 p.m. 4) Due to the additional work involved and staffing whose time is already stretched, the request for an **earlier receipt of the bill list** cannot be accommodated. 5) After a delay of several months, the Clerk reported on her conversation with Tim Matheny, the **QPA** in East Amwell. The biggest benefit for this position is that it allows a higher quote and bid threshold. The day to day work involved was noted as including the review of all purchase orders and quotes and looking for accountability for reimbursements. Oversight on annual overall expenditures to check on the need to quote certain acquisitions is also done. The actual work of preparing the quotes and bid packets is something done by others. Mr. Matheny is interested in a shared service, the cost of which would depend on how much involvement is desired. As the overall responsibility for purchases falls under the purview of the CFO, the decision was to pass on this additional position. 6) Mr. Gill has advised the Clerk that he is 20% to his goal on the **re-assessment** project. A **notice** for the website providing resident information concerning the process was approved for posting. Mr. Beaumont raised several questions about what would be looked at and what would happen if no permits were found to be on file for work completed. The process and look-back time frame was relayed. 7) It was agreed that Mr. Gordon be paid an additional two hours for doing double-duty at a recent **Saturday depot**.

**Receipt of 2012 Professional Services Proposals; Meeting to Review** – Professional service proposals in all requested categories resulting from the Fair & Open advertisement were received this morning. Copies were distributed for review with results to be communicated to the Clerk by Monday in order that any needed interviews can be scheduled for a special meeting on December 15<sup>th</sup> at 6 p.m.

**Quotes for Power Venter; Resolution of Award** – Quotes were solicited for replacing the power vent on the municipal building heating system. There were three responses and the

following resolution presented for consideration.

**RESOLUTION # 179-2011**

WHEREAS, there is a need to remove and replace the boiler power ventor on the municipal building heating system; and

WHEREAS, quotes were solicited by the Township Clerk and received as follows:

Richard E. Yard Plumbing & Heating	\$1,450.00
Stellitano Heating & Air Conditioning	\$1,950.00
Tristar Mechanical	\$3,189.00

WHEREAS, the quotes are under the bid threshold; and

WHEREAS, the apparent low quote was provided by Richard E. Yard Plumbing & Heating and a Certificate of Insurance will be required prior to the start of any work; and

WHEREAS, the CFO has certified that funds are available for this expenditure; and

WHEREAS, a Business Registration Certification has been received

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the removal and replacement of the boiler power ventor for the municipal building heating system be awarded to Richard E. Yard Plumbing & Heating.

Fisher motioned to adopt the Resolution and Rich seconded. The motion carried unanimously.

The Clerk was instructed to discontinue TriStar based on the quotes received.

**Tax Maps** – Engineer Clerico inquired about the status of tax map updates. Although this falls under the assessor's department, it is something that has to be funded by the Township Committee. A special emergency appropriation was approved during budget season but has not been acted upon. This item will be reconsidered in 2012.

**FSA & POP Resolution** – Attorney Faherty has reviewed the proposed resolution and found it in line with the language in the Local Finance Notice. The purpose is to formally approved actions that have been taken by the Township Committee to put the required employee benefits in place.

**RESOLUTION #180-2011**

**Section 125 Cafeteria Plans**

**WHEREAS**, West Amwell Township, in compliance with the directives in the State Health Benefits and Pension Reform Act, has determined that it would be in the best interests of its employees to establish and offer "Section 125 Plan" benefits: a Premium Option Plan (POP), a Flexible Spending Account (FSA), including a Dependent Care Flexible Spending Account, allowing for pre-taxed employee payments toward these benefits; and,

**WHEREAS**, the purpose of the West Amwell Township Premium Only Plan (the "Plan") is to allow employees to make contributions toward health benefits as a payroll contribution before federal income and FICA taxes. All employees receiving health benefits will be enrolled in the POP but may opt out by filing an opt-out form; and,

**WHEREAS**, the purpose of the West Amwell Township Flexible Spending Account (FSA), including a Dependent Care Flexible Spending Account, is to allow an employee to set aside a portion of their earnings to pay for qualified medical expenses, or expenses associated with care for dependents, as established in the cafeteria plan; and,

**WHEREAS**, Township of West Amwell intends that the Plan qualify as a "cafeteria plan" under Section 125 of the Internal Revenue Code of 1986 ("Code") as amended, and that the benefits that an employee elects to receive under the Plan be eligible for exclusion from the employee's income for federal income tax benefits;

**NOW THEREFORE, BE IT RESOLVED** that West Amwell Township does adopt the aforementioned "Section 125 Cafeteria Plans"; and

**BE IT FURTHER RESOLVED** that the Township Committee of the Township of West Amwell does hereby direct the Chief Financial Officer and the Registered Municipal Clerk of the Township to implement and administer said Plans.

Fisher motioned to adopt the Resolution and Rich seconded. The motion carried unanimously.

**Former Toll Property re: Inventory & Possible tree sales** – Mr. Molnar relayed that an inventory of trees is being prepared and should be in hand early next week. In the meantime, he will reach out to the developer concerning possible purchase of the tree stock. A lot of large trees have been taken down for the new development on Route 179 and replacement trees will be needed. Mr. Shute commented that it is assumed that the developer followed the woodland ordinance.

**Communications Between Schools/Township/Fire/Police/OEM** – It has been noted previously that at one time there was better communication between the schools and OEM. Unfortunately with the change of personnel, this has fallen by the way side, although previous meetings were primarily security oriented. Because of the recent hurricane, the topic of inter-agency communication has renewed interest. A get together of police, OEM, school and township representatives to see how communications can be improved upon is desired. A letter will be drafted and circulated requesting that the three schools in the Township send a representative to a meeting in January. Mr. Dupuis volunteered to provide the Clerk with names.

#### **NEW BUSINESS**

**2012 Preparations** – 1) The 2012 *meeting dates* were reviewed and discussed. Regular meetings are again proposed for the fourth Wednesday of the month, with the exception of August and October when the meetings will be delayed until the fifth Wednesday. 2) The need to name a Certified Recycling Coordinator for **2012** and how this would be handled was discussed. A shared service is advocated by the State but who would do this and for how much is a concern. The work is currently done at no additional cost and paying a CRC would mean a loss of revenue to the Township to operate their program. There are a few certified folks in the County who will be contacted for interest, cost and amount of involvement required. As there was support for a push back on the State concerning this latest overreach, a draft letter to our legislators requesting an exemption for small municipalities will be circulated. In addition, an outreach to other municipalities in similar straights will be undertaken to see if there is support for taking this to the League as an unfunded mandate. 3) A draft 2012 **Salary & Wage** ordinance was presented for review and consideration as this is something normally introduced at the Re-organization meeting. A brief discussion about expanding the range and additions needed was held and will be continued at the December 28<sup>th</sup> meeting. 4) **Contracts** will be solicited from the following professionals: Robert Lorentz and John Hartman. 5) The 2012 **Garbage/Recycling Flyer** was approved for distribution. 6) **Vehicle maintenance** spec sheets were reviewed and approved for advertisement.

**League** – The decision was to pass on the upcoming *seminars/training* sessions. However, it was decided that the purchase of the **NJ Local Government Deskbook** would be a good investment.

**Resolution Requesting Exemption from Public Works Manager Provision** – Randy Hoagland is grandfathered in his position but the exemption is only good for 5 years and that time expires this month. Mr. Molnar provided insight into what is needed to even apply for this certification—10 years in municipal work with 5 years in a leadership position.

#### **RESOLUTION #181-2011**

**BE IT RESOLVED** that the West Amwell Township Committee hereby requests the Director of the Division of Local Government Services for an exemption from the requirement to appoint a principal public works manager. Our Road Supervisor, Randy Hoagland, has 21 years experience in his position. Our Road Department does most repair work, as per application. Any big jobs are reviewed by our Township Engineer.

Fisher motioned to adopt the Resolution and Rich second. The motion carried unanimously.

**Resident Notice Concerning Snow & Mail Boxes** – A notice concerning the non-reimbursement for mail boxes damaged or destroyed during snow removal operations and that snow is not to be plowed into the streets or roads of the Township was approved for posting on the website.

**Resolution Authorizing E-Procurement of Electricity/SHREC** – Held for clarification. Item will be considered at the December 15<sup>th</sup> meeting.

**OPEN TO THE PUBLIC**

No public in attendance at this time.

**ADMINISTRATIVE REPORTS**

**Treasurer –**

RESOLUTION #182-2011

See attached for Special Items of Revenue and Appropriation  
In the 2011 Budget Pursuant to N.J.S.A. 40A:4-87

Fisher motioned to adopt the Resolution and Rich second. The motion carried unanimously.

**Presentation of Bills for Approval:**

RESOLUTION #183-2011

BE IT RESOLVED by the Township Committee of the Township of West Amwell that the vouchers listed on the Bill List, in the amount of \$92,452.83 dated December 7, 2011, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

Fisher motioned to approve the evening's bills for payment and Rich seconded. Motion carried unanimously.

Mr. Molnar inquired about the basement key pad and requested a key. The former will be verified and the latter provided.

**Treasurer Report and Statement of Cash:** Appropriations through December 7, 2011 were provided and reviewed. As of October 31, 2011, the cash total on hand was \$4,030,268.09 between the operating and capital accounts.

**Tax Collector –** The monthly report for November 2011 was received showing receipts in the amount of \$2,073,429.27.

The reports were unanimously accepted as filed.

**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 Rich.

Respectfully submitted,

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Lora L. Olsen, RMC  
Township Clerk