

WEST AMWELL TOWNSHIP COMMITTEE MEETING

December 10, 2012
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 7:07 p.m. Present were Mayor George A. Fisher, Deputy Mayor Zachary T. Rich, Committeeman Thomas J. Molnar, Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance were Art Foran, Cathy Urbanski, Hal Shute and John Cronic.

Mayor Fisher 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 3, 2012, 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

Mayor Fisher led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 7.F Introduction of Ordinance amending Chapter 38; 8.C 3) MHL/AA Applicants; 10.B Creekside Request for Bond Reduction. Deleted were 8.C 1 & 2; 8.D; and 12.D

ANNOUNCEMENTS

The following announcements were made:

- Municipal Offices Closed December 25th & 26th and January 1st
- Final Township Committee Meeting for 2012 - December 27th
- Christmas Lighting Contest Judging December 28th & 29th
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The November 28, 2012 Regular meeting minutes were unanimously approved on motion by Molnar, seconded by Rich.

The following Closed Session minutes have been reviewed by Attorney Faherty. His recommendation to open was unanimously approved on motion by Rich, seconded by Molnar.

4/27/11	Purchase, Lease or Acquisition of Real Property	
12/07/11	Purchase, Lease or Acquisition of Real Property	
12/28/11	Personnel	
01/09/12	Contract Neg. in which the Public Body may become involved NJSA 10:4-12 B7)	
01/25/12	Protecting the Safety & Property of the Public	
01/25/12	Litigation	
02/22/12	Pending Litigation	
03/28/12	Litigation	
05/09/12	Purchase, Lease of Acquisition of Real Property	
05/23/12	Personnel	
05/23/12	Litigation	
05/23/12	Safety & Protection of the Public	
06/06/12	Litigation-Garden Solar	
06/27/12	Litigation-Garden Solar	
07/18/12	Personnel-Interviews/DPW	09/13/12 Personnel
07/18/12	Personnel-Interviews/DPW	09/13/12 Personnel
07/18/12	Personnel-Interviews/DPW	09/13/12 Personnel
07/18/12	Personnel-Interviews/DPW	10/10/12 Personnel-Police Interviews
07/18/12	Personnel-Interviews/DPW	10/10/12 Personnel-Police Interviews

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Cathy Urbanski and Hal Shute came forward to inquire about the possibility of having the Township hold a hazardous waste drop off a week prior to a County sponsored collection so that residents could avoid the long lines. Concern was raised about manpower and who would be in charge. It was suggested that they take this to the Recycling committee and to contact the County.

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

Release Relating to Rehabilitation of Amwell Dam No. 1: Art Foran relayed that the check for his share of the loan was delivered to the State. That this is similar to paying off a mortgage without penalty was noted by Attorney Faherty. However, there were some questions raised at the last meeting. The original loan agreement between the three members of the LLC, the Township and DEP is silent as to whether the Township Committee has to approve a release and there is no requirement for the property owners to secure the Township. If something else were to happen to the dam, this would be a separate event and issue. Mr. Foran noted that the rehabilitation of the dam is completed and there a separate agreement for maintenance is in place between the landowners, not the LLC, and includes the gun club. The original court judgment required that an entity be formed, that there be plans approved by DEP, and that a loan be applied for. All these items have been completed. This court document was in response to the suit brought by DEP against all 4 landowners and states that 'there shall be no joint and several, or other general, obligations or liability among or between the defendant parties.' No where does it say that the parties are responsible for each others cost of payback. With the project now completed, Mr. Foran stated that he decided to buy out his portion; received a number from the State; has paid the State; and, they have acknowledged in the calculated repayment schedule. His contact at DEP has been John Ritchey and Mr. Foran's payment now goes to Treasury for a final payout schedule. Mr. Foran explained that the resolution authorizing the original work was up to a \$700,000 maximum loan for the rehabilitation. The Township's exposure has been reduced to \$345,000 due to the payoff by the gun club and himself. If the other two landowners default, it would be then that Township would step up. Questions about why the Township's release is being requested and whether there would be consequences to not passing the resolution were raised. It was explained that at every step in this process there has been a resolution to keep the Township informed and now because the LLC is issuing a release, the Township as co-borrower is being asked only for concurrence with the change. Attorney Faherty offered that the Township cannot prevent Mr. Foran from paying off his portion of the loan but a resolution is not required per the documents. It appears that DEP asked for a resolution but that this is entirely up to the Township. It was suggested that Mr. Ritchey be asked why this step is being requested.

Municipal Alliance: Jason Fuhr had another obligation this evening but left the following report to be read into the minutes. The Alliance is still looking for recipes for the 'cookbook.' If anyone has a submission, they should contact Mr. Fuhr. The Hunterdon County Alliance held their Holiday Parade in Clinton on December 7th. A "Wellness Fair" is planned for the spring. An update will be given in either January or February.

Stormwater Training for Elected Officials: Cathy Urbanski presented information concerning the Township's Tier B classification and permitting. She also overviewed several areas of what is considered stormwater pollution (anything that hits the ground and washes away into streams), complete with examples. That prescription drugs are finding their way into the water was noted as a concern as well. Steps to minimize the problem were relayed together with some recommendations, e.g. the need to re-examination the current ordinance as it's a basic State model and non structural things work better; getting updates to the yearly brochures; using tip cards for residents; and, getting more stormwater information on the website, including the required link. Mrs. Urbanski will look into the cost of having the County print up some tip cards for inclusion in the next tax bill mailing. A resource paper from ANJEC entitled "Municipal Options for Stormwater Management" was recommended reading. A CD of additional educational materials was given to each Committee member. The point schedule for compliance with Tier B was relayed. The citizen's sub-committee of the Environmental Commission will do the website.

The status of storm drain labeling was raised. It is believed that this has been completed but will be checked. Mrs. Urbanski noted that any municipal property with sidewalks have to have labeled inlets. If there is more work to be done on this, perhaps it could be a community service activity for high school students needing community service time. A

question about whether vehicle washing/rinsing records are kept will be passed along to the

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Road Supervisor. Appreciation was expressed to Mrs. Urbanski for her informative presentation.

Introduction: Ordinance 21, 2012 (see attached)

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

AN ORDINANCE TO REGULATE THE PLACEMENT, REPLACEMENT OR REMOVAL OF POLES AND UNDERGROUND FACILITIES BY PUBLIC UTILITIES IN THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY

Molnar moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held December 27, 2012. Attorney Faherty advised that a copy of the Ordinance must be sent to all utility companies having pole ownership.

Receipt of Supplemental Debt Statement: A copy of this document was received from the CFO earlier this evening. It has to be on file prior to the introduction of the bonding ordinance.

Introduction: Ordinance 22, 2012

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

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP, DATED FEBRUARY 15, 2003, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$4,009,000, APPROPRIATING \$2,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,500,000 REFUNDING BONDS OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Township of West Amwell, in the County of Hunterdon, New Jersey (the "Township") is hereby authorized to refund all or a portion of the outstanding General Improvement Bonds of the Township, dated February 15, 2003, issued in the original principal amount of \$4,009,000 (the "2003 Bonds"). The 2003 Bonds maturing on or after February 15, 2014 (the "Refunded Bonds") may be redeemed at the option of the Township in whole or in part on any date on or after February 15, 2013 (the "Redemption Date") at a redemption price equal to 100% of such Refunded Bonds, plus unpaid accrued interest, if any, to the Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the

aggregate principal amount not to exceed \$2,500,000 pursuant to the Local Bond Law of the State of New Jersey.

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Section 3. An aggregate amount not exceeding \$80,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Molnar moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held December 27th.

Introduction: Ordinance 23, 2012

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

AN ORDINANCE TO AMEND CHAPTER 38, PART 1, ARTICLE I, SECTION 38-2 A AND 2 B OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY AND STATE OF NEW JERSEY, CREATING THE RANK OF CAPTAIN OF THE WEST AMWELL TOWNSHIP POLICE DEPARTMENT

BE IT ORDAINED by the Township Committee of West Amwell Township as follows:

Section 1. Section 38-2 A (1) is amended by deleting the word "Lieutenant" and substituting the word "Captain" in its place.

Section 2. Section 38-2 B is amended by deleting the word "Lieutenant" and substituting the word "Captain" in its place

Section 3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect upon passage and publication according to law.

Molnar moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held December 27, 2012.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Trees at Township (B/C/T) Farm:* John Cronic questioned whether the DPW crew would be available to remove some of the trees. This would make the property more desirable as a farm and noted that there is someone interested in the property. Mr. Cronic envisions making wide strips available for farming while leaving the hedgerow. The work would commence in mid-February, as long as there's no road work to be done, and the trees to be removed will be marked. A brief discussion ensued over the fact that the property cannot be sold for less than what was originally bid. Attorney Faherty will research options. Mr. Cronic also relayed that he met with Stephanie Miller at the State and the idea is to keep the property in farming. They are also not looking for a profit sale.

As for the tree on the property's Rocktown-Lambertville Road easement leg, Mr. Cronic was concerned that no progress had been made in taking it down. He will assist in moving this along.

Finance Advisory

- Authorization to Post October 3, 2012 Minutes to Website: Approved
- Township Debt Re-financing Discussion: Hal Shute reported on their recent meeting with Phoenix Advisors, the bond counsel and CFO Carro. He noted that there was good discussion and the proposal numbers are better than those received last year. A chart of the 3 options to be considered was overviewed with #2 the preferred direction as it would save \$358,623, including the first down payment. After 2013, \$180,000 would be realized per year off the debt. Mr. Shute advised that this process doesn't close down the open space program as borrowing would still be available should a good prospect come along. Mr. Rich advised that currently the interest is more than what is taken in through the open space tax and all that is being paid is interest. A brief discussion ensued over whether a financial advisor would still be needed as there's the bond counsel as well as expertise on the Finance committee. The consensus was to

keep the ball rolling in the direction set in motion as interest rates won't go lower. Timing is critical and steps are scheduled between now and February 2013. However, the ordinance just provides the ability to do refunding. The plug can be pulled if needed. The \$180,000 in savings would get credited to Open Space and reduces that debt service to \$30,000/year. Mr. Shute
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noted that there is no impact on the Township's operating budget with this process.

A question on SHREC was raised and Mr. Fisher relayed that a conference call is scheduled. There's been a change in engineer and construction contractor and the Township gets to pass judgment on this, thanks to a clause recommended by Art Neufeld.

Affordable Housing Program

- A special meeting to interview applicants for the position will be coordinated with the Housing Official for either a Monday or Wednesday evening.

UNFINISHED BUSINESS

Updates –

- 83 Belvidere (Block 46 Lot 6): The Township holds the lien on this property. Attorney Faherty was authorized to proceed with an owner of record search. The cost should run no more than \$500. Mr. Molnar advised that there's a sign on the property stating 'estate sale.'

- Office Space/Construction: Held

- 2013 ACO Shared Services Agreement: A change to the section on how contact is made with the ACO, together with a couple minor updates, was approved. This revised document will be circulated for concurrence.

- Generators: A proposal is forthcoming from the engineer as to minimum and maximum size and for which buildings. Mr. Molnar suggested that Jim Meskill also be brought in for an opinion.

Resolution Authorizing the Waiver of Construction Inspection Fees for Hurricane Sandy Damage

RESOLUTION #191-2012

Waive Construction Permit Fees for Construction Work Made Necessary by Hurricane Damage

WHEREAS, the Township of West Amwell, County of Hunterdon, along with other New Jersey coastal communities, suffered extreme damage to properties as result of Hurricane Sandy, which struck New Jersey on October 29, 2012; and

WHEREAS, the West Amwell Township Committee is aware of the devastation and destruction residents and property owners have experienced, and continue to experience due to property damage; and

WHEREAS, it is the desire of the West Amwell Township Committee to assist property owners in their endeavor to repair and rebuild their properties; and

WHEREAS, pursuant to N.J.A.C. 5:23-4.19(b)5, the State of New Jersey has provided municipalities the option of waiving permit fees for work made necessary by damages of Hurricane Sandy, which would also waive State Permit Surcharge Fees

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of West Amwell, that municipal construction permit fees for construction work made necessary by Hurricane Sandy be and are hereby waived for construction permit applications received by the Township Construction Office on or before December 31, 2014; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the New Jersey Division of Codes and Standards, the West Amwell Township Construction Official and Chief Financial Officer.

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

2013 Re-organization Meeting

- Resolution Setting Date & Time:

RESOLUTION #192-2012

BE IT RESOLVED that the West Amwell Township Committee will hold its Annual Reorganization meeting on January 2, 2013 at 7:00 p.m.

BE IT FURTHER RESOLVED that the Reorganization meeting be held in the municipal building located at 150 Rocktown-Lamb. Road, West Amwell, New Jersey. The public is invited to attend.

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

- Draft Meeting Packet: Meeting schedule for 2013 will include two meetings per month with the exception of July and August when the Committee will meet only on the 4th Wednesday.

- List of Appointments for 2013: Routine appointments and committee openings were provided.

Farming Contract for 2013

The last discussion on the topic raised a question about how to present farm parcel #3 to a prospective farmer due to the unsettled situation with the solar project. Mayor Fisher will have more information after an upcoming conference call. An ad that ran several years ago to solicit interested farmers was presented.

Corrected S&W Resolution

RESOLUTION #193-2012 Correcting Resolution #183-2012

BE IT RESOLVED by the Committee of the Township of West Amwell that Resolution #183-2012 be corrected to reflect amended S&W Ordinance 11, 2012, adopted August 29, 2012

Position	Salary/Compensation
Part-time Special Officer Klesney	\$20.62/hr

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

NEW BUSINESS

Resolutions for Consideration–

- New Police Department Position – Held until after adoption of Ordinance 23 on December 27th.

- JCP&L/Hurricane Sandy – Held. Mr. Rich will re-work for December 27th.

Resolution to Enter Closed Session

RESOLUTION #194-2012

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

LITIGATION – Garden Solar

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 Molnar, seconded by Rich.

The meeting returned to open session at 9:08 p.m.

Creekside Request for Bond Reduction – Mr. DeLuca is looking for another reduction to the bonds beyond the level found in the MLUL. He noted in his e-mail that this is because the public improvement part of the job was/is essentially done and that there had been cooperation

and completion of the fire tank access. The latest information will be forwarded to Attorney Faherty for review and required resolution for December 27th.

OPEN TO THE PUBLIC

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ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #195-2012

WHEREAS, it has been determined by the Zoning Board of West Amwell Township that the following applicant's escrow fees are in excess of what was needed to cover their charges, and

WHEREAS, the Zoning Board has approved a refund of the following amount;

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 applicants:

Applicant	Amount Refunded
Kyle T. Kilmer	\$901.69

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

RESOLUTION #196-2012

TOWNSHIP OF WEST AMWELL

SPECIAL ITEMS OF REVENUE AND APPROPRIATION IN THE 2012 BUDGET PURSUANT TO N.J.S.A. 40A:4-87

RESOLUTION NO. 196-2012

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of 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, said Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township of West Amwell hereby requests The Director of the Division of Local Government Services to approve the insertion of items of revenue In the budget of the year 2012 in the sum of **\$ 41,935.84** which items are now available as a revenue from the following sources pursuant to the provision of statute:

NJDEP Clean Communities	\$ 9,604.97
NJ Clean Energy	11,050.00
NJ Body Armor Replacement Fund	1,025.39
2012 Drive Sober or Get Pulled Over	4,400.00
Bureau of Justice Assistance – Bulletproof Vests	2,200.00
Recycling Tonnage Grant	3,655.48
Sustainable Jersey Grant	10,000.00

BE IT FURTHER RESOLVED that a like sum of **\$ 41,935.84** be and the same is hereby Appropriated under the caption of the following:

NJDEP Clean Communities	\$ 9,604.97
NJ Clean Energy	11,050.00
NJ Body Armor Replacement Fund	1,025.39
2012 Drive Sober or Get Pulled Over	4,400.00
Bureau of Justice Assistance – Bulletproof Vests	2,200.00

Recycling Tonnage Grant	3,655.48
Sustainable Jersey Grant	10,000.00

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

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RESOLUTION #197-2012
RESOLUTION TO CANCEL GENERAL CAPITAL
ORDINANCES

WHEREAS, there are ordinance balances in the General Capital Fund which are no longer required and should be canceled,

NOW, therefore be it resolved, by the Township Committee of the Township of West Amwell, that the Chief Financial Officer is hereby authorized to cancel the following balances and return them to the appropriate account:

<u>Ord #</u>	<u>Title</u>	<u>Amount</u>	<u>Capital Improvement Fund</u>	<u>Deferred Charges- Unfunded</u>
06-2006	Fire Vehicles	\$ 15,582.20		\$ 15,582.20
05-2009	Toll Property Acquisition	56,344.47	\$ 56,344.47	
14-2009	Perrine/Rose Property	24,060.86		24,060.86
10-2010	Overhead Garage Doors	6,540.97	6,540.97	
11-2010	Purchase of Garbage Truck	24,711.24	24,711.24	

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

Presentation of Bills for Approval:

RESOLUTION #198-2012

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 \$64,716.42 dated December 10, 2012, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

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

Treasurer Report: Appropriations through December 6, 2012 were provided and reviewed.

Construction – The Permit Fee Log details (18), Monthly Activity Report-Permits, Payment Audit Report (\$4,961.00), Monthly Activity Report-Certificates (4) were received for PermitsNJ.

Court – The October and November 2012 monthly reports were received showing a ticket total of 312/295 (159/164 local) and the receipt of \$14,456.12/\$10,510.58.

The reports were unanimously accepted as filed.

A question about the Census situation was raised. Mr. Fisher will get a letter to Hopewell Township but the mayor has to be willing to make the case with the Census folks. He will also request the involvement of Representative Lance.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 9:25 p.m. on motion from Molnar.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: December 27, 2012