

WEST AMWELL TOWNSHIP COMMITTEE MEETING

February 4, 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 and Attorney Philip J. Faherty III. Also in attendance were Bernie Meader, Karen Baldino, Ron Shapella, Sean Pfeiffer, Gary Robinson, Dave Houser, Betty Jane Hunt and Chester and Cathy Urbanski

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

Gary Robinson led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: Unfinished Business: 9.F Possible Ordinance; 9.I COAH Resolution to Bond for Shortfall; 9.J Budget Meeting. Deleted were: Special/Standing Committee Reports: 8.D.2 COAH Letter. New Business: 10:A PARIS; Administrative Reports: 12.B Tax Collector

ANNOUNCEMENTS

Mayor Corboy made the following announcements:

- 2009 Dog Licenses are Due
- Township Offices are Closed February 16, 2009 for President's Day
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

With a minor correction on the January 21, 2009 Regular meeting minutes, the January 21, 2009 Special meeting minutes, the January 21, 2009 Regular meeting minutes and Closed Sessions and the January 27, 2009 Special meeting minutes were approved on motion from Molnar and seconded by Masterson. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Cathy Urbanski came forward to relay conversations with Erin Schumacher of DEP and Gary Pohorely concerning the Holcombe and Case water permits. A meeting has been scheduled for March 3rd at 2 p.m. in the municipal building. As to whether or not Tom Stover should be involved at this point, it was determined that the township representatives—Mr. Corboy and Mrs. Urbanski—first need to hear what the State has to say.

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

Municipal Alliance: Mr. Fuhr was unable to attend because of illness. Mr. Molnar noted the receipt of a thank you card from Mr. Fuhr in appreciation for the tribute given last month.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Update on Stiefel Closing:* Sean Pfeiffer reported that this 60 acre property on Linvale-Harb Road closed on 1/28 and noted that the Stiefel's were most pleased with the process. The reimbursement is being processed and a check should arrive this month. A submission for soft cost reimbursement will happen later.

- *Update on Jolley Closing with Green Acres:* The 35 acre property on Route 518 south of the water company has been preserved with no township cost share. The survey was different than what is on the tax map due to perhaps a previous lot line adjustment; therefore, a final survey is needed to make sure all is up to date. A final acreage number is required for the township inventory.

These two acquisitions add 95 acres to the preserved ledger with over 4650 acres now preserved in the township.

- *Open Space Invoices:* A \$2422.33 invoice from Cortes and Hay for Stiefel was reviewed and approved for payment. Fifty percent of the soft costs will be reimbursed. Mr. Pfeiffer relayed that Catherine Drake has informed him that \$300,000 additional funding has been approved by the Legislature. A project amendment is required before the money is released. More money may become available, but will be very competitive.

- *Project Status Updates:* Mr. Pfeiffer has been advised that an up to date appraisal is needed on Kilmer. Catherine Drake will be contacted to inquire whether this update means a new appraisal or just a letter from the appraiser as to any change in value with the change from 2 lots to one. When this information has been obtained, Mr. Pfeiffer will speak with the Kilmers and their attorney.

Farmers Market Committee

Chester Urbanski reported over 1,000 cards announcing the farm market were mailed on 1/27 using labels provided by Assessor Gill. Responses are already coming in from possible participants. Use of the municipal bathrooms was again raised as the vendors favor real bathrooms because of sanitary concerns. In addition, a port-a-potty would cost \$95/month plus an installment fee of \$50. The possibility of using the existing port-a-potty near the garbage depot was raised and dismissed. Mr. Urbanski suggested that all inside municipal doors be locked at the close on business on Friday and that he would take responsibility for the weekly opening and closing. This would require a key and a code to disarm the alarm system. Mr. Corboy indicated his preference for this plan over the initial one, where the responsibility would pass between committee members, due of building security concerns. There was consensus that the proposal be given a chance but that monitoring would be needed. It was also pointed out that it would be difficult to limit access to just to vendors. Mr. Molnar inquired if contact has been made with Jersey Fresh and if the cost of postage would be reimbursed for the promotional mailing. The former is being considered and depends on the need for advertising.

- *Draft Ordinance Discussion:* Ordinances from other municipalities were acquired from the County Health Department as was a sheet depicting the set-up of a farmers market as to responsibilities. There are specific requirements—the municipal board of health must pass an ordinance defining a “farmers market” and establish requirements for licensure. A single umbrella license is issued by the municipality to the sponsoring entity who appoints an on-site market manager to oversee all operations. Vendors must be eligible to sell their particular wares and be approved by the sponsoring entity, carry an individual liability insurance policy and comply with all market rules and applicable health and agricultural regulations. A list of participating vendors would need to be shared with County Health, who will inspect for a fee of \$75. Mr. Urbanski will review the obtained ordinances and prepare a draft for consideration by the Board of Health.

- *Proposed Dedicated by Rider Resolution:* Mr. Urbanski referenced the 1/14 letter concerning fees and dedicated funds sent by Karen Baldino. He also inquired about using fee ranges depending on the time of year. Attorney Faherty noted that ranges are possible but they could be viewed as arbitrary decisions. His recommendation was that a May-June and July-Sept fee be established. The issue of what to do with the money collected from vendors was raised. Mr. Urbanski has been advised that these funds should not be taken home on Saturday and inquired whether there was an appropriate

place in the municipal building. Mrs. Baldino was concerned about volunteers taking money to the bank. It was determined that one of the committee members should make a deposit at the bank on Saturday and leave a spread sheet and deposit slip in the mail drop for the CFO. The resolution was held pending the adoption of the required ordinance.

The capacity of the existing well was questioned in order to determine the potential for hosting the proposed FFA car wash. Mrs. Olsen relayed that there is no record of the well at the County, although it was certified for use when municipal offices were moved into the building, and has made contact with the State for this information. In addition, there is the possibility of a second well on the property.

Community Forestry

- *Annual Accomplishment Report*: Gary Robinson presented the document and thanked Ron Shapella, Glenn Baran and Jill Haug for their work. This report includes a chronology of monthly activities, a compliance management plan and a hazardous tree inventory. Vigilance on hazardous trees, public outreach and CEUs are the main components. Mayor Corboy signed off on the report with the full approval of the other committee members. The completed report is due to DEP by February 15th. Mr. Robinson also relayed that the \$2100 grant was approved with document execution required by August.

Affordable Housing

- *Ad for MHL/AA Position*: A brief discussion ensued again over a joint or split position. The decision was to maintain it as one and hire someone for the township. A revised ad was presented and approved for listing on the League website. Distribution will also be made to Hunterdon County municipalities.

UNFINISHED BUSINESS

Professional Service Resolution – The Planning Board will meet in special session next week to take action on the appointment of a new planner. Township Committee action was held until 2/18. A brief discussion was held on the increase in fees between recent planners.

Possible Appointments – Mr. Molnar proposed that John Ashton be considered for the Zoning Board slot. He also noted that there may be an Affordable Housing Board resignation forthcoming. No action taken.

Proposed Letter to South – Mr. Corboy stated that West Amwell picks up the cost of police for special events as well as plowing and salting the high school's parking lot. As a regional district, the cost for these services should be shared with the township receiving a reimbursement. The letter was held pending receipt of information from the Road Supervisor on manpower and salt costs.

Possible Letters to Governor & Budget Chairs re CMPTRA – Mr. Corboy has reached out to the League as to when to begin the campaign to retain State funding.

Possible Letter to Resident – The situation with dual fence and pool access concerns was revisited. Mr. Molnar visited the area and reported that the fences are about 2 feet apart. A letter will be prepared for 2/18.

Garbage Bid –

- *Hours & Other Changes*: The following changes to the bid packets were reviewed: 1) 8 a.m. to 12:30 p.m.; 2) dumpsters removed and the DPW one to be quoted separately; 3) no collection on July 4th; 4) clean up day removed. A clean up day may be quoted and scheduled for November if there is money available.

- *Possible Flyer*: This was reviewed for distribution at the garbage depot. A semi-annual fee rather than annual one was approved as the program would begin in July. Enforcement will be the key and how to prevent group pick-ups was questioned. A suggestion for the future was to limit the number of containers per resident and multiple

trips. Details would have to be worked out. The flyer was held pending the adoption of an ordinance putting the procedure in place as no fees can be collected until that time. All garbage permits will need to be obtained and paid for by May 30, 2009.

- *Introduction of Ordinance:* Ordinance 3, 2009

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

AN ORDINANCE AMENDING CHAPTER 99 OF THE CODE
OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY – (Garbage, Rubbish and Refuse)

WHEREAS, West Amwell Township has long required that residents apply for and be issued a card to use the weekly municipal garbage drop off; and

WHEREAS, it has been determined that a semi-annual fee of \$75.00 needs to be assessed for all residents using this weekly garbage service to help defray costs

THEREFORE, BE IT RESOLVED by the West Amwell Township Committee that Chapter 99 Article 1 Section 99 be amended to add the following:

Section 1:

All residents wishing to use municipal garbage collection must make application for a new garbage card at the Municipal Clerk's office, provide proof of residency, pay a semi-annual fee of \$75.00 and pick the card up in person during regular business hours. There is no Saturday on-site sign up for this card.

Garbage cards must be obtained and paid for by May 30, 2009 for residents who wish to participate, whether or not they personally bring garbage to the weekly drop off. Anyone without this new card will not be able to use the facility.

After 2009, should the service continue to be municipally provided, application for new cards would be made in December and June.

Section 2:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3:

This Ordinance shall become effective upon final passage and publication according to law.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye. Publication will be in the Trenton Times and the public hearing held on February 18th.

South Hunterdon Renewable Energy Co-op –

- *Receipt of Approval Letter:* Lambertville City Clerk Lori Buckelew provided a copy of the approval letter. A township representative is needed so that a meeting can be set up.

- *Township Representative Designation for Next Step Meeting:* Ron Shapella was asked to fill this slot and he accepted. A meeting is desired the week of 2/23 and he was requested to contact the City Clerk.

Resolution to Enter Closed Session –

RESOLUTION #40-2009

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:
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.

Molnar moved for approval of the Resolution and Masterson seconded the motion. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

COAH Resolution to Bond Funding Shortfall – In order for the township's petition to be deemed complete, a few items have been requested—a copy of the settlement agreement, a municipal resolution on bonding and an implementation schedule for the shared living facilities. The first was eliminated with a phone call and the last one will be handled by Shirley Bishop. The resolution that COAH has on file only deals with accessories; therefore a resolution listing all possibilities is required.

RESOLUTION #41-2009

Governing Body Resolution of Intent to Appropriate Funds or Bond in the Event of a Funding Shortfall

WHEREAS, West Amwell Township, Hunterdon County has petitioned the Council on Affordable Housing (COAH) for substantive certification of its adopted Housing Element and Fair Share Plan; and

WHEREAS, the plan submitted to COAH allocates funds for:

1. Accessory Apartments;
2. Group Homes;
3. Rehabilitations;
4. Affordability Assistance;
5. Administration; and

WHEREAS, West Amwell Township anticipates that funding will come from the following sources to satisfy these obligations:

1. Development Fees;
2. Public Funding; and

WHEREAS, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in West Amwell Township's COAH-certified Housing Element and Fair Share Plan, West Amwell Township shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED by the Governing Body of West Amwell Township, Hunterdon County, State of New Jersey, that the Governing Body does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that, upon written notification by COAH after a finding that inadequate funding exists to complete the affordable housing programs included in West Amwell

Township's COAH-certified Housing Element and Fair Share Plan, West Amwell Township agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by COAH; and

BE IT FURTHER RESOLVED that West Amwell Township may repay debt through future collections of development fees, as such funds become available.

Molnar motioned to approve the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Budget Meeting – A special meeting for budget work was set for 2/12 at 4:30 p.m. The budget has to be ready for introduction on March 18th and more work is needed to get under the cap in order to apply for extraordinary aid. The budget will be introduced with the full CMPTRA number from last year. Revenue numbers are due in any day. Also, a decision is needed as to when proposed cuts are to take effect.

Mayor Corboy and CFO Luhrs are scheduled to meet with representatives from Community Options sometime on 2/12. A meeting time of 3 p.m. was set. This information will be relayed.

NEW BUSINESS

Raffles License Application from SHR Band Parents Association – Lt. Bartzak has reviewed the application and reported no concern.

RESOLUTION # 42-2009

WHEREAS, application has been received the Township of West Amwell to grant a raffle license, and

WHEREAS, no objections have been received the Clerk of the Township, nor were any objections made at the regular meeting.

NOW, THEREFORE BE IT RESOLVED that the raffle license be granted

TO: South Hunterdon Regional Band Parents Association
BENEFIT: Marching Band Camp Fees
DATE: March 29, 2009
TIME: 5:30 - 11:00 p.m.
LOCATION: South Hunterdon Regional High School
301 Mt. Airy-Harb. Road, Lambertville NJ 08530

Molnar motioned to approve the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

The *Findings & Determination* was reviewed. Molnar motioned to authorize the Clerk to sign and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Firehouse Clothes Drop Off – Mr. Molnar reported that a bin for used clothing is now on site. He requested that this information be placed on the website. Approved.

An additional Firehouse FYI is that a request to park trucks and site a dumpster in the parking lot was received from Mount Construction Company. The company has been hired by the State to clean storm drains along Route 202. Jeff Ent was contacted and has approved the parking but requested that this activity take place away from the fire trucks and clothing bin. A Certificate of Insurance has been received.

OPEN TO THE PUBLIC – No comments received.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #43-2009

WHEREAS, N.J.S.A. 40A:4-58 permits appropriation transfers during the first three months of the fiscal year between line items of the prior year's 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
Municipal Clerk: Other expenses	\$ 320.00	
Revenue Administration: Other expense	\$ 360.00	
Tax Assessment Administration:		
Other expenses	\$1,000.00	
Police Department: Salaries & wages	\$ 640.00	
Zoning Board of Adjustment:		
Other expenses		\$ 120.00
Solid Waste Collection: Other expenses		\$1,600.00
Public Health: Other expenses		\$ 500.00
Municipal Court: Other expenses		\$ 100.00
Total	\$2,320.00	\$2,320.00

Molnar motioned to approve the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Presentation of Bills for Approval: Molnar motioned to approve the evening's bills for payment and Corboy seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Treasurer Report, Statement of Cash: Appropriations through February 2, 2009 were provided and reviewed. As of this date there is a cash total of \$2,686,728.95 between the operating and capital accounts. Molnar motioned to accept and Masterson seconded. Roll Call: Masterson-aye, Shapella-aye, Corboy-aye

Fire Official – The Annual Report was due 2/2. Mayor Corboy spoke with Mr. Donnerstag about the contents of the report and authorized the Clerk to sign on his behalf so that the filing would be timely. Report provided for informational purposes.

The Committee entered their previously authorized Closed Session at 9:12 p.m., returning to Open Session at 10:21 p.m.

Molnar motioned to authorize the mayor to execute the Combe's landfill settlement and Masterson seconded. Molnar-aye, Masterson-aye, Corboy-aye

Attorney Faherty will follow up on the Connaught Hill list promised by Attorney Tauriello.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 10:35 p.m. on motion from Molnar, seconded by Masterson.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk