

**WEST AMWELL TOWNSHIP COMMITTEE MEETING**  
**Scheduled for January 26, 2011**  
**Held on February 4, 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 7:05 p.m. Present were Mayor Molnar, Deputy Mayor George Fisher, Committeeman Zachary Rich and Attorney Philip J. Faherty III. Also in attendance were Cathy Urbanski, Steve Bergenfeld, Boyd Hartpence, Sean Pfeiffer, Betty Jane Hunt, Art Foran, Drew Mumich and Mr. Mumich, Lynn Ziegenfuss and daughter, Attorney Joe LaFlamme, Barbara Walsh, and Jim Chmielak and Attorney Walter Wilson of Garden Solar.

Mayor Molnar announced that this meeting was called pursuant to the provisions of the Open Public Meetings Act with notice included in the Resolution faxed to the Hunterdon County Democrat and Trenton Times on January 1, 2011, posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. Due to inclement weather conditions, the meeting was re-scheduled to February 2, 2011 and again to February 4, 2011. Notice of this action was published in the Trenton Times on January 28, 2011, e-mailed to the Democrat for on-line publication, and posted on the Township bulletin board and website on January 26, 2011 with a subsequent revised notice faxed to the Trenton Times and Democrat and posted on the Township bulletin board and website on February 1, 2011. 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**

Master Drew Mumich, a local boy scout, led the assembled group in the pledge to the nation's flag.

**AGENDA REVIEW BY TOWNSHIP CLERK**

The following items were added: 9. Unfinished Business: G.5 League Labor Negotiations; I. Centex/Pulte Bond; J. Fire Official Position and 10. New Business: I. Direct Install Application 2011 Municipal Building. 12.E Administrative Reports/Police was deleted.

**ANNOUNCEMENTS**

The following announcements were made:

- School Shared Services Meeting, County Complex, January 31<sup>st</sup> (*held last Monday*)
- Alexauken Creek Watershed Protection Plan Presentation – Feb 2<sup>nd</sup> @ 7 p.m. *NOTE: Rescheduled to February 8<sup>th</sup> @7 p.m.*
- Municipal Offices Closed February 21<sup>st</sup> – President's Day
- Country Fair Looking for Helpers; Contact Betty Jane Hunt or Tom Molnar
- Route 31 Resurfacing Project to Begin in March 2011
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

**PRESENTATION OF MINUTES**

The following Regular, Special and Closed Session minutes were unanimously approved on motion by Rich, seconded by Fisher: December 29, 2010 Special; December 29, 2010 Closed Sessions; December 29, 2010 Regular; January 1, 2011 Re-Organization; January 10, 2011 Special; January 10, 2011 Closed Session

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

Drew Mumich reported that 30 bags of canned goods were collected by Troop 49 at their recent event. The group is considering whether to go door-to-door in the spring or continue with the depot collection method. Either way, the next event is tentatively scheduled for the last week in March or the first week in April. He hopes to see everyone in the spring with a 'can of soup' in their hand. Mr. Fisher advised that this activity continue to be held at the depot as it is safer. Mr. Molnar offered to make the 'sandwich board' housed in the garage available for advertisement/reminder. Mr. Mumich will advise the Clerk of the definite date for the next collection.

Betty Jane Hunt reported that the Country Fair committee met on February 1<sup>st</sup> and the event is scheduled to be held on May 14<sup>th</sup> with a rain date of May 21<sup>st</sup> from 4 to 9 p.m. at the municipal complex. There will be a variety of food and ice cream available. Letters will be going out to

businesses to request donations for a DJ and prizes. Free things are planned such as bonfire with smores, egg toss, sack races, cake walks, etc. The tentative theme is "Celebrate West Amwell" Agriculture is for everyone, with free seedlings and demos on how to grow plants. A dinner with garden produce is anticipated for September. The next meeting will be held on March 1<sup>st</sup>.

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

**Power Company:** A request to use Block 8 Lot 20 for temporary storage of equipment/poles was made by company representatives. The suggestion was made that they come and discuss this with the Committee as the property is being prepared for auction. A letter was supposed to be sent but nothing has been received. Mr. Pfeiffer offered that this proposed use would be a violation of the agricultural development rights agreement that states that the property must be used for agricultural purposes only. The Township cannot allow storage without permission from the SADC.

**Municipal Alliance Update:** Mr. Fuhr was contacted prior to the meeting and had nothing to report at this time.

**Public Hearing:** Ordinance 1, 2011 AN ORDINANCE AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY.

Proof of publication in the January 6, 2011 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the January 1, 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 on motion from Fisher, seconded by Rich.

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

**Public Hearing:** Ordinance 2, 2011 AN ORDINANCE TO AMEND CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL TO PROVIDE REGULATIONS REGARDING RENEWABLE ENERGY FACILITIES.

Proof of publication in the January 13, 2011 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the January 10, 2011 Special Township Committee meeting and mailed to surrounding municipalities and the Hunterdon County Planning Board. The Ordinance has been reviewed by the Planning Board; found consistent with the Master Plan; and, adoption recommended. Mr. Molnar read the Ordinance by title and opened the public hearing.

Before taking public comments, Mr. Fisher relayed that he has obtained information on solar zoning and permitted and accessory uses. He also noted that in reading the statutes, fewer than 10 panels would be unregulated and the only compliance would be with the set back on the property. He also questioned how much would be involved to be considered a major change and would like to delay passage of the ordinance.

Steve Bergenfeld, Rock Road East, came forward about wind turbines and requested that the height be 150 ft, not 50 ft. He noted that centered on a 4 acre lot there would be no issue but would eliminate these in a development. Mr. Fisher agreed about the height in that it would get the tower high enough to clear any trees and that this point needs further discussion.

Mr. Rich suggested that a game plan be developed and that comments be listed for review by the Planning Board.

Joe LaFlamme, attorney for Lynn Ziegenfuss questioned section 9 on page 8 in that on the site plan application, "m" asks for an 'as built.' He questioned how this could be accomplished at this particular stage. Cathy Urbanski offered that 'prior to activation' be added.

A brief exchange occurred between Mr. Fisher and Mr. Pfeiffer concerning the wording on page 3 of the ordinance concerning number of panels and whether it actually mirrored that of the State statutes. Mr. Pfeiffer also noted that the height suggested for wind turbines would differ from that for wireless telecommunication towers. The latter has a 500 ft set back from a

residence and that a 150 ft tower cannot be buffered from adjacent residences. Again, this is a topic for more discussion in that if a turbine is too short, it defeats the purpose.

Mrs. Urbanski referred to a wording change recommended by Zoning Board engineer Tom Decker to the first paragraph under Section III, Solar Standards. The paragraph currently does not define to what the 1:5 ratio relates and is not clear as to the 10 acre maximum. The proposed change is thought to be consistent with the SADC regulations and addresses 'non-preserved farmland.'

Walter Wilson, an attorney in Lebanon Township and Jim Chmielak, an engineer with Engineering and Land Planning, both associated with Garden Solar LLC, came forward. Mr. Wilson noted that he was before the Planning Board in November or December; has seen the proposed ordinance; and, obtained same from the website. Also, that he has a number of comments to share with the Township Committee and the Planning Board that might be helpful in the discussions; can provide input to issues not appropriate or consistent with State legislative policy; and, feels that there are issues in the ordinance that are fatal to its validity. Mr. Wilson proceeded to enumerate a lengthy list of concerns and problems with various sections. It was suggested that, due to the variety and complexity of the issues mentioned, the comments be submitted in written form to the Township Clerk so that they can be shared with the Planning Board at their next meeting.

Hearing no further comments, the public hearing was unanimously closed.

Fisher moved for adoption of the Ordinance and Rich seconded. Roll Call: Rich-no, Fisher-no, Molnar-no. The Ordinance was defeated.

Cathy Urbanski stated that she takes issue with the attorney's position as it is different from that of the State.

Mr. Pfeiffer noted that if the comments are extensive, their receipt in advance would help focus the discussion at the next Planning Board meeting. These will also need to be reviewed by Tom Decker and Carl Hintz, which will incur a bill.

**Introduction:** Proposed Ordinance 3, 2011 was held.

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

### **Open Space**

- *Authorization to Post December 2010 Minutes to Website:* Approved for posting.
- *Open Space Invoices:* Invoices from Robert Heffernan (\$1900) and Mick Schaible (\$2,000) for updates to the Toll appraisal were approved for further processing. The cost will be recovered when the property is sold.
- *Discussion Concerning Potential New Project:* Mr. Pfeiffer spoke about a 22 acre parcel (32/21.01) East of Barry Road which has had a 6 acre subdivision. The property is across from the Township easement portion of the Hunter property. He was contacted by D & R concerning possible Township interest in a fee simple purchase. The property would then be sold at a 50% bargain sale. Twenty-five percent of the purchase price would come from State funding, the rest would be found elsewhere. The Open Space committee has discussed this acquisition; thinks it would be a good project; and, there is a surplus of funding available. Zero dollars would be taken from the Open Space Trust. Although this would involve a Green Acres grant, there would be a question of ownership—D & R or the Township. The consensus was that this ownership should rest with D & R. Also mentioned is that there is \$400,000 of uncommitted State PIG money available. Mr. Pfeiffer was advised that D & R should talk with the Township first concerning the grant before spending money for appraisals. The Committee was reminded that the pool of money, if not spent, can be lost. This is an opportunity to draw down the balance of State grant money with nothing coming out of Township coffers. D & R sees this parcel as a link to the former Roebling property and has favorable tax treatment for the owner with a non-profit. Mr. Pfeiffer believes this is a good deal and noted that Bill Rawlyk spoke with Bernie Meader last year. The new owner may be interested in preservation but not yet. The Kilmer project came in \$150,000 under budget so there are excess funds available. He inquired if the Township Committee is willing to pursue this purchase; received a favorable response; but, they want to see the appraisals first. As to question of ownership, it would be better for a non-profit to do so. If Township acquires, there's maintenance and insurance issues. Hunting on the property and property configuration were questioned and will be checked.
- *Project Status Updates:* There were minor comments on the **Nunn** application to the CADB. **Bowers** is ongoing. A Closed Session was requested in order to seek guidance.

RESOLUTION #34-2011

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 – Open Space
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.

Motion by Rich to approve the Resolution, seconded by Fisher and carried unanimously.

*The meeting returned to Open Session at 8:25 p.m.*

**Community Forestry**

- *Annual Accomplishment Report*: The mayor was unanimously authorized to sign the report for submission.

**UNFINISHED BUSINESS**

**2011 Appointments** – Mayor Molnar made the following appointments:

Environmental Commission – Karen Baldino was moved to an unexpired 3 year term; Becky Smith-Casey moved to Alt 1; and Cindy Tillet Strauss was named for the Alt 2 slot.

Community Forestry Committee – Jason Strauss - unexpired 3 year term ending 12/31/2012

Open Space – Marla Ashton - unexpired 3 year ending 12/31/12

Finance Advisory – Rob Tomenchok

**Professional Services Resolution** – Held

**Sourland Mountain Comprehensive Management Plan** – An ‘executive summary’ was prepared and distributed prior to the meeting. Mrs. Urbanski proceeded to overview the history of the project which started in 2003 with East Amwell's receipt of an \$80,000 Smart Growth Natural Resources & Ground Investigation grant and resulted in the Phase I book prepared by Banisch Associates, Inc. In 2007, the Sourland Planning Council received a \$100,000 grant to prepare a draft comprehensive management plan. In 2009, the Sourland Alliance spent a year on the draft to improve it. The plan is for the five municipalities in the Sourland to work together to protect ground water and wells. It began as regulatory document but has evolved to one of education and non-regulation. The goals include identifying open space and continuous forest blocks for groundwater recharge and problems with the deer population were noted. Recommendations include a woodland ordinance, stream maintenance buffer and flood prevention—all of which the Township has in place. The next step is to proceed to Phase III which will involve another Smart Growth grant. The desire is for all to have a stream corridor ordinance as the water on ridge affects everyone and with minimum buffering will keep groundwater from contamination. Mr. Fisher offered that he prefers a non-regulatory document and a voluntary approach. To keep the forest contiguous, he suggested that it be purchased. He also does not favor ceding power. Mrs. Urbanski noted that there's a provision to identify forest protection and endangered species. There is no hook...just education and sharing of ideas. She has reviewed both proposed resolutions; found them not harmful but comprehensive in order to work with neighbors; and, no money is involved.

RESOLUTION #36-2011

**ENDORSING THE SOURLAND MOUNTAIN COMPRESENSIVE MANAGEMENT PLAN**

WHEREAS, the Township Committee acknowledges that the Sourland Mountain Region comprises the headwaters of many of the streams in the Region and surrounding towns, and its forested areas maintain the stream water and groundwater quality while providing habitat for many threatened and endangered species, while also offering many unique scenic, historic, agricultural and recreational resources for residents of and visitors to the area; and

WHEREAS, the Township Committee has recognized the importance of a cooperative municipal alliance consisting of the five Townships within the Region by authorizing participation in the Sourland Municipal Alliance by resolution #129-2009, adopted on July 15, 2009; and

WHEREAS, the Sourland Mountain Comprehensive Management Plan ("Plan") has since been developed by the Sourland Alliance (formerly the Sourland Municipal Alliance) to (1) develop background studies on the critical environmental features of the Region so that land use capability can be examined and (2) provide a framework for partnership among the government entities within the Region to advance certain goals that will protect these unique resources mentioned above.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of West Amwell endorses the Sourland Mountain Comprehensive Management Plan and looks forward to working with the Sourland Alliance in its efforts to safeguard the uniqueness of the Sourland Mountain Region, to protect the natural resources, to protect the water supply, to maintain the rural characteristics of the municipalities and to provide and maintain the quality of life for the current residents and for future generations.

The Resolution was unanimously approved on motion by Rich, seconded by Fisher. A copy of the adopted resolution was requested by Mrs. Urbanski.

**Award of Vehicle Maintenance Quote** – Mr. Molnar requested that an application for credit be filed with a parts store in Burlington so that items can be obtained for minor repairs. Approved.

RESOLUTION #36-2011

WHEREAS, West Amwell is in need of a maintenance facility for its police vehicles according to the attached specifications; and

WHEREAS, it is anticipated that the cost for said repairs will exceed the quotation threshold of \$2625.00 but will not exceed the bid threshold of \$17,500.00 for 2011; and

WHEREAS, a request for quotes for Automotive Repair was advertised in the HC Democrat on January 13, 2011; and

WHEREAS, solicited quotes were due on January 25, 2011, with three responses received as follows:

AMWELL AUTOMOTIVE	\$ 94.75/hr 0% off parts
BONI AUTO SERVICE	\$ 90.00/hr 10% off parts
DITSCHMAN FLEMINGTON FORD	\$89.00/hr 40%-32% Less than 20%

WHEREAS, Ditschman Flemington Ford has submitted a Business Registration Certificate per the specifications; and

WHEREAS, the CFO has certified that funds are available in the 2011 temporary budget and will be made available in the 2011 Budget under Vehicle Maintenance OE.

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the quote for 2011 Automotive Repair be awarded to Ditschman Flemington Ford.

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

**Award of Cleaning Quote** – The award of the second round of quotes was held. It was felt that this work could be obtained more economically in-house and that this person would also do maintenance work, something that Supervisor Hoagland has relayed to the mayor that is needed. Attorney Faherty was consulted about adding this duty to an existing employee. There would be no benefits and a maximum of 7 hours/week for cleaning both the municipal and police offices. The mayor will approach the employee in question to ascertain interest.

**QPA** – As of January 1<sup>st</sup>, the quote threshold dropped to \$2,625 with a bid threshold of \$17,500. The Clerk was instructed to write a letter to Dr. Fay about the possibility of sharing/using their QPA as needed.

**Updates** – Mr. Fisher indicated that he has conversed with Dave Beaumont concerning the **website**. The **SHREC** group is still waiting on the contract; the next meeting is to be held February 15<sup>th</sup>; the surveyor was on site but the Township has to be involved in the selection of same—a sentiment that has been relayed to Mr. Campbell; Attorney Faherty is working on the lease and the Committee requested that the money be paid monthly. Mr. Molnar relayed that the **Police Study Group**—Molnar, Shute, Goccia, Bartzak, Tomenchok--met and came up with a list of items. These included: central location in Sergeantsville with a substation in West Amwell; 16 full time offers and 4 part timers; and, 12 hour shifts with 4 squads that would include 4 officers each—3 patrolmen and a supervisor. Finding money for a merger and whether the courts should be merged were also questioned. CFO Carro has been approached about providing 5 years of police costs. Mayor Molnar also relayed that he's been in contact with Roger Locandro of Delaware Township but that the two groups have not yet met. There's a conflict between the Township's ordinance and the Police Rules & Regulations concerning the **police hiring process**. As Attorney Faherty set up the ordinance to be capable of amendment by resolution, the following was presented for consideration that would remove the provision for testing. The position has been advertised and applicants will be subject to background and psychological testing.

#### RESOLUTION #38-2011

BE IT RESOLVED by the Township Committee of the Township of West Amwell that Chapter 38, Article XIII, Section 38-51 of the Code of the Township of West Amwell be amended by the deletion of Subsections A-N; and

BE IT FURTHER RESOLVED that the West Amwell Township Police Department Rules and Regulations/Policies and Procedures, Volume I – Administration, Chapter 3-Selection Process be approved and adopted by the Township Committee; and

BE IT FINALLY RESOLVED that Volume I, Chapter 3 of the West Amwell Township Police Department Rules and Regulations/Policies and Procedures now be come Section 38-51, Article XIII of Chapter 38 of the Code of West Amwell Township entitled: Procedure for Selecting Police Officers

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

The League has a **Labor Advisory Service** that might possibly provide assistance in police negotiations.

#### Resolution to Enter Closed Session

#### RESOLUTION #39-2011

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
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This Resolution shall take effect immediately.

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

**Centex/Pulte Bond** – Attorney Faherty relayed a discussion with the Pulte attorney and noted that a letter from same is to come. The bond covers contractor completion of the project. This needs to be extended until the punch list is satisfactorily completed as the work involves concrete and trees, which are things that have to wait until spring. Mr. Rich noted that he accompanied Engineer Clerico in October to draw up the list prior to the release of the performance bond. A check in the amount of \$10,000 is expected to replenish a deficit escrow but has yet to be received. There is also an issue over uncapped wells.

**Fire Official Position** – Interviews were held earlier but hours and salary were not determined. Applicant #2 was seen as first choice and a salary of \$5429 to be provided. Continued discussion held for Closed Session.

**NEW BUSINESS** (a change in the Agenda order was unanimously approved)

**COAH Unit Discussion** – Steve Bergenfeld and Boyd Hartpence both have COAH apartments with 30 year deed restrictions. Mr. Bergenfeld noted that his unit was forced by the Planning Board when he subdivided his land and that Mr. Hartpence did not take any money from the Township, although it was allowed. Their request is for a reduction to a 10 year restriction retroactive to their date of sign up or per law as they do not believe that the burden of COAH should fall on 10 residents.

Barbara Walsh, the Township Housing Official, reviewed for the Committee that there are currently 10 units, 8 of which are rented; that the Township is committed to doing 10 more units by 2014 in line with 3<sup>rd</sup> round plan approval; and, that double credit was given for the original units, which could be lost if the terms are reduced. There would then be an obligation to make up the lost credits, some of which were carried to round 3. A discussion ensued about the status of COAH and the allocation numbers given to municipalities. Mrs. Walsh noted that West Amwell is the only accessory apartment program that has units that will qualify under the legislation that was conditionally vetoed. She suggested that the Committee not do anything at this time due to the legislative flux in Trenton as a certified plan is in place and that there is a stay until the Court acts on appeals to the growth share. Mrs. Walsh also spoke about calls for local preference but noted that a suit found this to be inconsistent with the philosophy of Mt. Laurel as it did not provide for affirmative marketing, which is discriminatory.

A discussion ensued over the procedure for, and problems with, acquiring potential renters; that there's a property tax break for properties with COAH units; that accessory apartments are popular elsewhere in the State; that one bedroom apartments were preferred as there would not be a strain on the schools; and, that with the regulations that are in place, no other residents will sign on. Mrs. Walsh offered that once there's specific direction out of Trenton, the planner can be brought in to review options. There is also the concern about development fees that must be committed within 4 years or will be appropriated by the State.

Mr. Bergenfeld thanked the Committee and Mrs. Walsh for their time but noted that there is frustration with COAH.

**Stewardship Initiative - Goat Hill, Hunterdon Land Trust & WAT** – Mrs. Urbanski relayed that in 2009 West Amwell and Hunterdon Parkland, together with HLT, pulled in representatives along the Delaware River to join with DEP to map trails within a mile of the Delaware River. A call was recently received about involving Goat Hill and Supreme 10 in the initiative as a trail system near Washington Rock is desired. A pamphlet would need to be developed as well as a Township MOA. Mr. Rich has since raised problems with this and presented a list of questions, which Mrs. Urbanski proceeded to address. The MOA was written by the State of NJ and Hunterdon Land Trust; HLT is in charge of the project; the use of ORV's and ATV's would be for emergency services; funding would come from the park service (Frenchtown and Kingwood have a MOA); Alan Hershey's group, who prepared the trails on the Water Company property, was suggested for involvement as they love making trails; there is no liability to the Township if not involved with trail work and, in addition, the property is not Township-owned; maintenance of the trails would be handled by volunteers; there is no financial obligation on West Amwell for this; as to the indemnification clause, it is a standard part of the MOA and has been signed by Delaware, Stockton and Frenchtown. Mrs. Urbanski continued that input on what has been done is needed. Also relayed was that trails are good but signs and informational brochures increase traffic. NJ Trails will do whatever is required, subject to receipt of adequate funding. Mr. Rich expressed continued concern over liability if the MOA is signed as it would be an opening into township insurance. Mr. Fisher suggested that Attorney Faherty review the document and that the matter be discussed further with HLT and the State. Mr. Urbanski will reach out but noted that the State doesn't want to defend a lawsuit. Attorney Faherty queried if the only connection is that the trail is in West Amwell, an insurance agent should look at it and that the Township shouldn't be involved as this parcel is within the jurisdiction of HLT. Mrs. Urbanski will also reach out to Catherine Drake for input.

Item held. A copy of the MOU will be shared with Attorney Faherty for review and advise.

**Bender Realty – Block 8 Lot 23.01** – A request for the release of their performance bond has been received. Attorney Faherty has reviewed and approved the maintenance bond.

RESOLUTION #40-2011

WHEREAS, Bender Realty LLC has completed site improvements at Block 8 Lot 23.01; and

WHEREAS, said site improvements have been inspected and approved by the Township Engineer; and

WHEREAS, Bender Realty LLC has requested the release of their Performance Guarantee and acceptance of Maintenance Guarantee in the amount of \$52,496.00; and

WHEREAS, Attorney Faherty has approved the form of the proposed maintenance guarantee; and

WHEREAS, the Township Engineer has advised that the performance bond can be released to the applicant once the required maintenance bond has been provided

WHEREAS, a maintenance guarantee in the amount of \$45,649.00 with a cash deposit of \$6,847.00 has been received

THEREFORE BE IT RESOLVED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey the performance bond is hereby released and maintenance bond accepted for the referenced project.

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

**Garbage & Trash** – A proposal to change the time of card purchase to once a year was put forward. A pro-rated fee structure was also recommended. An ordinance setting out these changes will be prepared for introduction at the next meeting. Mr. Fisher spoke about making a deal with the high school and/or elementary school to collect their garbage. This would help fill the truck as well as provide revenue to cover Road Department costs.

**2011 Municipal Alliance Contracts** – The mayor was unanimously authorized to execute the contracts.

**Audit Agreement** – The agreement for the 2010 audit was received by Auditor Case. The mayor was unanimously authorized sign.

**Township Electric Suppliers** – The Township has been contacted by several suppliers but Mr. Fisher recommended that nothing be changed until SHREC is in place.

**Various Municipal Concerns/Discussion** – Mr. Rich requested the following:

- A discussion on assessing a ***rental fee to hunt municipal property***. He will investigate the going rate for hunting privileges on private property
- A conversation on the future of the ***Police/Fire building*** needs to begin. Should a pole barn be erected or should the property be sold? The narrow configuration of the Mt. Airy property was mentioned and perhaps consideration should be given to bringing Fire, Police and DPW to the municipal property. The basement renovation project layout for the police department and a cost estimate prepared in 2009 was shared.
- Good business practice would require all employees, volunteers and professionals to ***sign in/out***. A new location near the front door for the current sign-in ledger was suggested.
- An item from the Newly Elected Officials meeting was that ***fuel deliveries*** be verified by means of a measured stick. This may be a problem logistically but the mayor will speak with Road Supervisor Hoagland.
- Tracking and verifying ***gas usage*** by officer/car/mileage was suggested. Lt. Bartzak will be contacted concerning this.

**Direct Install Application – Municipal Building 2011** – An energy audit for the municipal building is desired. The mayor was authorized to sign the application agreement.

**OPEN TO THE PUBLIC**

The Township dinner is scheduled for next Friday evening. Mrs. Hunt requested a set up number by 4 p.m. that day. There are currently 23 attendees.

Mrs. Hunt also requested that the March 1<sup>st</sup> meeting date for the Country Fair be verified on the calendar. Concerning a bonfire permit, an application has been acquired and was provided for completion. Whether there is a trust fund for County Fair money needs to be determined with CFO Carro.



## ADMINISTRATIVE REPORTS

### Treasurer –

#### RESOLUTION #41-2011

WHEREAS, N.J.S. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than December 20 of the year preceding the beginning of the fiscal year; and

WHEREAS, the date of this resolution is subsequent to December 19, 2010; and

WHEREAS, principal and interest will be due on various dates from Jan 1, 2010 to December 31, 2011, inclusive, on sundry bonds and loan issued and outstanding:

NOW, THEREFORE, BE IT RESOLVED that the following additional appropriation be made to cover the period from January 1, 2011 to December 31, 2011 inclusive:

#### DEBT SERVICE – WEST AMWELL TOWNSHIP

Payment of Bonds	\$320,000.00
Interest on Bonds	\$224,040.00
Interest on Notes	\$ 10,450.28
Payment of Bond Anticipation Note	\$ 70,300.00
Green Acres Loan Payment	\$ 31,091.60
Total	\$655,881.88

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

Presentation of Bills for Approval: Fisher motioned to approve the evening's bills for payment. Motion seconded by Rich and carried unanimously.

**Tax Collector** – Mrs. Hyland has recommended that the following resolutions be considered:

#### RESOLUTION #42-2011

WHEREAS, P.L. 1991, c. 75, has authorized municipalities to fix by resolution a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000.00 on accounts of the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years who does not pay that delinquency prior to the end of the calendar year; and

WHEREAS, the Mayor and Committee of the Township of West Amwell have decided that the non-payment of taxes is a matter of grave concern to the Township, and that such a penalty is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of West Amwell that the penalty authorized by P.L. 1991, c. 75, be fixed in the amount of six percent (6%) of all taxes due on any delinquency greater than \$10,000.00 which remains unpaid at the close of each calendar year. The Tax Collector is authorized to calculate the amount of any such penalty and to add the amount of the penalty to the other municipal charges and liens owing as to any given parcel at the end of the calendar year.

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

#### RESOLUTION #43-2011

WHEREAS, the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, has been informed by the Tax Collector that from time to time there are property tax credits or delinquencies on certain properties located within the Township of West Amwell; and

WHEREAS, pursuant to N.J.S.A. 40A:5-17.1, a resolution may be adopted by the governing body of a municipality authorizing a municipal employee to process without further action on the part of the governing body the cancellation of any property tax credit or delinquency of less than \$5.00;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, that the Tax Collector be authorized to

cancel any property tax credit or delinquency of less than \$5.00 without further action on the part of the Township Committee and that such action be noted in the Tax Duplicate for the Township of West Amwell.

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

The December 2010 monthly report was received showing receipts in the amount of \$119,575.19.

#### **Clerk/Human Resources**

- A formal resolution is required by Trenton when ***appointing a Fire Official***. The following was offered for consideration:

#### **RESOLUTION #44-2011**

WHEREAS, the Township of West Amwell is in need of a interim Fire Prevention Official/inspector in line with the Township's Uniform Fire Safety Code; and

WHEREAS, Mark Ciarlariello has expressed an interest in serving in this position in an interim capacity and is qualified to do so

THEREFORE, BE IT RESOLVED that Mark Ciarlariello be appointed as interim Fire Prevention/Safety Official/inspector effective January 10, 2011

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the Division of Fire Safety

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

- Two long-time employees either ***retired or resigned*** their positions effective December 31, 2010. The following resolutions were offered for consideration:

#### **RESOLUTION #45-2011**

WHEREAS, Jane Luhrs has ably served as Chief Financial Officer (CFO) for West Amwell Township since September 1, 1989; and

WHEREAS, Jane's tenure at West Amwell Township has been marked with integrity, honesty, caring and common sense; and

WHEREAS, Jane's quick mind, steady hand, and great faith has been a welcome part of the office dynamic; and

WHEREAS, Jane's attention to detail and her devotion to the job was specifically noted in a July 19, 2001 letter, when yet another clean audit was obtained, that she was 'the power behind the throne who keeps the rest of us all in line;' and,

WHEREAS, Jane's decision to resign as CFO was received with great regret

NOW THEREFORE BE IT RESOLVED that the West Amwell Township Committee extends sincere appreciation to Jane Luhrs on behalf of all Township residents for her continuous, devoted and talented service over the past twenty one plus years, and

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Jane Luhrs; and

BE IT FURTHER RESOLVED that this resolution be entered into the official minutes of West Amwell Township and thus be a permanent testimony to this very competent and well-respected employee.

*Thomas J. Molnar*

*George A Fisher*

*Zachery J. Rich*

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

#### **RESOLUTION #46-2011**

WHEREAS, Catherine Park became the West Amwell Township Tax Collector on January 1, 1987; and

WHEREAS, Catherine, known as 'Sue' by friends and co-workers, has been a conscientious employee and has always served Township residents with integrity and forthright honesty; and,

WHEREAS, Catherine has graciously provided assistance to Township senior citizens to guide them through the changing maze of State tax regulations and forms; and

WHEREAS, Catherine served as Township Planning Board secretary from 1994 to 2004; and

WHEREAS, Catherine's artistic eye has been used many times over the years to provide awesome, but inexpensive, decorations for Township functions (*it took a lot to make the former municipal hall look festive*); and

WHEREAS, Catherine's artistic ability was also generously loaned to the Township in the coordination of colors, treatments and appointments for the 'new' municipal building

WHEREAS, Catherine's decision to retire as Tax Collector was received with regret

NOW THEREFORE BE IT RESOLVED that the West Amwell Township Committee extends sincere appreciation to Catherine Park on behalf of all Township residents for her continuous, devoted and talented service over the past twenty four years; and

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Catherine Park; and

BE IT FURTHER RESOLVED that this resolution be entered into the official minutes of West Amwell Township in acknowledgement of her contributions and service.

Thomas J. Molnar

George A. Fisher

Zachery J. Rich

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

- A **letter of resignation** from Assistant Tax Collector Griffiths, effective January 31, 2011, was received, duly noted and accepted.

**Construction** – The monthly report for December 2010 showing Permit Fee Log details, Monthly Activity Report-Permits (17), Payment Audit Report, Monthly Activity Report-Certificates (11 + 5 UCCARS ), and Certificate Log Detail were received for PermitsNJ. Deposits for the month were \$3,905.00.

**Roads** – The report of activities for the month of December 2010 was received.

**Zoning Officer Report** -- The December 2010 report of activities was received. Numerous phone calls and interpretations were noted, together with several site visits. Deposits for the month were \$310.00.

Fisher motioned to accept the Tax Collector, Construction, Roads and Zoning reports. Molnar seconded. Motion carried unanimously.

*The Committee entered their previously approved Closed Session at 11:43 p.m. with the additional of the following:*

#### RESOLUTION #47-2011

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW, THEREFORE, BE IT RESOLVED by the Committee of West Amwell Township, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.

2. The general nature of the subject matter to be discussed is as follows:

#### PERSONNEL

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 from Fisher, seconded by Molnar.

*The meeting returned to Open Session at 12:06 a.m.*

An offer letter for the position of Fire Official is to be sent to Applicant #2. Provisions are: 6-7 hours/wk and a pro-rated salary of \$5429.

**CORRESPONDENCE**

The correspondence as listed on the Agenda was ordered filed.

**ADJOURNMENT**

There being no further business, the meeting was unanimously adjourned at 12:06 p.m. on motion from Fisher, seconded by Molnar.

Respectfully submitted,

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Lora L. Olsen, RMC  
Township Clerk