

WEST AMWELL TOWNSHIP COMMITTEE MEETING

February 1, 2017 - 7:30 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 7:35 p.m. Present were Mayor John Dale, Committeeman Zachary T. Rich, James Cally, Gary Hoyer, Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance were Stephen Bartzak, Gail Brewi, and Jeff Ent. Deputy Mayor Stephen Bergenfeld was excused.

Mayor Dale 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 2, 2017, 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.

FLAG SALUTE

The mayor led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

Nothing added by the Clerk although Mr. Rich inquired about Barry Road.

ANNOUNCEMENTS

- Municipal Offices Closed February 20th for Presidents' Day
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The deletion of 'if needed' as unnecessary on page 2 and a few typos were identified for correction on the January 18, 2017 Regular minutes. With these changes, the minutes were unanimously approved on motion by Rich, seconded by Bergenfeld.

The January 18, 2017 Closed Session minutes were unanimously approved on motion by Cally, seconded by Hoyer.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

No one came forward. Closed.

SPECIAL PRESENTATION(S)

Reports by Department Heads

Captain Stephen Bartzak gave a brief overview of his journey in policing, including 37 years as an officer, 29 years spent in West Amwell with 27 of those in a command position. He relayed that in addition to the daily functions of the department, their primary focus is the protection of the 3 schools. That policy involves a twice per day contact with staff and students. This visitation policy is beneficial in that it promotes trust and prevents situations like Sandy Hook. The increased presence also helps with the special needs kids at ESC. All in all, it's a community oriented department that is more open to stop and talk; is active in school events; and, available to speak to organizations on crime prevention. The captain indicated that the department has no special wants or needs at this point but mentioned a recent major arson incident still under investigation in which the department is involved, together with Delaware Township, the County Prosecutor and Township Fire Chief Ent. Asked about the possibility of another part-time officer, Captain Bartzak indicated that he would like to hold off for now and re-visit the matter later in order to give the present situation more time due to the long time status of the individual.

Gail Brewi came forward, although not originally in attendance to speak, to introduce herself to the new Committee members. She relayed that she's been with the Township for approximately two years in the construction office providing customer service to residents of East and West Amwell. An overview was provided as to the increased permit activity now that residents know there is enforcement in place and that there are set hours, which has made compliance easier. The zoning component requirement for most permits was also noted and brings in fees as well. Ms. Brewi noted that she is also in training in the tax office and will be taking her first tax collection class in March.

Mr. Rich advised that a big project will be coming this way as a referendum to expand the East Amwell elementary school was approved. This means revenue to the township.

Mr. Dale inquired about obtaining the number of new houses built in the Township in 2016 and for the last five years. Ms. Brewi will provide the requested information.

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

Introduction: Ordinance 02, 2017

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

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

SECTION I

The following shall be the rate and ranges of compensation for officials and employees of the township for the year 2017.

Construction & Zoning Office Manager	\$15.00 - \$35.00/hr
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SECTION II

All Ordinances and parts of Ordinances inconsistent with this Ordinance are hereby repealed.

SECTION III

This Ordinance shall take effect after final adoption and publication according to the laws of the State of New Jersey.

Cally moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held March 1, 2017.

Introduction: Ordinance 03, 2017

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

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

BE IT ORDAINED by the Township Committee of the Township of West Amwell, Hunterdon County, New Jersey that

Section I. **Article XXII STREAM CORRIDOR PROTECTION** of the West Amwell Township Land Development Ordinance is hereby amended with the following:

3. Establishment of a stream corridor.

(1) **Stream corridors** shall be delineated as follows:

(a)

Category One waters; trout maintenance and production waters.

For Category One waters, the **stream corridor** shall be measured as defined in the Flood Hazard Area Control Rules, N.J.A.C. 7:13, or as defined by this chapter, whichever is more restrictive.

For FW2-TM(C1) streams, the stream corridor buffer shall extend 300 feet perpendicular to and parallel with both sides of the stream.

(b)

For trout maintenance and production waters, the **stream corridor** shall be measured as defined in the Flood Hazard Area Control Rules, N.J.A.C. 7:13, or as defined by this chapter, whichever is more restrictive. **For FW2-TM streams, the stream corridor buffer shall extend 150 feet perpendicular to and parallel with both sides of the stream.**

Section 2: **ADOPTION**

Upon adoption this Ordinance will be incorporated into and become part of the Code of the Township of West Amwell.

Section 3: REPEALER

All Ordinance and parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon final passage and publication as provided by law, and upon filing a copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

Cally moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held March 1, 2017.

STANDING COMMITTEE REPORTS

Open Space –

- *Authorization to Post December 13, 2016 Minutes to Website:* Approved
- *Project Status Updates:* No report

UNFINISHED BUSINESS

Possible Appointments – Mayor Dale appointed Denise Balog to the unexpired Alt #2 slot on the Board of Health. The appointment was unanimously confirmed by the governing body.

Updates – 1) The **construction clearance** item was held. 2) Attorney Faherty relayed that a letter was sent to Mr. Helawa, by both regular and certified mail, relaying that he needs to make other arrangements for a well given Township ownership of the one on **Block 23 Lot 12**. A response to either the Township Clerk or Township Attorney by February 15th was requested. 3) The mayor commented positively on the recent meeting with the **Fire Company** whereby items such as a change to the application, the purpose for which the application has to be confirmed by the Township Committee (workers compensation & fireman's relief), the need for updated by-laws, and Township Committee rights as to dismissal were discussed. Attorney Faherty advised that he is gathering information as to latter, noting that every law is subject to interpretation and that there are gray areas. He anticipates having more information by next meeting.

NEW BUSINESS

Discussion Concerning Request Received from Tilson for Verizon Wireless re: Consent to Locate & Operate in Right-of-Way

– Mr. Cally relayed that handouts from the League's January 30th webinar have been e-mailed to the Clerk for circulation, stating that it is incumbent for the Committee members to read it. He proceeded to provide an extensive overview of what was gleaned from the webinar and the handouts that were provided. This included such items as what townships can and can't do with regard to the installation of these pods; that the carriers are considered a utility and have a right to utilize the poles, with permission; that, although pods can be put on top of poles, they cannot change the pole height by more than 10%; new poles can be installed in the right of way (ROW) to help facilitate the use of the carrier's equipment; if a new pole is erected, the property owner adjacent to that ROW has a say in the use of poles and permission to site is needed; and, permission will also be required of the property owner if a certain amount of alteration is made to the pole. The installed pods would send out radio signals. Mention was made during the webinar about checking with the FCC concerning health and safety guidelines that may apply. Difficulties experienced with wireless service at the shore relating to emergency 911 services following Hurricane Sandy were noted as being mentioned at a previous meeting of the Committee. Mr. Cally also advised that calls from a cell phone do not give an address and questioned if there would be software within the pods that would provide a location for cell phone users calling for emergency services from their home. Specifics on this were not addressed in the webinar. Another item not really addressed concerned situations similar to the current cell towers whereby Verizon sells space to other providers, as the pending application from Verizon Wireless is only asking for their use. In his reading of the materials, piggy-backing with someone else would not be precluded and there most likely would be some form of compensation derived.

A question was raised by Mr. Dale as to whether a second provider would have to put up their own pod. In response, Mr. Hoyer advised that each carrier would install their own set; that the one who is higher precludes the lower one; and, there would be competition if on the same pole. Therefore, two things could happen...either a pod would be installation on every other pole or provision made for another pole somewhere in the ROW. He also noted that the broadcast ranges for the pods appears to be minimal and basically a line of sight.

Mr. Cally continued relaying information from the webinar in that light poles as well as monopoles could be used for the pods. The height of these would allow for a longer range as well as line of sight. Another item for consideration is that the wireless companies are all using contractors, like Tilson for Verizon Wireless, to do the front work. When the representative from Tilson comes in for a presentation, the Committee has to make sure that they're involved in the process and have a say in it. Although there's no right to deny, and it is implied that there is no choice in the matter, in reality the Committee has a right to ask for certain things along the way. There are also certain rights granted to municipalities under the MLUL. Even with the limits imposed, there is still some oversight in the matter.

Speaking on the ability to tax, Mr. Hoyer added this is only available on above ground wire according to statute. The pods that are erected are sometimes connected with fiber, which run underground. A brief exchange about the Comcast reimbursement occurred but this is confined to TV, not wireless, facilities. Also questioned was whether there was a ROW ordinance in place but most unlikely. That the township may want to consider looking into something that would address what could and could not be done in ROW, was offered by Mr. Hoyer. Although something like this may not preclude this proposal from happening, some permitting, approved location, etc. could be considered. This is something that could be directed to the zoning or planning board according to what was relayed during the webinar to provide oversight, according to Mr. Cally.

Additional discussion points included the 'push' by Verizon to move on this; the 150 day time frame for response; the interesting notion that these wireless companies are more interested in trying to serve the more rural communities first; and, whether this is to work out the hiccups before bringing this to most densely population areas.

This matter is to be an agenda item for continued discussion at the next meeting. A presentation by the Tilson representative was tentatively set for the March 1st meeting.

LOSAP List of Eligible Recipients & Resolution – There are 9 individuals eligible this year. This led to an extended discourse by Mr. Rich as to the status of the fire company volunteers—employees or not—as he would prefer that they do their own thing. Concern was expressed over such items as risk tolerance; not having a say in the process; wanting to do what is right; if there are other issues that will be discovered; the need for relationships to work; and, that leadership is needed to get there. Attorney Faherty offered that the Committee is entitled to more oversight; that junior membership is not properly constituted; and, that there is an obligation for proper management. Information as to the latter is being gathered and that the existing ordinance can be amended. Once this is determined, a discussion with the Fire Company could begin. State requirements and the special status of fire departments under the statutes was mentioned by Mr. Cally and what is done in other municipalities with a similar situation was questioned. Attorney Faherty mentioned that there is an Annual Report requirement that the Committee is to sign and that knowing about donations received would help with the budget. An annual report should be made part of whatever is determined. Mr. Cally questioned whether there was more oversight included in the original establishment of the fire department. According the attorney's research to date, this is something overlooked in 90% of the time. Municipalities let the volunteers do the job, otherwise the concern is that there may not be any volunteers and a paid force would be needed. Keeping the process from becoming adversarial, while giving all parties a chance to review available information, was noted. Mr. Cally also commented that there should be a handbook, as well as by-laws for training purposes, as opposed to an individual policy as to a code of conduct developed. Mr. Rich urged that a consensus be reached for a partnership relationship with the fire company and expressed concern that he doesn't want his house to burn by doing something that is right on the Township level. Mr. Hoyer commented on conflict in common law and taking action in violation of fire code. The direction determined was for Attorney Faherty to do due diligence on the matter as the situation has been in place for a long time. Once there is more knowledge, matters can be hashed out.

RESOLUTION #37-2017

WHEREAS the LOSAP program requires that a certified list of eligible volunteers from an emergency service organization be submitted for review by the sponsoring agency; and,

WHEREAS said required list of members eligible to receive LOSAP awards for 2016 was received from the West Amwell Fire Company; and,

WHEREAS the sponsoring agency has 30 days to review the submitted list and request any records deemed necessary to ensure that the list is accurate; and,

WHEREAS the sponsoring agency has accepted the list as submitted

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the list is hereby approved; and

BE IT FURTHER RESOLVED that a copy of the eligible member list, together with a copy of this Resolution, be returned to the West Amwell Fire Company for the 30-day required posting.

The Resolution was unanimously approved on motion by Cally, seconded by Hoyer.

Award of Quote for Tub Grinding – The last tub grinding event took place in October of 2015.

RESOLUTION #38-2017

WHEREAS, the collection of resident brush has reached epic portions; and

WHEREAS, it has been determined that assistance is needed to reduce this recyclable commodity to produce a viable product for use by the residents; and

WHEREAS, quotes for tub grinding (to include loading, grinding and operator) were solicited with the following results:

Rick Buxton/RTG	\$3,000
L&S Contracting	\$3,200
Peterscape, Inc	\$5,500
Britton Industries	\$7,500

WHEREAS, the apparent low bidder is Rick Buxton/RTG with the \$3,000.00 quote and a Certificate of Insurance will be required prior to the start of any work; and

WHEREAS, a Business Registration Certification is not required as the cost is under \$3100; and

WHEREAS, the CFO has certified that sufficient money is available in grant fund for this activity

THEREFORE BE IT RESOLVED that the quote for the tub grinding of brush is hereby awarded to Rick Buxton/RTG, subject to the submission of a Certificate of Insurance.

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

OPEN TO THE PUBLIC

No one came forward. Closed.

ADMINISTRATIVE REPORTS

Tax Collector –

- *Resolution of Assignment of Tax Sale Certificates:* Mr. Hoyer inquired about the process leading up to this assignment. Attorney Faherty provided an explanation and a short overview of steps involved. Also noted was that parcels that are not 'sold' at a tax sale are 'sold' to the Township and can be assigned with a right to redeem.

RESOLUTION #39-2017

Assignment of Tax Sale Certificates

WHEREAS, N.J.S.A. 54:5-112 AND 5-113 provide the governing body the authority to sell municipality held liens at private sale to such persons and for such sums, not less than the amount of municipal liens charged against same; and,

WHEREAS, the Tax Collector has notified the owner of record as appearing on the Tax Duplicate at least five days prior to affirmation of this resolution and public notice was posted in three public places in the municipality,

THEREFORE BE IT RESOLVED, that the Governing Body of the Township of West Amwell, County of Hunterdon, State of New Jersey, hereby authorize the Tax Collector to assign municipal lien Certificate #201407 and Certificate #201408, together with subsequent liens thereon, at private sale to John and Melody Anderson, 100 Belvidere Ave, Lambertville New Jersey 08530.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector, Municipal Attorney and the Assignees.

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

Website Review – No comment.

Mr. Cally reported that the Board of Health is looking to cap the area that was under the former salt shed. Information on square footage and approximate cost is being requested from the Road Supervisor.

Mr. Rich inquired about the budget status. An e-mail will be sent out to the various departments to obtain their requests.

A brief exchange about the Affordable Housing numbers under discussion with Fair Sharing Housing ensued. One hundred seven units, after a 30% reduction by FSH, was noted. Caution was urged in proceeding too quickly and providing an overlay was suggested. Budget numbers for attorneys need to be addressed. Putting FSH on the defensive was advocated.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 9:04 p.m. on motion from Cally.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: February 15, 2017