

WEST AMWELL TOWNSHIP COMMITTEE MEETING

July 15, 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 Vince Ranieri, Andrew Zalescik, John Haug, Cathy Urbanski, Drew & Andrew Mumich, Sean Pfeiffer, Ron Shapella, Jason Fuhr, Mike Paciulli and Sourland Planning Council reps Angela Clerico, Judy Jengo, Jen Coffey, Andrea Bonette and Michael Catania.

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

Master Drew Mumich led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 8.A. Open Space: April & May Minutes; 9. Unfinished Business: Garbage & Trash Report; 12. Administrative: Police Report for June

ANNOUNCEMENTS

Mayor Corboy made the following announcements:

- Summer Township Committee Meeting Schedule – August 12th, Sept 16th
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The June 17, 2009 Special, Regular and respective Closed Session 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

Vince Ranieri of 26 Ferris Wheel Drive came forward noting the lack of Speed Limit or Children at Play signs in the development. He also suggested a No Outlet sign be installed. Mr. Ranieri was advised that speed limit designations must be set by ordinance. Lt. Bartzak will be contacted for a speed study. The other requests will also be investigated.

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

Spring Food Drive: Drew Mumich, a Weeblo Scout with Cub Pack 32 in West Amwell, came forward to report on the recently held canned food drive. There were a total of twelve cub scouts participating this year. Two truckloads plus one carload of non perishable goods and \$140 was collected to benefit the Delaware Council of Churches food pantry. Master Mumich expressed appreciation to the Township Committee for their support and another collection is anticipated in the spring. Although the group didn't surpass last year's record, Mr. Corboy relayed that the accomplishment was well noted and the compassion shown for others was more important.

Sourland Planning Council Presentation: Angela Clerico of Banisch Associates and a project partner for the SPC comprehension management plan, relayed that she has spoken with planning boards and township committees about a Sourland plan. A resolution has been developed to form a municipal alliance of the seven communities in the Sourland Mountain region that provides for a liaison from each municipal. The group would work on processes and model ordinance development to provide protective measures for the region that can be tailored as needed by each municipality. Hillsborough, Montgomery and East Amwell have already endorsed the concept by resolution.

Mayor Corboy read the resolution. A discussion followed with Mr. Molnar commenting that there are already a number of protective ordinances in place and was curious as to what others are under consideration. Ms. Clerico advised that the SPC has reviewed each township's protective measures and that matters such as zoning, steep slopes, woodlands, stream corridor, impervious cover, agricultural resources, and stormwater are the main areas for model ordinance development. The model ordinances can be adapted and tailored to local circumstances and each municipality would maintain authority over the process. The alliance would allow members to share notes and experiences and provide a good faith minimum standard. Cathy Urbanski interjected that West Amwell has already adopted all of the proposed ordinances.

Michael Catania, President of Conservation Resources, Inc., came forward in support of the alliance, stating that the SPC has done an incredible job. He endorsed the sharing of experiences in ordinance application and that the Sourlands should be looked upon as a region. In order for the alliance to begin, it needs participants and urged the Committee to designate a representative to at least try it out, with an initial meeting planned for the fall. The effort should be about more than ordinances but rather a stewardship management plan with private land owners playing a role through information provided through the alliance.

Ron Shapella offered that the proposal is the next step in a process that was started when he and Mr. Molnar served together. A collaborative effort of towns was approved at that time. He also noted that the proposed alliance cannot coerce any municipality as there is no legal authority to do so. If the Sourlands are unique, this effort would provide a great service in looking at the area as a region to be protected.

Andrea Bonette, SPC President, offered that the Council will facilitate meeting organization, scheduling, copying and communications. They are looking for municipal leaders, ideas, and concepts. Ms. Bonette suggested that the township appointee have some knowledge of the Sourlands and that there also be an alternate.

The consensus of the Committee was that there was no problem sending a representative and that information would be good.

RESOLUTION #129-2009
Municipal Resolution Endorsing Sourland Municipal Alliance

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AUTHORIZING PARTICIPATION IN THE PROPOSED SOURLAND MOUNTAIN MUNICIPAL ALLIANCE.

WHEREAS, East Amwell Township, Hillsborough Township, Hopewell Borough, Hopewell Township, Lambertville City, Montgomery Township, and West Amwell Township each have certain acreage of their municipalities located within the Sourland Mountain region, and each municipality has previously demonstrated its support for the preservation and enhancement of this area by supporting its proposed designation as a Special Resource Area in the New Jersey State Development and Redevelopment Plan; and

WHEREAS, representatives of the Sourland Planning Council, with the assistance of a Smart Growth grant from the Office of Smart Growth in the New Jersey Department of

Community Affairs, and in collaboration with the elected and appointed officials and local residents, have prepared a draft comprehensive management plan for the Sourland Mountain region, which plan recommends a “bottoms-up” inter-municipal cooperative approach to preservation and enhancement of the natural and cultural resources of the Sourland Mountain region, modeled after the “Ten Towns” approach currently in use in the Great Swamp watershed; and

WHEREAS, this draft plan identifies and recommends a variety of tools which these municipalities can use for this purpose, including the establishment of a “Sourland Mountain Municipal Alliance”; and

WHEREAS, this draft plan identifies and recommends a variety of tools which these municipalities can use for this purpose, including the establishment of a “Sourland Mountain Municipal Alliance”; modeled after the successful intermunicipal cooperative agreements utilized by the “Ten Towns Great Swamp Watershed Committee”, and the “Raritan Highlands Compact”, and

WHEREAS, wishes to indicate its willingness to participate in the proposed Sourland Mountain Municipal Alliance in order to provide a regional framework for cooperative local planning controlled by the local governments of East Amwell Township, Hillsborough Township, Hopewell Borough, Hopewell Township, Lambertville City, Montgomery Township, and West Amwell Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, in the County of Hunterdon, New Jersey, that the proposed Sourland Mountain Municipal Alliance is hereby endorsed as a conceptual tool for inter-municipal cooperation and collaboration, and the participation of duly appointed representatives of West Amwell Township to the proposed Sourland Mountain Municipal Alliance is hereby authorized.

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

Municipal Alliance: Jason Fuhr gave an end-of-year recap and distributed an overview of the South Hunterdon Municipal Alliance Program. He noted that any school or organization can apply for funds but would be responsible for raising a 25% cash match. The Alliance had a good year, although the economy has taken its toll. \$3000 was raised by the Emotions art show and the Jason Fuhr Charity Golf Outing is quickly approaching. Mr. Fuhr re-iterated appreciation for holding Alliance meetings in the municipal building as it is a pleasure to be meeting here.

Public Hearing: Ordinance 19, 2009 AN ORDINANCE AMENDING ORDINANCE 15, 2008 DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

Proof of publication in the June 25, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the June 17, 2009 Township Committee meeting. This ordinance adds the position of Court Administrator to the PERS pension system. Mr. Corboy read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was closed on motion from Molnar and seconded by Masterson. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

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

Resolution to Amend Temporary Capital Budget

**RESOLUTION #130-2009
RESOLUTION AMENDING THE TEMPORARY CAPITAL BUDGET
OF THE TOWNSHIP OF WEST AMWELL**

WHEREAS, the Township of West Amwell constituted their 2009 temporary capital budget on February 18, 2009 and amended this resolution on April 15, 2009;

WHEREAS, it is desired to further amend the temporary Capital Budget for the year 2009 by inserting therein the authorization for the following project;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell Township, County of Hunterdon, New Jersey, that the following amendment to the temporary Capital budget be made:

**CAPITAL BUDGET (Current Year Action)
PLANNED FUNDING SERVICES FOR CURRENT YEAR-2009**

Project Title	Estimated Total Cost	Grants in Aid and other Funds	Debt Authorized
Affordable Housing			
From	\$ -0-	\$ -0-	\$ -0-
To	\$ 315,000	\$ 15,000	\$300,000
Total- All Projects			
From	\$1,515,000	\$1,234,987.25	\$214,000
To	\$1,830,000	\$1,249,987.25	\$514,000

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Services within three days after the adoption of this project for the 2009 temporary capital budget, to be included in the 2009 permanent capital budget as adopted.

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

Introduction: Ordinance 20, 2009

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

BOND ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY PROVIDING FOR THE ACQUISITION OF REAL PROPERTY TO MEET THE TOWNSHIP'S COAH OBLIGATION, APPROPRIATING \$315,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OR NTOES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF (copy appended)

Molnar moved to introduce the Ordinance on first reading and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be held August 12th.

Introduction: Ordinance 21, 2009

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

AN ORDINANCE PROVIDING FOR THE ACQUISITION OF A CONSERVATION EASEMENT ON CERTAIN REAL PROPERTY KNOWN AS BLOCK 8, LOTS 14 AND 15, IN AND BY THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AND APPROPRIATING \$725,000.00 FROM THE OPEN SPACE TRUST FUND.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON, NEW JERSEY, as follows:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by the Township of West Amwell, New Jersey. For the said improvements or purposes described in Section 2 there is hereby appropriated the sum of \$725,000.00 said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Township of West Amwell is hereby authorized to acquire a conservation easement on certain real property known as Block 8, Lots 14 and 15 for conservation, agricultural and open space purposes under the NJ Green Acres program, including all costs necessary therefore or incidental thereto.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition or improvement is not a current expense of the Township of West Amwell, but rather a capital expense and estimated cost of said work, acquisition or improvement of said purpose is \$725,000.00

Section 4. The sum of \$725,000.00 is therefore appropriated for said purpose. The funding is provided by appropriating \$725,000.00 from the Open Space Trust Fund for said purpose as required by law and now available in one or more previously adopted budgets of the Township of West Amwell.

Section 5. There is no debt authorized for this improvement or purpose.

Section 6. This ordinance shall take effect immediately upon adoption according to law.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be held August 12th.

Introduction: Ordinance 22, 2009

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

AN ORDINANCE AUTHORIZING THE ACQUISITION OF A DEED OF CONSERVATION EASEMENT ON CERTAIN REAL PROPERTY KNOWN AS BLOCK 8, LOTS 14 AND 15 IN THE TOWNSHIP OF WEST AMWELL FROM KYLE KILMER, ET AL.

WHEREAS, there is within the Township of West Amwell ("the Township"), certain real property known as Block 8, Lots 14 and 15 on the official tax map of the Township ("the Property") which is owned by Kyle Kilmer, et al. and consists of approximately 78+/- acres; and

WHEREAS, the Township has determined that there is a need to acquire an Conservation Easement for open space and passive recreation (on a portion of the property) purposes. The Conservation Easement will encumber an approximately 74+/- acre portion of the Property and will be deed restricted in accordance with the N.J. Green Acres Program in consideration for which the Township will receive partial funding in the form of a reimbursement; and

WHEREAS, in the interest of negotiating a timely and mutually acceptable voluntary transaction between the Township and the owner of the Property, it is and has been the policy of the Township to negotiate with the owner of the Property on the basis of the fair market value; and

WHEREAS, the Township is authorized to acquire to acquire easements on the Property for public purposes, pursuant to *N.J.S.A. 40A: 12-1 et seq*; and

WHEREAS, the purchase is subject to and in accordance with the conditions set forth in the form Contract of Sale, a copy of which is on file with the Township Clerk; and

WHEREAS, a satisfactory Deed of Conservation Easement from the owner of the Property, in accordance with New Jersey Green Acres Program policy, rules and regulations, shall be submitted to the Township upon closing of title on the Property.

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

Section 1. The Township of West Amwell hereby authorizes the acquisition of the Deed of Conservation Easement for conservation, open space and passive recreation (on a portion of the easement area) from Kyle Kilmer, et als. for the amount of 9,175.68 per acre, to total approximately \$679,000.00, subject to adjustment, after an accurate survey is obtained by the Township.

Section 2. On behalf of the Township Committee of the Township of West Amwell, the Mayor, Deputy Mayor, Township Clerk and Attorney, as appropriate, are hereby authorized and directed to take all reasonable and lawful steps including preparation and execution of any and all documentation necessary to effectuate the purchase of the aforesaid Deed of Conservation Easement and thereafter record them, as appropriate, with the Hunterdon County Clerk's office.

Section 3. If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 4. All ordinances or parts of ordinances deemed to be inconsistent with this Ordinance are hereby repealed.

Section 5. This ordinance shall take effect immediately upon final adoption and publication pursuant to the laws of the State of New Jersey.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be held August 12th.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Possible Authorization to Sign Kilmer Contract:* Mr. Pfeiffer relayed that this is a 78 acre parcel with road frontage on Route 179; a Green Acres project with a 50% Township cost share; that the property is contiguous to 210 preserved acres; has 24 acres of public access; and, is the last link in a walking corridor from Route 179 to Route 518. Attorney Dragan has advised that the contract is in transit but has been executed by the Kilmer family. A fax of the signature page has been received. Molnar motion to authorize the Mayor to sign the original contract, when received, on behalf of the Township and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

- *Update on June Closings:* The SADC acquired the 136 acre **Comly** property under Farmland Preservation. There was no municipal cost share. Mr. Pfeiffer expressed appreciation to Cathy Urbanski for her work as liaison on the project and to Mr. Corboy and Mr. Shapella for their help in securing the funds. The 37 acre **Janyszewski** property recently closed. The Township supplied a 20% cost share on the acquisition. It was noted that the owners initially bid down 20% on CMV for program eligibility. Mr. Corboy commented that land preservation is beneficial to current residents in that there's no COAH responsibility involved. Mr. Pfeiffer agreed and added that with ratables comes a cost for more services. Preservation of the 25 acres owned by the **Kurtz Family Trust** has also been accomplished. This property is surrounded by the United Water Company. Appreciation was extended to Pete Hess for his help with this project. Funding came from the State so there was no direct cost to the Township. Over 300 acres have been preserved this year with another 200+ under contract. This brings West Amwell total preserved acreage to 4863, or a total of 35% of the Township.

- *County Grant Application:* Cathy Urbanski prepared the application that requests \$28,359.06 from the County for Gulick I and presented the attachments that were not copied and distributed previously, which included a map, the deed, the survey and an open space inventory. Once approved, the application will be delivered to Kevin Richardson. The mayor was unanimously authorized to sign on motion from Molnar, seconded by Masterson.

- *Authorization to Post July 2009 Open Space Map and the April & May 2009 meeting minutes:* Pete Hess has prepared an updated map of preserved properties. Mr. Pfeiffer noted that there was no meeting in June. All were approved for posting on the website.

- *Open Space Invoices:* An invoice in the amount of \$729 was received from Bohren & Bohren for a revision to the Toll survey. Approved for processing.

- *Project Status Updates:* The revised survey on Toll needs some minor changes. When ready, it will be sent to the County and State. An October closing is anticipated.

UNFINISHED BUSINESS

Rocktown-Lamb. Section 13 Contract – The bid was awarded previously to Jonico. The contract has been prepared and was presented for signature.

Molnar motioned to authorize the mayor to sign and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Possible Appointments – Mayor Corboy appointed Dawn Serio to the Alt #2 position on the Zoning Board of Adjustment.

Calton – Andrew Zalescik, 24 Music Mountain Boulevard and John Haug, 3 Broadway Court, came forward about safety and sight triangle concerns due to high grass at the entrance to the Estates at West Amwell. The residents realize that the commercial lot does not belong to the Township but are looking for consistency in approach as to its care. The perception, until recently, was that the front parcels were open space as the developer had maintained both sides of the entrance. Mr. Zalescik also noted that the tall grass is a nuisance; provides for rodents; and, that his son is currently fighting Lymes disease. He has mowed the property in question in the past due to concern over the ingress and egress sight triangle. Mr. Haug relayed that prior to the Township taking over the road system, the developer hired a landscape company to cut the grass. He recently had a conversation with Mr. Stover, the owner of the commercial property, who indicated that he will mow it. The concern is for future owners of the piece and any obligation going forward. Mr. Haug also mentioned that the 100 yard long divider landscaped with river stone that is now growing weeds due to the breakdown of the underlying barrier and inquired as to where responsibility lies as for its care. The Duer family recently pulled weeds voluntarily. There are also a number of dead trees and several old electrical junction boxes on the Township's open space. Whether or not the latter are live was questioned.

Mr. Corboy relayed that the Strober property issue appears to be resolved for now but that the electrical boxes need to be looked at. As for the center aisle divider, Attorney Faherty indicated that this, too, is a Township responsibility. It was explained that when the fence and sign were installed, the property had one owner but the commercial piece was later sold off. The future of the sign and considerable fencing on the commercial piece was questioned and would be contingent on the development of that piece, although it was acknowledged that it could be a long market period before it is sold. In addition, it was relayed that the Road Supervisor has inquired about removing the bottom rail on the Township piece for easier mowing. The entire removal of the fence would be even better for their operation.

Mr. Corboy extended appreciation to the residents that cleaned up the center aisle but advised that the Township has limited staff. Therefore, there's no public works person that could be designated to pull weeds. The sight triangle is for Mr. Strober to keep open as the property owner. The Road Supervisor will be requested to check the electrical boxes to ascertain whether they are live and/or removable. He will also be instructed to remove the dead trees.

A question about tree removal, and subsequent remaining holes, on the Toll property was raised. This issue will be worked out with the farmer of the property.

Township Property at 68 Hancock Street – A call was received from the gas

company that a shut off request was received from the **tenant** for 7/1. A neighbor has relayed that the tenant has moved to another community and that the electric has been turned off. However, there has been no official word from the tenant and the property will need to be secured. Attorney Faherty has sent a letter requesting written confirmation that the tenant has vacated; that the keys to the premises be delivered to the Township Clerk; that a forwarding address be provided; and, that the June rent be paid. The Clerk was advised that an **appraisal** would run up to \$1500. Funding for this would have to come from the General Government line which funds office operations.

The possibility of contacting another **group home** provider, such as the ARC of Hunterdon, was mentioned. They were contacted previously; seemed interested; and, would run a similar program with similar costs, etc. The septic situation was instrumental in Community Options backing out but as there is property behind this one that may be available, a 4 bedroom group home with a new septic might be a possibility. Community Options might also reconsider. Attorney Faherty will contact the owner of the open lot.

Mike Paciulli of 15 Ferris Wheel Drive inquired about the benefit of a group home to the Township and was advised that it is part of the COAH obligation.

Possible Update on 2009 Township Budget Status – The Division of Local Government Services was contacted by Auditor Case. They are working on approved budgets for certification first. Those with requests for extraordinary aid will be later.

IPE – The latest correspondence from James Souder, Interim Executive Director, requires that a Memorandum of Understanding be executed by August 1st or the application will be dismissed. The designation of Mt. Airy as a center and what it would entail was explained by Mr. Pfeiffer. He particularly noted that this would trigger laws and regulations under the State Plan and have waste water implications. How the Office of Smart Growth could even consider Mt. Airy or Rocktown as a center was questioned as these are basically just unique area names. Mr. Pfeiffer also relayed that Linda Weber has reviewed the comments from the Dept of Ag on the Farmland Preservation Plan and feels that they exceed the regulatory authority of the department and that there are items not on the original checklist. Mr. Pfeiffer noted that the Fulpers and their lawyers have lobbied the Dept of Ag for centers. Both OSG and the Dept of Ag have said that Route 179 should be a receiving area for growth transfer. This is particularly troubling as it could mean a transfer of growth from the Highlands should a center or TDR area be designated. OSG also indicated that since no major subdivision has occurred in 5 years that the Township should make the process easier. With 90% of the Sourlands constrained and Route 179 having the Swan and Alexauken Creeks bordering on the South and North, respectively, Mr. Pfeiffer does not see how this area would be suitable environmentally. The Toll North property is not good for a receiving area as previous testing found potential for just 19 homes. Any receiving area would need either a package plant and/or public water.

Mr. Pfeiffer has had conversation with Planner Hintz and there is not a lot of benefit with proceeding with IPE, although there is concern over rule changes. If the Township continues to preserve land, there may not be any areas left for a receiving area anyway. Mr. Pfeiffer feels that it is hard to justify the expense as the reasons for the initial application--COAH and removal of the sewer service area--are not longer relevant. The issues will be discussed at the upcoming Planning Board meeting.

Mr. Shapella suggested that another meeting with OSG be undertaken. His concern was that under the new rules, OSG requires TDR for future Plan Endorsement applications. The Township is currently grandfathered under the old rules so if IPE is abandoned now and Plan Endorsement is required in the future, there could be trouble. He also suggested that Attorney Cohen's input be solicited due to the Fulper litigation and noted that OSG was more responsive with his presence. As no harm was seen with this course of action, the Farmland Preservation comments will be forward to Attorney Cohen.

Mr. Corboy offered that perhaps the Township has been remiss by not writing to Commissioner Doria about how OSG is overstepping its bounds and request that they be reined in. Mr. Pfeiffer noted that OSG and the Dept of Ag appear to be taking the same position as they did with the East Amwell case, which they lost.

Acquisition of Block 12 Lot 14 – A **survey** was ordered for a cost of \$660; has been received; and, Attorney Faherty deemed it to be clean. Title work has been ordered and the Metes and Bounds description are the same as in the deed. The seller has some inheritance clearance issues to clean up but a closing could be scheduled for later this month.

Molnar motioned to authorize the Mayor & Clerk to execute closing documents, when ready, and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Resolution to Enter Closed Session –

RESOLUTION #131-2009

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:
PURCHASE, LEASE OR ACQUISITION OF REAL PROPERTY
LITIGATION
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

Garbage & Trash Update – Mr. Corboy stated that the trash fee has been implemented; credited Lora Olsen and Sandy Haberle for pulling the card system together; and Randy Hoagland and Glenn Baran for performing monitoring. Last Saturday's operation went well and there was good response. He was amazed, however, at the amount of garbage being brought in (8-10 bags per vehicle) but this may be due to the missed week. Further scrutiny may be needed as this may be the result of bringing for more than one household. If so, the decision may be made to institute a sticker program. This might be a way to help out those that have minimum weekly trash needs. The possibility of buying a truck was raised by Mr. Molnar but as the Township would then be paying by the ton, weight would be a critical factor. Returning to dumpsters for recycling was mentioned in conjunction with an owned truck that would do double duty. Mr. Corboy stated that the West Amwell user still pays less than contracting with RVD. Mr. Hoagland and Mr. Baran will continue the monitoring process again this Saturday.

Corsalo Residence – Mr. Corboy inquired about the status of the property that was the subject of a recently received neighborhood petition. The complainant was in and directed to speak with the Construction Official as a violation has been issued.

Police Study – Mr. Corboy expressed hope that this will be available by the next meeting and noted that comments from all committeemen have been submitted. A general discussion over the initial premises of the three municipality study--cost reduction, better administration, promotion opportunities--ensured. With East Amwell basically out of the equation, Mayor Corboy noted that cost savings is not evident and that start up costs could be more than current ones. Mr. Masterson also relayed that the study did not have much to offer the Township, although it did contain some good ideas, albeit nothing specific monetarily. There's also the question of which municipality

would lead and the benefit for West Amwell. Mr. Molnar concurred and offered the opinion that the \$38,000 expenditure was a waste. Mr. Corboy believes that there's potential "down the road" for a South County PD that would include several municipalities and that this would make sense. He also noted that the current study used population to show manpower needs based on national crime standards, which doesn't reflect this area. The upside, according to Mr. Masterson, is that there would be a total reorganization; a new department would be formed; a new start achieved; and, possibly a new cast. That salaries may also become more realistic was also noted. There was agreement, however, that the concept would be a tough sell.

NEW BUSINESS

Request from NJDOT for Resolution of Support Concerning Centerline Markings along Rt 29 – There Committee was in agreement with the need for the proposed No Passing Zone.

RESOLUTION #132-2009

WHEREAS, the New Jersey Department of Transportation (NJDOT) has recently inventoried existing centerline markings along Route NJ 29 in West Amwell Township; and

WHEREAS, the Bureau of Traffic Engineering and Investigations (BTEI) has completed an investigation and has recommended that the centerline pavement markings between Mileposts 17.5 and 17.8 be revised to a No Passing Zone; and

WHEREAS, in order for NJDOT to legally establish a No Passing Zone between Mileposts 17.5 and 17.8, a resolution of support from the municipality is needed; and

WHEREAS, the West Amwell Township Committee concurs with the proposed change to the existing centerline markings along Route NJ 29 as noted

THEREFORE BE IT RESOLVED, that the West Amwell Township Committee hereby supports the NJDOT initiative to revise the centerline pavement markings between Mileposts 17.5 and 17.8 to reflect a No Passing Zone.

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

August Meeting Date – Changing the date of the August meeting from the 12th to the 19th was raised. The decision was to keep the August 12th date.

MS Bike Ride on Sept 27th – This bike ride is scheduled for September 27th, with a beginning and end at the River Horse Brewing Company in Lambertville. This has been an annual event for the past several years and permission is sought to ride through the township again this year. The planned route and a Certificate of Insurance has been provided. The request was approved and a letter verifying same will be sent.

Attendance at League Conference in November – The Committee was polled as to their need for hotel accommodations for the conference. The consensus was that their possible attendance would involve day trips only.

Fair Share Housing Appeal of Substantive Certification – COAH was sued over their grant of substantive certification to the Township. Further discussion held for Closed Session.

Discussion/Possible Resolution re: Overpayment to South – The Auditor has found a \$76 overpayment. The options are to either waive this by resolution or deduct the amount from the next payment. The decision was for the deduction.

Receipt of 2008 Audit – Copies were distributed for review. Formal action will be taken at the next meeting.

OPEN TO THE PUBLIC

ADMINISTRATIVE REPORTS

Treasurer –

**RESOLUTION #133-2009
EMERGENCY TEMPORARY RESOLUTION
PRIOR TO ADOPTION OF THE BUDGET
July 15, 2009**

WHEREAS, an emergency condition has arisen with respect to inadequate appropriation balances remaining in many of the 2009 temporary budget appropriations due to delays in the 2009 budget process: and

WHEREAS, inadequate provision has been made in the 2009 temporary budget for the aforesaid purposes, and N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for the purposes above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2009 pursuant to the provisions of N.J.C.A. 40A:4-20 (Chapter 96, P.L. 1951 as amended) including this resolution total \$900,848.00.

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation has been provided for in the 2009 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

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

RESOLUTION #134-2009

WHEREAS, it has been determined by the Township Committee of West Amwell Township that the following escrow amounts can be refunded,

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 applicant:

Applicant	Amount Refunded
Mark Bowles	\$2,539.34

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 Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Receipt of Certificate of Determination & Award (BAN): No action by the Committee is needed. The only requirement is for the results of the sale be presented to the governing body. Requirement met.

Treasurer Report, Statement of Cash, Revenue, and Receipts and Disbursements: Appropriations through June 30, 2009 were provided and reviewed. As of this date

there is a cash total of \$3,473,764.21 between the operating and capital accounts. Revenue report for May/June 2009: Receipts for the months were \$30,326. Receipts for the 2nd Quarter of 2009 totaled \$7,345,119.34, with disbursements of \$8,463,548.62.

Molnar motioned to accept and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Tax Collector – Mr. Corboy explained that there was a mixed up with the bank as to who was responsible for payment and that Mrs. Howell requested that the late fee been rescinded.

RESOLUTION #135-2009

WHEREAS, a request to waive interest due on an overdue tax payment for the second quarter 2009 has been received from Wanda Howell, Block 13 Lot 63; and

WHEREAS, the Tax Collector has advised that this action can only be approved by the Township Committee

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the requested waiver on interest due be granted

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

Construction – The June 2009 Permit Fee Log (12), Monthly Activity Report/Permits (8), Payment Audit Report (\$1,157), Monthly Activity Report/Certificates (11) and Certificate Log (11) details were received for PermitsNJ.

Court – The 2nd Quarter Report with a total of \$21,823.51 was received. Ticket activity by the various officers was included and briefly discussed.

Police – The May and June 2009 Monthly Reports showing 228/251 incidents, ~~3/0~~ **233/63** summonses and, ~~4/4~~ **3/0** warnings were received. *(corrected per SJB note 8/19/09)*

Zoning Officer Report -- The June 2009 report of activities was received. Numerous phone calls and interpretations were noted, together with site and office visits. No complaints were noted. Eleven permits were issued.

Molnar motioned to accept the Construction, Court, Police, and Zoning reports and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

The Committee entered their previously approved Closed Session at 9:30 p.m. and returned to Open Session at 9:58 p.m.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 10:04 p.m. on motion from Molnar, seconded by Masterson.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk