

# **WEST AMWELL TOWNSHIP COMMITTEE MEETING**

## **June 17, 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 Sean Pfeiffer, Ron Shapella, Cathy Urbanski, George Fisher, Bernie Meader, Bruce Gage, John Dupuis, Stacey Smith-Bohn, Svetlana Repic-Qira, Tom King, Jim Allen and Herbert Haderer

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**

Tom King 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 - County Resolution. 7.C Sourland Planning Council Presentation and 12.E Police were deleted.

### **ANNOUNCEMENTS**

Mayor Corboy made the following announcements:

- Summer Township Committee Meeting Schedule – July 15<sup>th</sup>, August 12<sup>th</sup>, Sept 16<sup>th</sup>
- Township Offices will be Closed July 2<sup>nd</sup>
- No Garbage or Recycle Depot on July 4<sup>th</sup>
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

### **PRESENTATION OF MINUTES**

The May 20, 2009 Special, Regular and 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**

Tom King came forward about the on-going issue concerning a neighbor's driveway. Aerial pictures of the property prior to sale and as currently configured were presented. The latter show where the two swales were cut through by the driveway and how this has closed off water to the two ponds on the property. Mr. King further advised that the driveway is over 500 ft. and should have been submitted to Hunterdon County Soils. However, the latter has advised that because the driveway is in, they do not have evaluation rights. Because of this situation, he questioned whose responsibility it would be to force the neighbor make proper corrections as by not getting a permit, both Soil Conservation and he were denied the opportunity for review. Attorney Faherty relayed a recent conversation with Mr. Clerico and Mr. Baldino about the issues involved with the driveway—no permit from Hunterdon County and possibly over 500 ft long. Further investigation is underway and, if Chapter 109 has been violated, the Zoning Officer will take action. The Township has fulfilled its obligation as to land development and if the property owner is found to be in violation, he will be fined. Any other issues between the two parties will have to be pursued privately through Superior Court. The issue is in the hands of the Zoning Officer for appropriate action and that if Mr. King has been damaged by the neighbor, he can pursue civil action. The Township Engineer has

completed his review and is no longer involved in the matter. There is no authority vested in the Township to remove the driveway. However, the issue of a second driveway on the property is also being looked at. Mr. Corboy stated that in order for a CO to be issued, the property owner will have to get a driveway permit from the County; the second driveway issue is still under investigation; Soil Conservation has already rendered its decision; and, the municipality doesn't incur costs in neighbor vs neighbor disputes. A discussion ensued over the swales; responsible party for maintaining same; whether or not the storm water ordinance would pertain to swales; and, damage being caused to Mr. King's home by the work that has been done. Mr. King was advised that if he can prove damage, a judge would make an award but, as Mr. King conceded, this would be impossible to do. The matter is in the hands of the Zoning Official who will notify the neighbor if it is determined that a violation exists.

Mr. King continued with a second matter of storage containers on his property. The Zoning Officer has advised through a letter of violation that these are not allowed and must be moved. An extension of time was requested and denied. Mr. King stated that these containers are being used to store things from his house and, with all the rain, some are stuck. Mr. Corboy suggested that Mr. King appeal the ruling to the Zoning Board.

Herbert Haderer came forward requesting that the property located at 13 Corsalo Road be cleaned up by the owners. The property experienced a devastating fire in 2004 which rendered the house uninhabitable. Many years have passed and the shell remains. There is debris strewn about and overgrown vegetation. The property is an eyesore and Mr. Haderer presented a petition signed by the neighbors calling for enforcement of Chapter 104 of the Township Code.

Jim Allen, also a property owner on Corsalo Road, stated that he purchased his home in 2006. He, too, noted that the property is an eyesore; is over-grown; stated that it has depressed property values; and, feels that 5 years is too long. However, the neighbors do not want to be confrontational with the owner of the property.

Mr. Haderer and Mr. Allen were advised that the owner has been cited by the Construction Official and that the matter will be checked further.

Ron Shapella came forward about what he perceived to be a nasty mailing, noting some of the comments made by the Fisher camp prior to the primary election. He questioned how Mr. Molnar, as a public official, could sign off on those comments, especially the one linking Cathy Urbanski to the Fulper lawsuit. Mr. Shapella recalled that Mr. Molnar was mayor when all this activity was going on; that he supported what Mrs. Urbanski did at that time; and that he, Mr. Shapella, and Mr. Molnar stood together as committee members. He questioned how Mr. Molnar could reconcile this change of position and if he has made it clear to the public of this former stance.

Mr. Molnar confirmed that he oversaw previous events but that he has since acquired a different point of view. He also has made known the fact that he supported Mr. Shapella in the past but has since changed his mind.

Tom King came forward to inquire about the storm water ordinance and if the Township Committee would support a requirement to control storm water crossing property lines. Mr. Corboy advised that the storm water ordinance only applies to subdivisions, not existing property owners, unless some other permission is needed. The regulations are from the State and whether or not the Township could make them more stringent would have to come from the Planning Board Engineer.

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

**FFA Update:** Mr. Molnar reported that he attended the annual banquet and accepted a plaque, on behalf of the Township, that was given in appreciation for help given over the

years and especially for the car wash and Farmers Market. He also noted that Mr. Ritter is retiring.

**Municipal Alliance Update:** Held. Mr. Fuhr was unable to attend.

**Public Hearing:** Ordinance 18, 2009

AN ORDINANCE TO AMEND ARTICLE XXXIV, CHAPTER 109 OF THE CODE OF WEST AMWELL IN ORDER TO ADDRESS REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) RELATED TO WEST AMWELL'S SUBSTANTIVE CERTIFICATION OF ITS THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN.

Proof of publication in the May 28, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the May 20, 2009 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 the Housing and Fair Share Plan. Adoption is recommended. Mr. Corboy read the Ordinance by title and opened the public hearing.

Bruce Gage came forward to encourage the Committee to move on the COAH obligation in a timely manner by working with Community Options to find a suitable house for a group home. Two properties were previously found and deemed suitable but lost because the organization was not able to take action in a timely fashion. The market is heating up for homes under \$400,000 and there is no time to float a bond to get needed funding in place. His stated concern was to protect the Township against a builder's remedy and offered that he believes that Toll backed out of a preservation deal because of COAH. There is talk about extending sewer lines; Lambertville has the capacity; and, Toll has the money to fight for this. Mr. Gage urged the Committee to adopt an ordinance for the Township's share in order to enable the purchase of affordable units. When questioned by Mayor Corboy as to the source of the sewer talk, Mr. Gage relayed that he cannot provide documentation as this is not public information and the source is unconfirmed. However, he is convinced that the preservation of the former Stout farm was pulled due to other plans at Toll Brothers. They are not going to bail out of West Amwell; the land is currently unprotected; and, it would be no big deal to sewer.

Sean Pfeiffer came forward to urge that active oversight be maintained in light of the two recent resignations from the Affordable Housing Board. Follow through and expertise is needed.

Hearing no further comments, the public hearing was closed on motion from Molnar and seconded by Corboy. Roll Call: Molnar-aye, Masterson-out, Corboy-aye

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

**Introduction:** Ordinance 19, 2009

The Local Finance Board determined in December 2008 that the Municipal Court Administrator doesn't meet the criteria for participation in the Defined Comp program. This ordinance confirms that this is a PERS position.

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

**AN ORDINANCE AMENDING ORDINANCE 15, 2008 DETERMINING POSITIONS  
ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM**

WHEREAS, the Local Finance Board has amended its guidelines concerning positions exempt from the Defined Contribution Retirement Program;

THEREFORE, BE IT ORDAINED by the West Amwell Township Committee that Ordinance 15, 2008 is hereby amended with the addition of the following position as exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-1 et seq.:

2. g. Municipal Court Administrator

Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.

A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.

This ordinance shall take effect upon its passage and publication as required by law.

Molnar moved to introduce the Ordinance on first reading and Corboy seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

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

### **Open Space**

- *Update on Gulick I closing with County:* The Township closed with the County last week for reimbursement. A reimbursement package for soft costs will be prepared in conjunction with the CFO.

- *Update on Janyszeski/Kutz:* This is a County Traditional program property and is expected to close next week. The property is 35 acres on Stymiest Road. The owners gave a 20% discount on CMV and the cost to the Township is under \$75,000.

- *Open Space Invoices:* Invoices totaling \$1631.70 were received from Attorney Dragan for working on Gulick I & II, Stiefel, West Amwell LLC, and miscellaneous matter. Unanimously approved for payment on motion from Molnar, seconded by Masteron.

- *Project Status Updates:* **Gulick II** is expect to close soon. However, the County and State will not cost share on the small (\$20) portion of the driveway. Hunterdon Land Trust Alliance is ok with the Zeng silo proposal on **Toll South**. Dan Knox will be consulted and if there's no problem, a formal agreement will be finalized. A revised survey is forthcoming as there are currently two floating easements for access roads. These will be extinguished at closing. Attorney Dragan is working on the process for same. Mr. Gestite has been approached about submitting weight slips for debris cleanup activities and is agreeable. This will be used for the Township recycling tonnage report.

- *County Resolution:* This is an annual request for County open space funds. This year's allocation will cover a portion of Gulick I.

## **RESOLUTION #115-2009**

Whereas:

The Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Grants Program to provide Program Funds in connection with municipal acquisition of lands for recreation, conservation and general open space purposes; farmland preservation; preparation of plan elements of a municipal Master Plan, and restoration of county owned or municipal owned historic facilities. The Governing Body of West Amwell Township desires to obtain Open Space Trust Funds in the amount of \$28,359.06 to fund Gulick I Farm, Block 14, Lot 33.02.

Now Therefore the Governing Body resolves that:

1. Catherine Urbanski is authorized to: (a) make an application to the County of Hunterdon for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Grants Program and (c) act as the principal contact person and correspondent of the above named municipality.
2. If the County of Hunterdon determines that the application is complete and in conformance with the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan and the Policies and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such adopted policies and procedures, and applicable state and local government rules, regulations and statutes thereto.
3. Mayor, William J. Corboy is hereby authorized to sign and execute any required documents and agreements with the County of Hunterdon for the approved Open Space Trust Funds.

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

#### **Environmental Commission**

- *Authorization to Post March 12, 2009 Minutes on Website:* Approved.
- *Letter in Support of A3239:* The piece of legislation would permit property owners with 5 acres or more of woodlands the option of keeping them in intact. The requirement for a woodland management plan covering wooded areas that receive farmland assessment is maintained but allows DEP to waive the income-generation part via a stewardship plan. The consensus of the Committee was of support and the Mayor Corboy signed the letter.

#### **Parks & Recreation**

- *Report on Park Grand Opening of Arnett Park:* John Dupuis reported that the ribbon cutting took place on June 8<sup>th</sup> with appropriately 100 people in attendance. The celebration of this long anticipated pocket park included donated food with desserts contributed by neighbors. The picnic tables, shrubs, trees and the benches, due later this month, were the result of Joey Agabiti's Eagle Scout project. Mr. Dupuis thanked the Committee members for attending and for their support. Pictures of the event were shared. Mr. Corboy noted that this was a difficult project from the beginning as it involved two municipalities and land covered with junk but with no clear title. Kudos were extended to all involved.
- *Public Relations for Camp at Hewitt Park:* Mr. Dupuis expressed concern about the outreach for the summer camp as he's not received any flyers and the end of school is approaching.

#### **Affordable Housing (COAH)**

- *Group Home Opportunity:* Ms. Smith-Bohn relayed that discussions with Community Options pre-date her employment but that the organization has been in contact and wishes to make an offer on a house in the Township. In order to do so, they need a written commitment for the funding previously discussed. Ms. Repic-Qira stated they have found a property on Gulick Road that will work for them and re-iterated the need for written commitment. The property is in attorney review but the owner can entertain other offers. The intent is to make a full price offer on the property.
- *Resolution of Support for Purchase:*

#### **RESOLUTION #116-2009**

WHEREAS, West Amwell Township's approved COAH plan includes a provision for supportive living arrangements; and

WHEREAS, West Amwell Township has been working with Community Options to secure an appropriate location for a group home to satisfy the COAH obligation; and

WHEREAS, Community Options has indicated that the Township's cost share for a group home purchase is \$50,000 per bedroom; and

WHEREAS, Community Options has located a suitable home on which they would like to make an offer

THEREFORE, BE IT RESOLVED, by the West Amwell Township Committee that the Township is committed to providing a group home in the Township and is agreeable to the \$50,000 per bedroom funding to Community Options for this purpose

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

- *Refund Resolution*: It has been discovered that the final COAH fee charged was incorrect and has been re-calculated.

#### RESOLUTION #117-2009

WHEREAS, a COAH fee of \$3,763.30 was charged to DLJ Mortgage Capital Inc. for a residence at 106 Hancock Street, Block 40 Lot 4; and

WHEREAS, it has been determined that this fee was not in line with the equalized assessed value calculation rate in place at the time of permit issuance; and

WHEREAS, the Tax Assessor has recalculated the COAH fee and determined that the correct development fee is \$1,254.43

THEREFORE, BE IT RESOLVED by the West Amwell Township Committee that a refund of \$2,508.87 in COAH fees be made to DLJ Mortgage Capital Inc. c/o Select, PO Box 65250, Salt Lake City UT 84115 for Block 40 Lot 4

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

- *Resignation*: Susan Molnar tendered her resignation from the AHB effective July 1<sup>st</sup>. She has been on the Board, and the Chair, since inception but no longer works in the affordable housing field. She stated that the Board needs more individuals to serve who know and understand recent changes; who can make a contribution based on their continued knowledge of COAH; and, suggested that the mayor begin thinking about replacements for both herself and Linda Wilson with either a land use planner, attorney, engineer or someone in the housing field who could offer volunteer services as a member of the Board to assist in the implementation of the plan. Ms. Molnar's resignation was accepted and an letter of appreciation will be sent.

#### **Recycling**

- *Proposal for Clean-up Day*: Mr. Shapella noted that the Recycling committee is looking at procedures and presented a draft proposal for a potential November clean up day, including fees. Goals are to: 1) separate and recycle more materials from the waste stream; 2) prohibit unauthorized trucks on the pad; and 3) keep non-residents from participating. The possibly having Goodwill or Salvation Army attend to accept toys and furniture is also being explored. Further refinement will be a topic for the next Recycling committee meeting. Mrs. Olsen noted that a formal bid will not be necessary but a good spec sheet is needed which can be faxed to haulers for a quote and that there is slightly more than \$9000 in Clean Communities money that can be used for this activity. Mr. Molnar offered that there are three dump trucks at the Township garage that could be used for the collection of metal.

On a related topic, Mr. Shapella requested that another sign be posted about the \$75 garbage fee that goes into effect this July.

**Stormwater**

The 2008 report must be submitted to DEP and was presented for review. Mr. Shapella noted that although the requirement of township wide distribution was met, there was no public event due to the cancellation of the Country Fair. Going forward, the latter can be met with a table at the Farmers Market. The needed for the addition of a zero on page 2 for the number of projects subject to stormwater control provisions reviewed was noted. Although there are no more inspector visits, the requirement for an annual report remains unchanged. The report period runs January through December with a filing date of April. Report approved for submission. Mr. Shapella to sign and submit.

**UNFINISHED BUSINESS**

**Update on Solar Co-Op** – Mr. Shapella relayed that there will be a meeting with representatives of JCP&L and BPU (via phone) on 6/19 at the Justice Center and that Township Committee members are invited to attend. The premise is to locate spot for solar collection and have the money generated fund the utility needs of the various entities involved in the co-op. The group needs to determine if there is room here for a large array of collection panels and how much the host benefit would be. Although free electricity is not expected, there would be a significant discount on that commodity. Mr. Shapella relayed that there would be no up front cost to co-op members as the provider would pay for the installation and then market the product for tax credits. He also noted that there's the promise of a beneficial system for all involved.

**Route 29 Drainage Project Update** – A public information session is planned for early September. A Lambertville location is being considered.

**IPE** – There's been no further word. The Farmland comments promised for June 8<sup>th</sup> have yet to be seen.

**Rocktown Hill Drainage Project** – More will be known about possible available funds after the DRJTBC's next monthly meeting.

**Rocktown-Lamb. Road Section 13 Resolution of Award** – Attorney Faherty reported that the low bidder is deficient in required paperwork; e.g., no Business Registration Certificate for the sub-contractors, which by statute is a fatal flaw; and, although the surety company is okay in New Jersey, it is not Treasury listed. These are causes for rejection. Mrs. Olsen relayed that Mike Seebeck of Mazzara Trucking had called for an agenda and then left a voice mail message that he would not be attending.

RESOLUTION #118-2009

WHEREAS, the Township of West Amwell advertised, and subsequently received bids, for the Rocktown-Lambertville Road Improvement Project-Section 13 on June 11, 2009, as outlined on the attached bid summary:

WHEREAS, six bids were received as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Mazzara Trucking & Excavation Co., Farmingdale, NJ	\$237,328.00
Jonico, Inc., Lambertville, NJ	\$261,500.00
Top Line Construction Corp., Somerville, NJ	\$276,546.26
DeSantis Construction Inc., Somerset, NJ	\$283,698.46
Z Brothers Concrete Constructors, Inc., Sayreville, NJ	\$295,038.72
Brian Plushanski Construction Company, Hampton, NJ	\$303,706.50

WHEREAS, Philip J. Faherty II, Township Attorney, has reviewed the submitted documents and has determined that the bid from Mazzara Trucking & Excavation Co., Farmingdale, NJ must be rejected due non-compliance with the bid proposal instructions by the non-submittal of a bid bond issued by a surety licensed in the State of New Jersey and listed in U.S. Department of the Treasury Circular 570 **and** the

omission of a Business Registration Certificate, both of which are fatal flaws to the bid; and

WHEREAS, Robert J. Clerico, Township Engineer, has reviewed the remaining bids and determined that Jonico, Inc., Lambertville, New Jersey 08530 submitted the lowest bid in the amount of \$261,500.00 and;

WHEREAS, the Township of West Amwell has sufficient funds to award the Contract.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of West Amwell that the Contract for the Rocktown-Lambertville Road Improvement Project-Section 13 be and is hereby awarded to Jonico, Inc., Lambertville, New Jersey 08530 for their bid of \$261,500.00, subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Robert J. Clerico, P.E., Township Engineer.
2. The Contract is subject to review and approval by the Delaware River Joint Toll Bridge Commission.

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

**Comcast Agreement for Free Services** – According to the franchise agreement, the Township is entitled to free TV services to municipal and school buildings, fire, police, EMT and library facilities but these need to be formally named by the municipality. Addresses for the following will be forwarded: municipal building, police and fire, West Amwell elementary and SHR. The level of programming to be received will also be requested.

**South Hunterdon Budget Revised Resolution** – Mr. Corboy relayed that the cut was three times the highest one ever made. Suggested areas for cuts were discussed and included the elimination of a non required drug awareness counselor. Mr. Molnar spoke with a Board member concerning the original 5% cut and how that would have had major impact on programs and sports. A brief discussion ensued about the cost per student; not having what other County high schools enjoy; and, that even with a reduced per pupil cost with a larger student body, taxes would still go up.

#### RESOLUTION #119-2009

##### *A Resolution to Replace Resolution #94-2009*

Resolution Certifying the General Fund Tax Levy for the South Hunterdon Regional High School Board of Education for the School Year 2009-2010, by the Governing Body of the Township of West Amwell, County of Hunterdon, State of New Jersey

WHEREAS, the voters of the Township of West Amwell in a duly held election, did fail to approve the General Fund Tax Levy Budget of the Board of Education of the South Hunterdon Regional High School for the school year 2009-2010; and

WHEREAS, the Education, Budgets and Appropriations Law, N.J.S.A. 28a-22-37, requires the Governing Body of Township of West Amwell, after consultation with the South Hunterdon Regional High School Board of Education, to determine the amount which is necessary to be appropriate in such budget and to certify to the County Board of Taxation the total amount so determined; and



WHEREAS, the Governing Body of the Township of West Amwell has consulted with representatives of the South Hunterdon Regional High School Board of Education, and has thereafter determined the amount necessary to be appropriate:

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of West Amwell, County of Hunterdon, State of New Jersey, that the following determination is hereby made:

1. The original tax levy on the ballot for the base budget: \$8,037,111.
2. The amount of reduction to the tax levy for the base budget: \$ 301,000.
3. The amount of tax levy being certified for the base budget: \$7,736,111.
4. Specific line item reductions:

Account Number	Description	Amount
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- a. Every operating line item to be reduced accordingly.

5. Supporting reasons for reduction: Based upon a review of all data provided by the Board of Education, meetings with representatives of the Board of Education, numerous public hearings and consideration of the public need, it has been determined that the reductions set forth herein can be effectuated without a reduction in programs or negatively impacting upon the education of the students.

6. The revised budget is sufficient to provide a thorough and efficient education.

7. There was no additional general fund tax levy considered by the voters.

BE IT FURTHER RESOLVED that representatives of each municipal body, the school board and the County superintendent will meet every other month throughout the upcoming school year; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the South Hunterdon Regional High School Board of Education, Executive County Superintendent of Schools for Hunterdon County, and the Administrator of the Hunterdon County Board of Taxation.

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

**Proposed Revisions to Floodplain Ordinance** – The DEP model ordinance has been reviewed by the Engineer's office and comments offered. The Township Committee now must review and provide feedback prior to submission of the draft ordinance to DEP. A revised floodplain ordinance must be in place by September 25<sup>th</sup>. It has also been determined that the person/position named in the ordinance does not have to be a certified floodplain manager as this is mainly for contact purposes and is administrative in nature. Therefore, the Zoning Official will be the contact.

**Possible Appointments** – none

**Resolution Correcting Resolution #109-2009** – The Block reference was taken from Mr. Millan's letter, although the accompanying paperwork had the Block as 39. The discrepancy wasn't noticed until after the last meeting and a correction is needed as Block 30 is not on Connaught Hill.

RESOLUTION #120-2009  
(Correcting Resolution #109-2009 - Incorrect Block Identifier)

WHEREAS, Thomas McMillan is the contract purchaser of Block 39 Lot 2; and

WHEREAS, Lots 2.02 and 2.03 were part of the initial agreement of sale; and

WHEREAS, clear title to Lots 2.02 and 2.03 was not finalized until after the death of the owner when it was determined that said owner had failed to executed a deed for Lots 2.02 and 2.03; and

WHEREAS, Thomas McMillan has requested that the Township assign to him the tax sale lien for Block 39 Lot 2.02 and 2.03 to enable him to proceed with a foreclosure; and

WHEREAS, Attorney Faherty has advised that the presented contract is enforceable; that Mr. McMillan is entitled to this assignment based on the rights conveyed to him under the agreement of sale; that if the Township holds the certificates they are permitted to assign them; and, that it would then be up to Mr. McMillan to take whatever action is necessary to foreclosure on that tax sale certificate

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the tax sale certificates for Block 39 Lots 2.02 and 2.03 be assigned to Thomas McMillan

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

**Calton** – Mr. Molnar relayed that he met with Randy Hoagland and Glenn Baran last week about the **mowing schedule** that was discussed previously, noting that this will not happen due to the rain and that the grass is 4 foot tall in the front. There was also a question about whether or not the **fence** can be removed to facilitate the mowing operation. Discussion ensued about ownership of the property on either side of Music Mountain Boulevard. The right side is not township owned; however, the tax map will be consulted as to ownership of the left side property. The ownership of the fence is yet to be determined.

**Municipal Issues** – The **DPW** is working a 36 hour week under the new schedule but were called out on a Friday for a down tree. Their overtime was rejected and has caused concern. According to the Fair Labor Standards Act, overtime pay at 1 ½ times regular rate is for work over 40 hours in a workweek. Consequently, there is no overtime until 40 hours is reached. Mr. Hoagland is not happy with the **air conditioning** at the Fire House as it freezes. He would like to get an estimate from another company and seeks permission to do so. It was also suggested that perhaps a two zone system should be investigated. These requests were not seen as problematic. Assessment of the insulation should also be conducted. Mr. Baran requested that a **vacation** day be re-instated as one was lost. The records will be reviewed. The **police study** is still in draft form. It cannot be discussed but is imminent.

#### **Resolution to Enter Closed Session –**

##### RESOLUTION #121-2009

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

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

#### **NEW BUSINESS**

**ABC License Renewal & Resolution** – The license is currently inactive but annual action must be taken to keep it.

#### **RESOLUTION #122-2009**

WHEREAS, the notice of intention to apply for a renewal of a Plenary Retail Consumption License was duly received by the Clerk of the Township of West Amwell in accordance with the rules and regulations as set forth by the Division of Alcoholic Beverage Control

BE IT RESOLVED by the Township Committee of the Township of West Amwell pursuant to an act entitled "An Act Concerning Alcoholic Beverages" passed December 6, 1933 and amendments thereof and supplements thereto is hereby authorized to issue a license for the sale of alcoholic beverages in the Township of West Amwell,

subject to the conditions prescribed in an Ordinance of the Township of West Amwell dated March 1, 1963, amended February 21, 1969, October 5, 1978, April 2, 1981, February 3, 1983, August 18, 1999, April 18, 2001, April 3, 2002, October 19, 2005, July 19, 2006 and further amended on March 7, 2007.

BE IT FURTHER RESOLVED that, subject to the aforesaid conditions, the following Plenary Retail Consumption License be granted, the fee being \$2500.00 per year, effective date being July 1, 2009, Vinesse Corp. of 19 Pine Hill Road, Stockton, NJ 08559 license #1026-33-001-006. Governing Body of the said Township be and is hereby authorized to sign said license

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

**Estimated Tax Bills & Resolution** – As the Township budget cannot be adopted until sometime later this summer, a final tax rate cannot be set by the County by July 1<sup>st</sup>. As tax money is required to pay the schools, estimated bills must be generated to ensure cash flow. The calculated tax rate is 1.8714. A letter to accompany the estimated bills is needed by Monday from the mayor.

#### **RESOLUTION #123-2009**

#### **RESOLUTION AUTHORIZING THE TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994 C.72**

WHEREAS, due to the delayed adoption of West Amwell Township's budget, the Hunterdon County Board of Taxation is unable to certify a tax rate and the West Amwell Township Tax Collector will be unable to mail the Township's 2009 tax bills on a timely basis; and

WHEREAS, the West Amwell Township Tax Collector, in consultation with the West Amwell Township Chief Financial Officer, has computed an estimated tax levy in accordance with NJSA 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rate and the range of permitted estimated tax levies; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, Township of West Amwell, County of Hunterdon, State of New Jersey according to the following:

1. The West Amwell Tax Collector is directed to prepare and issue estimated tax bills for the Township for the third installment of 2009 taxes in accordance with the provisions of NJSA 54:4-66.2 et seq
2. The entire estimated tax levy for 2009 is hereby set at \$10,056,416.46
3. In accordance with law, the third installment of 2009 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

CERTIFICATIONS:

\_\_\_\_/s/ *Philip J. Faherty*\_\_\_\_ Township Attorney

\_\_\_\_/s/ *Jane Luhrs*\_\_\_\_ Chief Finance Officer

\_\_\_\_/s/ *Catherine L. Park*\_\_\_\_ Tax Collector

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

**Ordinances for Possible Update** – Although there is scant activity under the ***Peddling and Soliciting*** ordinance, it dates to 1964 and carries an extremely low license fee. Possible increases were proposed. The ordinance covering licensing fees for ***Food Handling Establishments*** will be compared to fees charged by other municipalities. The temporary food license fee currently covers County inspection charges only. A call was recently received about a ***mobile food permit***. The current ordinance does not allow these units. There was no particular interest noted in permitting this type of operation. A recommendation from the Safety committee about posting ‘**clean up after your dog**’ signs was discussed as problems are encountered during mowing operations. This would require an ordinance amendment to one or more ordinances. Attorney Faherty advised that this would be hard to enforce.

**Request for Return of Inspection Escrow Monies** – Engineer Clerico has advised that most of the money being held can be returned to the applicant.

RESOLUTION #124-2009

WHEREAS, the Township is holding an Inspection Escrow Account for the Dairy Farm Lane major subdivision on Block 11 Lot 9.01; and

WHEREAS, the Township has accepted the road and it is currently under a maintenance bond; and

WHEREAS, the Township Engineer has suggested that a portion of the current escrow account balance, or \$1000, be retained to cover follow up inspection prior to the release of the maintenance bond and the remainder refunded to the applicant

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee that \$2,539.34 be returned to the applicant with \$1000 being retained by the Township for final inspection

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

**Possible Resolution for Click It/Ticket Campaign** – As the pay rate for this two week special program exceeds contractual overtime rates, authorization is needed in order for the CFO to make the payment.

RESOLUTION #125-2009

WHEREAS, the West Amwell Township Police Department completed the 2009 “Click It or Ticket” program; and

WHEREAS, a total of 98 summons were issued during the two week period of the campaign that ran from May 18 to May 31, 2009; and

WHEREAS, the NJ Division of Highway Safety, in the grant to the Township Police Department, allowed that agency to establish the hourly rate up to a maximum of \$50.00 per hour; and

WHEREAS, Lt. Steven J. Bartzak authorized the rate to be paid to the participating officers at \$50.00 per hour to be fair to all those who participated in the program; and

WHEREAS, this rate exceeds the contractual overtime rate

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, that an overtime payment rate of \$50.00 per hour is hereby authorized for the two week period of the Click It or Ticket campaign for all participating patrolmen.

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

**Foran Certification Request** – The Clerk has been requested to provide a certification that lots 16.01 and 16.03 in Block 7 were created as part of a valid minor sub-division. This was reviewed by the Planning Board attorney; discussed at last night’s meeting; and, a determination made that the certification can be made. Mrs. Olsen relayed that she has since learned that a fee can be charged for this service, if there’s an ordinance or resolution in place. Another possible revenue enhancement should these become more frequent.

**OPEN TO THE PUBLIC**

Bernie Meader inquired about the police study; if the group is still meeting; and, if it’s being revised. He was advised that only a draft has been issued for the submission of comments and that it’ll be another month or so. Mr. Meader also asked about the SHR meetings for cost containment; suggested that the new auditorium be sub-letted to bring in money; that a committee be appointed for this effort; and, that the auditorium has commercial potential that needs to be promoted. Renting out the space was a selling point in the referendum and needs to be pushed. Mr. Meader credited the Committee for the cuts and hopes that the school board realizes the problem. As for the teacher-student ratio, he believes that the school must be efficient or look for an alternate. He hopes that the proposed liaison rep meetings will help get a return on the taxpayer investment.

John Dupuis thanked the Committee for the budget work. He then spoke about regionalization, which has been around since 1871. However, only two schools have done so in the last 28 years. The idea is old and so are the rules guiding it. There are no quick fixes and studies have been done in the past, but people are not always realistic. A brief discussion ensued about the various formulas used to determine funding; the difficulty with getting sending districts to approve any change; and, that there are currently two bills in the legislature that would remove impediments to change.

Sean Pfeiffer also inquired about the pending police study and if the comments would result in changes as this was supposed to be an independent study. He cited police problems in Lambertville and the difference in communities as things that do not make

this a good match. Mr. Corboy noted that he did not favor shutting down an idea but that if it doesn't make sense, it'll be wrapped up.

Attorney Faherty relayed that several folks will be deposed next week in the Marshall/RVD/WAT/Illinois National Insurance case. These include Bill Comly, Betty Jane Hunt, Nancy Palladino, Lora Olsen and himself. The fight is over who pays. He also advised that a letter has been received from Attorney Lanza concerning the Perrine closing. The title search can be ordered as the ordinance is now in place. A closing can take place in early to mid-July. Once the property is owned by the Township, it will have to be insured, maintained, and a plan devised for use or disposal.

## **ADMINISTRATIVE REPORTS**

### **Treasurer –**

**RESOLUTION #126-2009  
EMERGENCY TEMPORARY RESOLUTION  
PRIOR TO ADOPTION OF THE BUDGET  
June 17, 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 \$675,648.00.

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 Corboy 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

Statement of Cash: As of this date there is a cash total of \$3,531,583.25 between the operating and capital accounts. Molnar motioned to accept and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

**Tax Collector** – As this was a time sensitive payment, the mayor signed off and the check released. However, the resolution authorizing it must now be adopted.

**RESOLUTION #127-2009**

WHEREAS, funds were received by the tax office for the redemption of a tax sale certificate #1-2007 for Block 8 Lot 49, owner of record, Michael Voorhees. This certificate is held by Frank Gallagher. Redemption amount paid: \$10,301.41.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, to instruct the Treasurer to issue a check for the redemption of tax sale certificate #1-2007 in the amount of: \$10,301.41. Make check payable to Frank Gallagher.

Mail to: Frank Gallagher

8 Blackwell Ct

Flemington NJ 08822

Include a copy of this resolution.

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

The monthly report for May 2009 was received showing receipts in the amount of \$1,591,197.33. Molnar motioned to accept this report and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

### **Clerk/Human Resources**

#### **RESOLUTION #128-2009**

WHEREAS, the Township of West Amwell advertised for the position of Electrical Sub-Code Official/ Inspector; and

WHEREAS, four applications were received and reviewed by the Construction Official and Township Committee; and

WHEREAS, the Construction Official has recommended, and the Township Committee has concurred, that Michael Janoski, who is currently serving under a 60 day appointment, is best qualified for said position; and

WHEREAS, Michael Janoski has accepted the Township's offer for the position

THEREFORE, BE IT RESOLVED that Michael Janoski be appointed Electric Sub-Code Official/Inspector, effective June 22, 2009

BE IT FURTHER RESOLVED that this appointment is a 4-year term expiring on June 21, 2012

BE IT FURTHER RESOLVED that Michael Janoski will receive a pro-rated salary of \$5850.00 in line with the S & W ordinance currently in effect.

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

**Construction** – The May 2009 Permit Fee Log Detail, Monthly Activity Report-Permits, Payment Audit Report, Monthly Activity Report-Certificates and Certificate Log Detail details were received for PermitsNJ. 25 Permits were issued.

**Zoning Officer Report** -- The May 2009 report of activities was received. Numerous phone calls and interpretations were noted, together with office visits and meetings. A Zoning Application Checklist has been developed and was presented.

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

*The Committee entered into the previously approved Closed Session at 10:01 p.m., returning at 10:34 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 10:35 p.m. on motion from Molnar, seconded by Masterson.

Respectfully submitted,

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Lora Olsen, RMC  
Township Clerk