

WEST AMWELL TOWNSHIP COMMITTEE MEETING
June 27, 2012

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 7:00 p.m. Present were Mayor George A. Fisher, Deputy Mayor Zachary T. Rich, Committeeman Thomas J. Molnar, Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance were approximately 40 members of the public.

Mayor Fisher 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 3, 2012, 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.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Fisher led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: A Closed Session to follow Open to the Public; 7.E Introduction of Ordinance 14; 12.G. Road Report was deleted.

ANNOUNCEMENTS

The following announcements were made:

- 2012 Dog Licenses are Overdue – Late Fees Apply
- Municipal Offices Closed July 4, 2012 for Independence Day
- Hunterdon County Hazardous Waste Collection – July 14th
- Hunterdon County Electronics Collections – October 13th
- PSE&G ROW Easement Trimming Along Branchburg & Roseland Lines to Commence July 1st and Continue Thru 2013
- JCP&L is Conducting Annual Vegetation Management Aerial Patrols through September and Aerial Patrol Inspection of Transmission Facilities will be Conducted July 5th through July 9th
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The following Regular, Special and Closed Session minutes were unanimously approved on motion by Molnar, seconded by Rich.

May 23, 2012 Regular
May 23, 2012 Closed Session (Personnel, Litigation, Safety & Protection of the Public)
June 6, 2012 Special
June 6, 2012 Closed Session (Litigation-Garden Solar)
June 18, 2012 Special

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

No one came forward. As indicated earlier, a closed session would be held at this point of the meeting.

RESOLUTION #121-2012

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:

LITIGATION – Garden Solar

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

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

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

Regionalization Study: Dave Beaumont reported that the petition met the deadline for submission to the Commissioner. The two questions to be answered involve dissolution and the creation of a pre-K to 12 school system. An incredible effort and collaboration went into getting to this point. The next meeting will be held July 27th.

Public Hearing: Ordinance 11, 2012 AN ORDINANCE TO AMEND ORDINANCE 1, 2012 TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY

Proof of publication in the May 31, 2012 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the May 23, 2012 Township Committee meeting. Mr. Fisher read the Ordinance by title and opened the public hearing, explaining that this provides for the ACO's conduct of a township-wide dog census. Hearing no comments, the public hearing was closed.

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

Public Hearing: Ordinance 12, 2012 AN ORDINANCE TO AMEND ORDINANCE 3, 2011 AMENDING CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL (Renewable Energy Facilities)

Proof of publication in the May 31, 2012 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the May 23, 2012 Township Committee meeting and mailed to surrounding municipalities and the Hunterdon County Planning Board. The Ordinance has been reviewed by the Planning Board, found consistent with the Master Plan and adoption recommended. Mr. Fisher read the Ordinance by title and, prior to opening the public hearing, offered the following summary: Garden Solar came to the Zoning Board last summer for an array at Route 518 and Rock Road West. The array was a conditional permitted use, and according to the minutes of the August and September Zoning Board minutes, all conditions were met except for lot size. The application was denied. Subsequent discussions concerning the suit with both the Township and Zoning Board attorneys revealed that there was no basis for the 20 acre minimum; thereby indefensible. The Planning Board was briefed, and on the advice of all attorneys, the ordinance was changed to 5 acres with additional buffering. The Township attorney has also advised that, if the ordinance is adopted, a 'Whispering Woods' hearing would be required whereby public comments would be received prior to the judge's decision.

Wendy Williams, 14 Corsalo Road, read a statement in support of the acreage reduction required for commercial solar power systems. The various benefits of solar power systems were noted and the visual impact as well as the concern over a drop in property values refuted. (attached)

Jennifer Andreoli, 16 Hunter Road, relayed that a lot of time and energy has been expended in looking at solar and its negative impact on communities and the State. She has researched the purpose of a master plan and the relationship of ordinances to it; provided specific quotes from the Township's Master Plan as to small town development and rural characteristics found therein; and, stated that this ordinance amendment is not in support of the objectives and policies of the Master Plan. She also questioned two prime uses on one property; noted her ongoing concern that the ordinance wasn't restrictive enough; the need for further discussions; her support for the Zoning Board's decision in the matter of the Garden Solar application; and, that the State has not passed legislation that the Township has to allow this. Although not against renewable energy, Mrs. Andreoli relayed that it should only be where appropriate. As for decreasing property values, it is too soon for study data but common sense on curb appeal would find this unattractive. The choices are either be consistent with the Master Plan or deviate from policy.

Dave Arnone, 631 Brunswick Pike, questioned the benefit to the Township in either the collection of taxes or electrical power. To the latter point, it was relayed that although power will be generated, it will not be provided to the Township unless a certificate is obtained to hook into the grid. Mr. Arnone presented a Petition of Protest signed by 17 residents against Ordinance 12, 2012 which amends regulations regarding renewable energy facilities by replacing various sections in the zoning ordinance. He stated that according to MLUL, "a protest against any proposed amendment or revision of a zoning ordinance may be filed with the municipal clerk, signed by the owners of 20% or more of the area either (1) of the lots or land included in such proposed change, or (2) of the lots or land extending 200 feet in all directions therefrom inclusive of street space, whether within or without the municipality. Such amendment or revision shall not become effective following the filing of such protest except by the favorable vote of two-thirds of all the members of the governing body of the municipality" per 40:55D-63. The petition was submitted to the Clerk along with pictures of a solar installation in East Windsor. Mr. Arnone relayed that a former DEP chief has testified elsewhere that property values drop 20-25%; noted that he's not against renewable energy; that inherently beneficial should benefit society; and, that arrays should not be allowed in agricultural, low density or environmentally sensitive areas. He re-iterated his stance about the benefit if there's no tax money or power to the Township or any compensation for loss of value. Mr. Arnone urged that the ordinance be made stronger, not weakened, and commented that the Township does not have to listen to the State about this being inherently beneficial.

Justin Holohan, 120 Rock Road West, offered that weakening the requirements does not jive with the Master Plan nor does it retain a small town feel or visually enhance the rural and agriculture community. A lot of time was spent developing the Master Plan and the ordinance undercuts it. As for the lawsuit, if 20 acres is arbitrary, he questioned whether any other number would be arbitrary as well. NJSA 40:55D et seq was then cited as giving the Township the power to do whatever is wanted.

Robin Horsnell, 136 Rock Road West, spoke against the change as once a door is opened, it can't be closed. She also spoke with concern on the dual purpose for the property in question.

Jane Eiseman, 631 Brunswick Pike, expressed concern over caving to the lawsuit; what this would do other ordinances; and, acknowledged that there is not enough money to fight. She also referenced articles about decreased property values.

Mr. Rich noted that money is an issue. He needs help defending 20 acres because with it, the Township has no leg to stand on. Therefore, the expenditure of taxpayer money cannot be expected. Mr. Fisher relayed that the Committee's purpose is to avoid a lawsuit and do what is right for the entire Township. They've been advised by three attorneys that 20 acres is difficult to defend; that it makes no sense to fight and lose as this would leave others to dictate what Township ordinances should say; and, that they're trying to run the Township efficiently.

Alfonsina Commune, 122 Rock Road West, commented on the Master Plan stating that existing ordinances are based on that document; the proposed change would cripple this law as well as open the door for further trashing; questioned the benefit to the community; noted that the laws/ordinances are to protect the residents; urged consistency; requested that the ordinance be defended for the community; and, commented that everything is arbitrary. She also inquired how the 20 acre figure was arrived at. It was explained that it came from another ordinance, although not tested, and that the number applied to Industrial zones only in State statutes. Ms. Commune would like to see the 20 acres, as currently on the books, left alone.

Walter Wilson, attorney for Garden Solar, presented pictures of a solar array in Lebanon Township located in the Highlands Preservation Area in an Agricultural/Residential zone and a 14.2 MW facility in East Windsor on 90 acres, the latter with drainage issues due to poor design. He explained that power in New Jersey for SRECs go to a local distribution system and substation but stays in that circuit. One thousand homes, including those in West Amwell, will be served with the power coming in. As for taxes, this is up to the local assessor but the usual is \$10,000 per megawatt plus roll back.

Mr. Wilson also relayed that the DEP section head referred to earlier in the evening is a planner and that there's been no test as to value, which would involve a complete valuation study and analysis of comparable sales, but the expectation would be a zero impact on value. He also commented on conditional use and the MLUL whereby the standard is to look for conformance and determine negative impact factors. Setbacks and buffers are not seen as negative impacts. He then addressed the State statute regarding permitted use in Industrial zones, noting that these have bulk requirements with no buffer or concern for effects on

neighboring properties, whereas Garden Solar is providing 75% screening on the property. Mr. Wilson relayed that there is a connection point on the site and that other parts of the ordinance dealing with buffers, screening, setbacks, and inverters for noise were more important than lot size. Also noted was that changes have been made as to fencing, shrubs, trees and bushes in an effort to try to do what is right. A meeting with neighbors will be held at a later date. Mr. Wilson then responded to previously stated objections by noting that the application is not inconsistent with the Master Plan; the requirements/conditions of the ordinance were met; that the term inherently beneficial has both positive and negative criteria; and, that even with 20 acres, there would still be a dual use on the property as well as a possible larger array totally in line with the ordinance. The possibility of offering net metering and joining with SHREC is being explored and could provide savings to the community. Adoption of the ordinance was urged so that this could be reported to the judge and would resolve the litigation.

Gary Palcko, 140 Rocktown-Lamb. Road, suggested that the placement of an array be in the woods, or some other remote spot, where everyone would be happy. Although he supports renewable energy, he didn't come from the city to look at something so ugly; inquired about how the particular site was selected; noted that this is a no-win situation; and, money to fight would be better spent elsewhere.

Ron Stoltz, 43 Rocktown-Lamb. Road inquired about the bottom line for property tax relief-- something to help with ratables and utility bills. Mr. Wilson explained that the Division of Taxation is working on the former but as for electricity rates, there will be no cut and that the State's energy plan calls for in-state power generation. He also relayed that peak provider status is changing to solar from coal, which is most expensive.

Ernie Andreoli, 4 Hunter Road, questioned the dual use of the property and the amount of acreage being used for the system. He also inquired why the lawyers involved thought the original ordinance was okay to pass, but now can't defend it.

Dan Goodman, 31 Ferris Wheel Drive, relayed that he was involved in the first solar application but noted that this one is more convoluted. He compared the solar application with the recent Quick Check one where there was considerable debate over LED lights with the decision being that LED lights take away from the rural characteristic of the town. If the ordinance is amended and the application allowed, it appears that the Zoning Board says one thing with the Township Committee another. He's looking for leadership.

Jim Hamtil, 165 Rocktown-Lamb. Road, a member of the Finance committee, offered that he understands the concern about the character of the Township and that care is needed to balance development with non-development, industrial vs. commercial and where people live. However, there will always be those that don't like anything that changes or what they came here for. The reality is that solar is here already and that it is a matter of personal taste as to whether these are ugly. It would be nice to leave this at 20 acres but a third party has forced the Township's hand, and the attorneys have advised that if this goes to Court, the Township loses. Money will have been spent; the residents will still see it; and, the Court may not be as magnanimous as Mr. Wilson. He argued that it would be best to apply effort to better the facility where it is located.

Ms. Commune questioned why a parcel was selected that the company knew did not meet the ordinance, again urging that they not be allowed to build. She would rather there be none to avoid opening a door as there is legislation out there and to wait. Mr. Wilson responded that the ordinance came in effect right before their application and that there was no other location with a PJM connection.

Mr. Andreoli urged the Township Committee not to 'wimp' out as the ordinance was in place prior to the application.

Mr. Rich referenced the previous \$800,000 law suit noting that he is unwilling to spend a dollar of Township money unnecessarily.

Tim Ferguson of Garden Solar relayed that the site was selected because it was a commercial piece and the contract was signed in 2009; money was expended to make the facility fit into that land with the help of a landscape architect; and, the company is not responsible for zoning— something that is done without resident consent by the Township Committee. Some other modifications were made to the plan in response to input, which included the type of fence to match the surroundings; changes to the type of trees to be utilized as well as the number of

them between the facility and the homes; and, the buffer was increased. Mr. Ferguson offered that he has been contacted by farmers who want renewable energy but had to be turned away due to the lack of an appropriate connection. There will be no more coal companies and the State legislature decided to pursue renewable energy to look to the future and the effort has to start somewhere.

A brief exchange occurred with Ms. Andreoli over the process and dual use on the property in question. The former also stated the opinion that the Zoning Board's decision was clear in that the application did not meet the criteria and that there is a lack of cohesiveness with the Master Plan.

Jill Myers, 11 Big To, requested that the Township Committee not allow themselves to be bullied as this would set a precedent.

Justin Holohan inquired about minimum size and whether the 518 location was the only spot available.

Hearing no other comments, the public hearing was unanimously closed on motion by Molnar.

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

A five minute recess was approved with the meeting returning to regular session at 9:55 p.m.

Public Hearing: Ordinance 13, 2012 AN ORDINANCE TO AMEND CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL (Stream Corridor Protection)

Proof of publication in the May 31, 2012 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the May 23, 2012 Township Committee meeting and mailed to surrounding municipalities and the Hunterdon County Planning Board. The Ordinance has been reviewed by the Planning Board, found consistent with the Master Plan and adoption recommended. Mr. Fisher read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was unanimously closed.

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

Introduction: Ordinance 14, 2012

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

AN ORDINANCE TO AMEND ORDINANCE 3, 2011 AMENDING CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL (Renewable Energy Facilities)

BE IT RESOLVED by the West Amwell Township Committee that Ordinance 3, 2011 providing regulations regarding renewable energy facilities be amended by replacing Section II, Permitted Accessory Uses for 109-79, the SRPD District; 109-80, the RR-6 District; 109-81, the RR-5 District; 109-82, the RR-4 District; 109-83, the R-9 District; 109-84, the NC District; 109-86, the HC District and 109-87, the LHC District and replacing Section II, Permitted Accessory Uses for 109-85, the LI District and amending item 12 under Section III, Solar, Conditional Use Standards as follows:

Section II – SOLAR, ZONING

Chapter 109 of the Ordinances of West Amwell Township, Article II, District Regulations, permitted Accessory uses and Conditional uses in 109-79, the SRPD District; 109-80, the RR-6 District; 109-81, the RR-5 District; 109-82, the RR-4 District; 109-83, the R-9 District; 109-84, the NC District; 109-86, the HC District and 109-87, the LHC District is hereby amended and supplemented, by adding the following new subsections in the above Districts, as follows:

1. Permitted Accessory Uses – Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the

photovoltaic solar panels and all necessary equipment shall not extend more than 12” beyond the edge of the roofline or 12” above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line.

In the case of a surface level or ground mounted system, the system shall be situated more than 50 feet from the nearest property boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.

Minor solar ground mounted facilities of more than 10 panels **and** located less than 50’ from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 Kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations. **These facilities** shall be fenced as per Section III.5.c.4 of this ordinance, unless the system is located a minimum of 8 feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.

2. Conditional Uses - Major solar or photovoltaic energy facilities or structures.

Chapter 109 of the Ordinances of West Amwell Township, Article II, District Regulations, Permitted Uses, Accessory and Conditional uses in the 109-85, the LI District is hereby amended and supplemented, by adding the following new subsections in the above District, as follows:

1. Permitted Uses - Major solar or photovoltaic energy facilities or structures on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity.

2. Permitted Accessory Uses – Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” beyond the edge of the roofline or 12” above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line.

In the case of a surface level or ground mounted system, the system shall be situated more than 50 feet from the nearest property boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.

Minor solar ground mounted facilities of more than 10 panels **and** located less than 50’ from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 Kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations. **These facilities** shall be fenced as per Section III.5.c.4 of this ordinance, unless the system is located a minimum of 8 feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.

Section III – SOLAR, CONDITIONAL USE STANDARDS

12. The use of lead-acid batteries shall not be permitted in major solar energy systems and facilities except as standby power supplies for control systems. ~~Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.~~

ADOPTION

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

REPEALER

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

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.

Molnar moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held July 25, 2012.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space – John Cronce offered that there was no report.

Environmental

- *Authorization to Post May 10, 2012 Minutes on Website:* Approved
- *Report on 6/25 Meeting with Princeton Hydro/319h Grant:* Cathy Urbanski reported that she met with Steve Souza and Paul Cooper and worked out the projects. These include 1) the detention basin at Orleans (for which permission will be needed as well as a homeowner association contact); 2) Kiriluk stream bank; 3) Alexauken Creek wildlife dam; 4) Titus and Lavery/O'Boyle restoration; and, 5) the detention basin at the high school. For public relations and outreach, a rain garden is proposed for the high school to include the FFA as well as the scouts to help with a sign. Six or seven projects are to be selected and a field trip is scheduled for Thursday. The project list will be submitted to DEP with a start date of September. A four year time frame is anticipated. As the Kiriluk project is high on the list, the mayor offered to speak with him to encourage participation.

Affordable Housing

- *Approval to Apply for a CDBG Grant & Advertisement of Program:* Barbara Walsh relayed that she met with the Rehab consultant to review the procedures for the implementation of the Rehabilitation Program and the recommendation was that an application for CDBG funds be made. She explained that the use of CDBG repayment funds currently escrowed in the amount of \$125,000 would satisfy the 4-unit COAH Rehab obligation and that under new DCA/CDBG guidelines there is a requirement that 50% of the funds allocated be in the form of an amortized loan over a period to be determined. These guidelines would include a loan to owner-occupied homes at zero percent interest and up to \$25,000, with 50% to be paid back monthly over 10 years and the balance due upon resale or transfer. COAH requires that rental units be included in the program but CDBG funds cannot be utilized for this. For rentals, the property owner will pay 10% of rehab costs up front and the balance at zero percent at time of sale or transfer. The difference between the HUD income limits and those of COAH, and the available funding sources for the program were relayed. Ms. Walsh recommended that funds from the Affordable Housing Trust Fund and the funds in escrow be used for the owner-occupied rehab with funds from an old ordinance utilized for rental rehab. With an application for CDBG monies, the Township has an opportunity to utilize repayment funds as a match for additional CDBG funds for the rehab program. The application due date is August 31st and a minimum 25% match is required for up to a maximum grant of \$200,000. To enhance eligibility for the grant, the recommendation is to adopt both a property maintenance code and contribute a match of \$50,000 for a \$100,000 grant. There would be an administrative cost to complete the grant application as the consultant must prepare a number of documents, conduct outreach for a minimum of 3 qualified applicants and hold a public hearing. This cost would be taken from the re-payment money. Several resolutions will need to be adopted by the Township Committee and a property maintenance code would need to be introduced at the July 25th meeting. The latter gives points on the application and has the benefit of providing good housing policy as well as giving the Township the ability to step in to help with housing violations.

Suggestions/recommendations about how to stretch current funds in order to have more money for future projects were offered. A question about whether owners of existing accessory apartments could receive re-hab funds for upgrades to those properties was answered in the affirmative. These would receive preference in the program with a maximum \$25,000 loan at zero percent interest to be forgiven as long as the apartment is rented and continues to be rented for the term of the affordability restriction. The tenants would have to be low-moderate income and the apartment brought up to code with major elements repaired. Overall, the first 4 applicants to apply and qualify would be eligible under the program and Ms. Walsh noted that two people have already expressed interest in the program.

The consensus was to apply for \$100,000 of CDBG money. A brief discussion over what the consultant's fees would be for preparing the grant ensued.

- *Adoption of Manual:* There is no record of the Township Committee's adoption of the Re-hab manual, although there was agreement as to the terms at the time. A copy of the revised manual was distributed with the meeting packet for review.

RESOLUTION #122-2012

WHEREAS, a new Operating Manual for the Administration of Rehabilitation Units has been developed for use in the Township's Rehabilitation Program; and,

WHEREAS, this Manual has been reviewed by the Township Committee

THEREFORE BE IT RESOLVED, that the West Amwell Township Committee hereby approves the Operating Manual for the Administration of Rehabilitation Units, subject to the provisions approved tonight.

The revised Re-hab manual was unanimously adopted on motion by Molnar, seconded by Rich.

Ag Advisory

- *Authorization to Post May 3, 2012 Minutes on Website:* Approved

Finance Advisory

- *Authorization to Post May 2, 2012 Minutes on Website:* Approved

- *Farm Contract:* Hal Shute relayed that some thought is needed about the current agreement which expires in May 2013. An agreement based on a calendar year would make more sense and a termination notice issued in October was suggested. Whether some flat fee be charged for the use of the land was also raised. As the agreement needs work, he inquired whether this should be the purview of Ag Advisory or Finance. The consensus was this item be sent to Ag Advisory.

Recycling

Mr. Fisher reported that a cleanup day is desired and that \$10,000 was included in the capital ordinance for the purchase of a roll off. A used or refurbished 30 yard can is under consideration and the type of hook-up investigated. Specifications will be required in order to solicit quotes.

UNFINISHED BUSINESS

Possible Appointments – none

Updates – 1) The selection of projects in line with the **Energy Audit** is moving forward; 2) A **Road Tour** was recently undertaken by the Road Supervisor and Township Engineer, with the latter on the lookout for NJDOT grants. It was also noted that the engineer sits on a committee that oversees emergency funding and that there was a recent meeting with aides from the Governor's office. Apparently the Governor has money for roads and George Washington Road was mentioned as a possibility. Mr. Fisher also relayed that roads not meeting State standards will not get grant money until they meet those standards and that repairs are with Township dollars; 3) The Clerk was requested to draft a letter to the County concerning the **Historic Bridge Restoration** and investigate whether there are specific applications that have to be made.

Resolution Adopting the Revised Policy & Procedures Manual - Held

Auction of Surplus Equipment – Mr. Fisher advised that Lambertville has been pleased with the online auction.

RESOLUTION #123-2012

A Resolution to Authorize the Township Clerk to Register with Public Surplus for the Sale of Public Property

WHEREAS, the Township of West Amwell, a municipality in the County of Hunterdon, in the State of New Jersey, owns various items of personal property no longer needed for public use; and

WHEREAS, the Sale of Municipally Owned Personal Property is governed under N.J.S.A. 40A:11-36; and

WHEREAS, Public Surplus is part of a pilot program which has been approved by the State of New Jersey, Department of Community Affairs, Division of Local Government Services as a vender; and

WHEREAS, Public Surplus is for the management of municipal property which have been identified as surplus for the purpose of public sale; and

WHEREAS, the Township would like to auction the following items:

- 2003 Crown Victoria
- 2002 F550 Super Duty Truck w/2yd dump body
- 1986 Case 580K Backhoe

NOW THEREFORE BE IT RESOLVED by Mayor and Township Committee of West Amwell Township, in the County of Hunterdon, in the State of New Jersey, that the Township Clerk is hereby authorized to register and sell public property as identified in this resolution.

BE IT FURTHER RESOLVED that a copy of this resolution shall be filed with the Department of Community Affairs, Director of the Division of Local Government Services.

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

Police &/or Fire Company Equipment

- Amended State Purchasing Resolution:

RESOLUTION #124-2012
Amending RESOLUTION #115-2012

BE IT RESOLVED that RESOLUTION #115-2012 Authorizing Contracts with Certain Approved Stated Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40a:11-12A is hereby amended to provide four video cameras for the Police Department as follows:

Referenced State Contract Vendors

<u>Commodity/Service</u>	<u>Vendor</u>	<u>State Contract #</u>
Police Video cameras	L3-Mobile Vision, Inc. 90 Fanny Road Boonton NJ 07005	A-81311

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

- Purchase Authorization Resolution:

RESOLUTION #125-2012

WHEREAS, there is a need to purchase equipment for the police department of the Township of West Amwell, in the County of Hunterdon, State of New Jersey as follows

- 1) 4 video cameras for police cars; and,

WHEREAS, these items can be purchased through the following State Contract vendors

- 1) A81311 – L3 Mobile Vision, Inc; and,

WHEREAS, the maximum amount of the purchase is \$35,000.00; and

WHEREAS the CFO has certified to the Township Clerk that funds are available in the State/Federal Grant Account for this purchase; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, in the County of Hunterdon that the CFO is hereby authorized and directed to approve and forward Purchase Requisitions to the stated vendors for the commodities listed above.

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

Resolution for Block 28 Lot 21.01 Assessment

RESOLUTION #126-2012
RESOLUTION TO RELIEVE THE TAX COLLECTOR FROM
COLLECTING CERTAIN TAXES

**Township of West Amwell, County of Hunterdon, New
Jersey**

WHEREAS, the Assessor has discovered a correction that should be done in the 2011 Tax Book after the proper time of appeal of the Township of West Amwell, County of Hunterdon, State of New Jersey.

WHEREAS, the Assessor of the Township of West Amwell has found that the below block and lot should be considered wetlands. This after the owner questioned the assessment after the tax appeal date of April 2011.

Block 28, Lot 21.01 (251 Goat Hill Road):

This said line item was assessed in the 2011 Tax Book at \$ 143,500.

This assessment should be \$ **13,500** for the tax year of 2011.

NOW, THEREFORE BE IT RESOLVED that the Township of West Amwell Committee change the assessment and thereby reduce the collecting taxes on this block and lot for the 2011 tax year from \$ 2,864.26 to \$ 269.46.

The Resolution was unanimously approved on motion by Molnar, seconded by Fisher. A copy of the resolution will be provided to the tax collector and the property owner.

NEW BUSINESS

Resolution for Liquor License

RESOLUTION #127-2012

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, 2012, 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

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

Resolutions for Consideration–

- S-302 Transparency in Government Act: No action taken. It was noted that the League is opposed to this piece of legislation.

Resolution for Creekside Escrow Release/Letter of Credit Reduction –

RESOLUTION #128-2012
Resolution Authorizing Reduction of the Creekside Preserve Performance Bond
Consisting of a Letter of Credit and Cash

BE IT RESOLVED that the Township Committee of West Amwell Township, Hunterdon County New Jersey does hereby authorize the reduction of the Creekside Preserve Performance Bond as follows:

- A) The remaining Letter of Credit portion of said bond shall be reduced from \$213,209.31 to \$158,238.86; and,
- B) The remaining Cash portion of said bond shall be reduced from \$23,689.92 to \$17,582.09

BE IT FURTHER RESOLVED that this reduction is based upon the approval of Heritage Consulting Engineers, project engineers for the Township of West Amwell, in accordance with the letter from Robert F. Lorentz, P.E., C.M.E of said engineering firm.

BE IT FINALLY RESOLVED that National Penn Bank, issuer of the original Letter of Credit shall issue an amended Letter of Credit reflecting the new amount of \$175,820.85 and that the Township of West Amwell shall remit to BDNJ Limited, LLC a check in the amount of \$6,899.83 representing the reduction in the cash portion of the performance guarantee.

WEST AMWELL TOWNSHIP

DATED: June 27, 2012

BY:

George A. Fisher
George A. Fisher, Mayor

Zachary T. Rich
Zachary T. Rich, Deputy Mayor

ATTEST:

Thomas J. Molnar
Thomas J. Molnar, Committeeman

Lora L. Olsen
Lora L. Olsen, RMC, Township Clerk

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

JCP&L Outage Map – To better serve their customers, a “24/7 Power Center” has been developed with an online map that delivers fast and accurate outage information. A link to this map will be placed on the website.

OPEN TO THE PUBLIC

Mr. Beaumont came forward and presented a chart covering 15+ years of property valuation for West Amwell and Lambertville with an analysis of his findings concerning the Township’s 2012 equalized value. The information was reviewed and discussed as to the issues raised and what, if anything, can be done about it at this point. Mr. Fisher offered to speak with Freeholder Walton.

ADMINISTRATIVE REPORTS

Treasurer –

Presentation of Bills for Approval:

RESOLUTION #129-2012

BE IT RESOLVED by the Township Committee of the Township of West Amwell that the vouchers listed on the Bill List, in the amount of \$1,924,423.84 dated June 27, 2012, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

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

Treasurer Report: Appropriations through June 27, 2012 were provided and reviewed.

Note Sale: The award of the recent bond anticipate note sale went to Hopewell Valley

Community Bank for a term of one year at an interest rate of 1.10%. The purpose of this sale was to refinance old notes and new money for a 2011 bond ordinance.

Tax Collector – The monthly report for May 2012 was received showing receipts in the amount of \$2,006,706.81.

Clerk/Human Resources

- *Sellner Resolution:*

RESOLUTION #130-2012

WHEREAS, Jonathan Sellner was hired to the position of patrolman third class in the West Amwell Township Police Department on July 11, 2011; and,

WHEREAS, the standard one year probationary period will be completed as of July 11, 2012; and

WHEREAS, Lt. Stephen J. Bartzak has stated that Patrolman Sellner has fulfilled all of the requirements set forth by the Police Training Commission and has proven himself a valuable asset to the ranks of the department; and

WHEREAS, Lt. Stephan J. Bartzak has recommended that Patrolman Sellner be made a permanent part of the West Amwell Township Police Department; and,
WHEREAS, per pre-employment agreement, Patrolman Sellner is to be promoted, effective July 11, 2012, to the rank of Patrolman Second Class, with an annual salary of \$60,400.00 in accordance with the Police Officers Agreement.

NOW THEREFORE BE IT RESOLVED that Jonathan Sellner be granted permanent status, effective July 11, 2012, subject to the specific terms and conditions of employment as defined in the West Amwell Township Police Department Rules and Regulations and the Police Officers Agreement.

BE IT FURTHER RESOLVED that a copy of this Resolution be placed in the Patrolman Sellner's personnel file with a copy also relayed to the patrolman for his records.

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

- *Resolution Rescinding Resol #119-2012:* As a company cannot be a employee, the following action to reverse a previous award was presented.

RESOLUTION #131-2012

BE IT RESOLVED by the West Amwell Township Committee that Resolution #119-2012 appointing ACIS is hereby rescinded.

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

- *Resolution Appointing Dog Census Taker.*

RESOLUTION #132-2012

WHEREAS, N.J.S.A. 4:19-15.15 requires the governing body of a municipality to appoint a person to canvass residents to identify owners harboring unlicensed dogs; and

WHEREAS, the Township Committee advertised for Dog Census taker(s) on the municipal website; and

WHEREAS, several applications were received and evaluated

WHEREAS, it is the considered opinion of the West Amwell Township Committee that Nate Barson is the logical choice for this job

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, that Nate Barson be appointed to conduct the 2012 dog census for both District 1 & District 2 and file the required report with the State by September 1, 2012.

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

- *S & W Amendment.*

RESOLUTION #133-2012
SALARY & WAGE RESOLUTION

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2012 Salary and Wage Resolution, adopted January 9, 2012 be amended as follows:

Position	Salary/Compensation
<u>Add</u> : Dog Census Taker Barson	\$500.00 per district (2) \$325.00 mileage per district (2)

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

Construction – The Permit Fee Log detail (20), Monthly Activity Report-Permits, and Monthly Activity Report-Certificates (13), were received for PermitsNJ. Deposits for the month were \$5,831.00.

Court – The May 2012 monthly report was received showing a ticket total of 318 and the receipt of \$11,815.78 for the Township

Police – The May 2012 Monthly Report showing 173 incidents, 322 summonses and 5 warnings was received.

Zoning Officer Report -- The May 2012 report of activities was received. Numerous phone calls, office meetings and interpretations were noted with a total of 11 permits issues. Deposits for the month were \$150.00.

The reports were unanimously accepted as filed.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

The list of applicants to be interviewed for the DPW opening was finalized. Interviews will be held July 18th starting at 7 p.m.

There being no further business, the meeting was unanimously adjourned at 12:02 a.m. on motion from Fisher.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk

APPROVED: