

WEST AMWELL TOWNSHIP COMMITTEE MEETING

March 3, 2010

CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The regular meeting of the West Amwell Township Committee was called to order at 7:05 p.m. Present were Mayor Molnar, Deputy Mayor Frank P. Masterson III, Committeeman George Fisher and Attorney Philip J. Faherty III. Also in attendance were Ron Shapella, Ruth Hall, Zach Rich, Betty Jane Hunt, Hal Shute, Cathy Urbanski, Barbara Walsh, Kathy Fisher, Dave Beaumont, Svetlana Repic-Qira and Bill Donnerstag.

Mayor Molnar 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 1, 2010, 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

Barbara Walsh led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 7.B Acceptance of Maintenance Bonds; 7.D Receipt of Supplemental Debt Statement; Resolution Constituting Temporary Capital Budget; 8.D Farm Market Accounting and Business Plan; 10. League Online Survey, OPRA Mandates, Interest Arbitration Resolution, NIMS Training, Time of Decision Legislation. 7.A was deleted.

ANNOUNCEMENTS

Mayor Molnar made the following announcements:

- PSE&G Power Line Mowing in Various ROWs – Through March 31, 2010
(map on file in Clerk's office)
- Township Offices Closed – April 2nd for Good Friday
- Next Regular Township Meeting – April 7th
- 2010 Dog Licenses are Overdue – Late Fees Apply
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The minutes of the February 3, 2010 Special, Regular and Closed Session and the February 20, 2010 Special and Closed Session were approved on motion from Fisher, seconded by Masterson, and carried unanimously.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

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

Public Hearing: Ordinance 2, 2010 AN ORDINANCE ACCEPTING A DEED CONVEYING ROADWAY EASEMENTS FOR VARIOUS STREETS IN MOUNT AIRY ESTATES

Proof of publication in the February 11, 2010 issue of the Hunterdon County was presented. The ordinance has been posted and available to the public since its introduction at the February 3, 2010 Township Committee meeting. Mr. Molnar read the Ordinance by title and opened the public hearing.

Attorney Faherty relayed that the deeds have been executed by Orleans; maintenance bonds for the three portions are in hand; and, the recording fee received. If the ordinance is adopted, the maintenance bonds expire two years from this evening. Orleans is looking for the return of their performance bonds. However, there's a shortage in the escrow account and no \$2000 minimum for inspections as recommended by Engineer Clerico. This was relayed to Orleans and a check is forthcoming. The Committee was advised that they could adopt the ordinance and sign the maintenance bonds but the performance bonds should be held until the money is received. Resident Zach Rich offered that Orleans has declared bankruptcy with Attorney Faherty noting that the filing was for re-organization.

Hal Shute inquired about the bridge and how this connects with the acceptance as it is a substantial structure. It was noted that the County is in charge of bridges and the Township Engineer has signed off on the release.

Sean Pfeiffer commented on the same point and asked if the structure is mentioned in the metes and bounds descriptions. It was determined that this was not the case but Attorney Faherty will contact Engineer Clerico to see if there are any red flags.

The unanimous decision was to carry public hearing to the meeting of April 7th.

Introduction: Ordinance 3, 2010

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

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of West Amwell in the County of Hunterdon finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$88,862.97 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of West Amwell, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Township of West Amwell shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$2,632,164.60, and that the CY 2010 municipal budget for the Township of West Amwell be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Fisher moved to introduce the Ordinance on first reading and Masterson seconded. Motion carried unanimously. The public hearing will be held April 7, 2010.

Receipt of Supplemental Debt Statement & Resolution Constituting the Temporary Capital Budget: The Supplemental Debt Statement was filed in the Clerk's office this afternoon as required. The following resolution was presented:

**RESOLUTION #43-2010
RESOLUTION CONSTITUTING THE 2010 TEMPORARY CAPITAL
BUDGET OF THE TOWNSHIP OF WEST AMWELL**

WHEREAS, the Township of West Amwell desires to constitute the 2010 temporary capital budget of said municipality by inserting therein the authorization for providing funding for various projects:

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of West Amwell authorizes as follows:

Section 1. The 2010 temporary capital budget of the Township of West Amwell is hereby constituted by the adoption of a schedule to read as follows:

Temporary Capital Budget of the Township of West Amwell County of Hunterdon, New Jersey Projects Schedule of 2010				
1. Road Improvements Project	METHOD OF FINANCING			
	Estimated Cost	Capital Improvement Fund	Capital Surplus	Grants In Aid and Other funds
Rocktown Road Improvements	\$305,000.00	\$ 5,000.00	-0-	\$300,000.00
TOTAL ALL PROJECTS	\$305,000.00	\$5,000.00	-0-	\$300,000.00

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for the 2010 temporary capital budget, to be included in the 2010 permanent capital budget as adopted.

Fisher moved to approve the Resolution and Masterson seconded. Motion carried unanimously.

Introduction: Ordinance 4, 2010
The following ordinance was read by title and introduced on first reading:

**BOND ORDINANCE PROVIDING FOR RECONSTRUCTION OF A PORTION
OF ROCKTOWN HILL ROAD, FOR AND BY THE TOWNSHIP OF WEST
AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY,
APPROPRIATING \$305,000 THEREFOR, INCLUDING \$100,000 EXPECTED**

TO BE RECEIVED AS A GRANT FROM THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION AND \$200,000 EXPECTED TO BE RECEIVED AS A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF
(copy attached to these minutes)

Fisher moved to introduce the Ordinance on first reading and Masterson seconded. Motion carried unanimously. The public hearing will be held April 7, 2010.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Response to Green Acres*: Sean Pfeiffer reported that the environmental assessment completed by Gould on the Kilmer property has been approved, although a response is needed concerning soil sampling and identifies potential areas of environmental concern, e.g. historical debris, equipment and collapsed structures. This debris will be removed prior to closing and Gould will be asked to visually inspect the exposed soils once this has been accomplished. A letter of response, approved by Attorney Dragan, and a preliminary assessment certification, were presented. The mayor was unanimously authorized to sign these documents and remit to Green Acres.

- *Open Space Invoices*: Attorney Dragan's bills for work on Toll (\$1367.10), Kilmer (\$117.60) and Misc projects (\$74.53) were approved for further processing.

- *Project Status Updates*: 1) The **Toll** project agreement has been signed. The SADC is coordinating with Hunterdon Land Trust for a closing date. An issue with County Counsel concerning the deed of easement was resolved once the situation was explained to the Freeholders, who voted to proceed. 2) The preservation of the **Roebling** property has been sought over the past 18 months. An application has been filed with the SADC for the direct program for both the West Amwell and Hopewell township farms. There are 150 acres in West Amwell with a total acreage less than 300 acres. The parcels on each side of the road were submitted as separate farms but do not meet minimum criteria. The SADC has suggested an alternate approach as the property would rank high, but the Roeblings want to keep the parcels separate. In addition to the property being in separate municipalities, there are also separate blocks/lots in the respective municipalities to be dealt with. The benefit of the SADC in this acquisition is that they can cross County lines and an easement could be drawn to meet minimum criteria, which in turn would give a high ranking. The SADC is open to working with the landowner but the decision is with them. 3) Jesse **Lawson** owns 23 acres on 518; is surrounded by three preserved Green Acres properties—water company, Jolley and Burgard; and, would like to sell 15 acres of that total. He was directed to Catherine Drake and an application has been made. There is no municipal funding involved with this acquisition.

A brief discussion ensued about plans for tree removal on the Toll property once it is acquired. A letter was received from the SADC that it is okay to remove the trees. Although the township has yet to close on the property, preliminary plans involve negotiating with a landscape operation to remove the trees in return for maintaining the property. The property will be easier to sell if it is farm-ready. Mr. Pfeiffer noted that Max Spann successfully auctioned off four farms in Readington Township recently and that the officials were pleased with the process. He commented that Max Spann charges a 10% buyers fee and, should the Township use them, proceeds must be kept separate so that there's no impact on the reimbursements.

Environmental

- *WAT Elementary Art Work*: Cathy Urbanski relayed that the plan developed by the art teacher and Justin Holohan for students in grades 1-6 is to prepare sculptures with a nature theme using recycled materials. They would like to have them ready for an Arbor Day display on the Township meeting room wall, after which the panels would be recycled. Permission to display was granted.

Affordable Housing

- *Group Home Funding*: Barbara Walsh reported that Community Options has located a three bedroom cape that would be suitable for a group home. The owner has not placed the property on the market pending a possible down payment. A bond ordinance is in place for the funding. She noted that West Amwell has no unmet need but the growth share component has or will take place. The number of residential building permits issued since 2004 is seven which gives an obligation of 14 as of 2009. Ms. Walsh then overviewed the status of COAH and the various pieces of legislation being discussed. Depending on the legislation, group homes could continue to get credit, depending on the definition of 'variety of housing,' and the functions of COAH would move elsewhere, e.g. Office of State Planning or Housing Commission. There is concern among planners about provisions that allow municipalities to set their own numbers and thereby be open to challenge by developers. The stipulations found in S-1 were also reviewed—a housing element would be mandatory; a re-examination of the master plan with accompanying ordinances in line with new legislation put into place; and, if there was no compliance or inclusionary ordinance, a D variance by a developer would automatically trigger the inherently beneficial component. For the latter, the burden would be on the municipality to show why this could not be implemented. The governor's Executive Order 12 formed a Housing Opportunity Task Force to examine COAH. This group is meeting twice a day to get input from various interest organizations as to the best mechanism for rehabilitating urban units; how to best figure projections; and, the best way for municipalities to rehab and construct new units. With the various types of housing idea, some standard as to what constitutes this in a municipality is not found in S-1, so there are more unanswered questions than answered ones.

Ms. Walsh concluded that she cannot say with certainty that the Township will get credit for a group home at this point. Her concern is for legislation that will count what has been done towards future obligation. She noted that some municipalities are moving ahead with their plan assuming that there will be an obligation and when the opportunity comes along, the plan is implemented. Ms. Walsh also stated that she has been in contact with Shirley Bishop concerning the growth obligation.

Mr. Fisher inquired if Community Options was happy with the house, as the location is not a particularly great one, and that one cannot walk on the road. Also, with the unknowns involved, it would be reckless to act. Mr. Molnar offered that the Township not do anything at this time. Ms. Walsh indicated that the organization found that the property met their needs and that the architect approved it. She continued that in fairness to the homeowner and Community Options, they need to be told that the governing body is not in a position to move forward due to uncertainty about receiving credit. Item held pending legislative direction. The property owner should move forward with their plans.

Farmers Market – Ron Shapella relayed that the group has been looking for a new location for the market to rectify some problems encountered last year. They anticipated a change in the ordinance to increase the fees and provide for better market visibility. The Fire Company was approached but this will not work out due to conflict with training days and the chicken bar-b-que, which would also be the first day of the market. Therefore, they've shifted gears; will once again hold the market here; and, will be sending out applications for 2010 soon to ascertain vendor interest. Fees will remain the same as 2009 but the starting date and time will change. A revision to the By-laws to change 'municipal property' to municipally-owned property' was proposed and approved. A similar change to the resolution establishing the market was also requested. A few changes to the Board of Health ordinance will be forwarded to that body. There was some thought to holding the market on private property and insurance coverage was questioned. Mrs. Olsen stated that she had contacted the carrier and that township insurance would still apply. The property owner could also request that they be added as an additional insured to the township's insurance policy. Mr. Shapella presented a business plan that recapped last year's market and plans for the coming year. The marketing plan is an outreach to customers and has worked for other farmers markets. This year's market is scheduled to open on June 12th.

RESOLUTION #44-2010
A Resolution Amending Resolution #215-2008 Establishing a
Farmers Market Committee

WHEREAS, the first paragraph of the referenced resolution states that the market will be held on municipal property

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the wording in paragraph one of the referenced resolution be amended to read held on municipally-owned property

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

Ag Advisory

- *Authorization to Post January 4, 2010 Minutes on Website:* Approved

Finance Committee

- Hal Shute reported that the group held its first meeting with good attendance. Time was spent reviewing their mission, the budget process, trouble spots and possible ideas. There is nothing particular to report at this time; they're keeping this informal (no officers); and, that Mr. Fisher will be attending all meetings as the liaison to the Township Committee. However, the group needs some direction on how to operate. They see themselves as incubators of ideas—good and bad—and wish to know if these should be reported on one at a time or as a group report and whether or not these meetings should be open to the public, as there is some fear that this will make the process less effective and produce speculation. Mr. Shute offered that they are not subject to the Open Public Meetings Act, have no budget and no authority but added that perhaps once they get established, they could open the meetings. He hopes to move things along. No objection to this plan was voiced.

Planning Board

- *Appointed Subcommittees* – At the last Planning Board meeting, several subcommittees were appointed that included non-members of the Board. This action was questioned by the mayor. Mr. Pfeiffer explained that his purpose was to put together work groups with specific knowledge in the various areas of the Master Plan in order to save money over what a professional would charge. The people that were named to the subcommittees were advisory only. Prior to taking this action, Mr. Pfeiffer noted that he contacted Attorney Shurts to be sure that he was acting within his authority and was advised in the affirmative. He requested that that mayor call him directly next time instead of getting attorneys involved. Mr. Molnar stated that if the public wants to help, he has no problem with their participation but disagrees with an official appointment by the Planning Board Chair, as this is something reserved to the Township Committee and is something that is 'not going to happen.' Attorney Faherty offered that the Chair has a right to make subcommittee appointments with existing Planning Board members but there's nothing concrete in the statutes about creating subcommittees beyond that membership and that this appointment authority would revert to the Township Committee. A brief discussion ensued about subcommittee appointments made in the past and whether they were legal or could be challenged. Attorney Faherty offered that they were not appointed properly at the time. Mr. Pfeiffer enumerated several of the master plan components and their need for review. Specifically cited was the Historic portion which is lacking in detail and is currently rather 'cookie cutter' in approach. This is the reason he included Ruth Hall and Martha Shea in that particular subcommittee. He concluded that he doesn't particularly care about what the groups are called as long as it is okay for the people to do this work in order to save money for the Township. Mr. Pfeiffer stated that he understands the mayor's position but then questioned why the Ag Retention committee

was not re-appointed as their purpose was to work on the agriculture plan while the Ad Advisory committee worked on policy. The former was to formulate the mechanics to deal with the process. Without them, a greater burden has fallen to Ag Advisory. Mr. Pfeiffer commented that he is just trying to save money, something that the use of volunteers would accomplish.

UNFINISHED BUSINESS

Continuation of 2010 Appointments – Mr. Molnar appointed Ken Hart as recycling coordinator, Ron Shapella as SWAC representative and Nella Hamtil and Paul Cronce as residents at large. The appointments were unanimously approved.

Update on Police Study – A closed session meeting was held with Mayor DelVecchio on February 20th. Mr. Molnar stated that with police costs running about \$800,000, a committee will be formed and that everything is on the table. The following residents were named to this committee: Keven Kovelski, Hal Shute, Rob Tomenchok and George Fisher. The appointments were unanimously approved.

Mr. Shute requested that hard copy of the report be provided to the members and Ruth Hall inquired whether the residents/voters will have a say in whatever is decided. The mayor indicated that there would be open discussion but not a referendum.

Dave Beaumont offered that this is a problem to be solved considering the cost and suggested that it be handled by the finance committee.

Mr. Masterson commented that this could be bad for the township but that the situation is a double-sided blade, noting particularly union break-up, in a joint group.

Rocktown Hill Drainage Project – The grant agreement with Delaware River Joint Toll Bridge Commission was received. The resolution authorizing its execution was presented.

RESOLUTION #45-2010

“Authorizing the Mayor and Township Clerk to Execute DRJTBC Compact Authorized Investment Grant—“Rocktown Hill Road Improvement Project”

WHEREAS, the Delaware River Joint Toll Bridge Commission awarded a Compact Authorized Investment Grant to the Township of West Amwell in an amount not to exceed \$100,000; and

WHEREAS, the grant funds will be used to implement the project of the Rocktown Hill Road Improvement Project

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Committee hereby authorize the Mayor and Township Clerk to execute all documents related to the Delaware River Joint Toll Bridge Commission Compact Authorized Investment Grant; and

BE IT FURTHER RESOLVED, that Robert Clerico, P.E., of Van Cleef Engineering, 1128 Route 31, Lebanon, New Jersey 08833 will be the Township’s Engineer on the project.

Fisher motioned to approve the Resolution with a second by Masterson. Motion carried unanimously.

Appropriation Requests – Three ‘earmark’ requests were filed with Congressman Holt and Senator Menendez by the deadlines required. The applications were for: 1) George Washington Road improvement, 2) Elevator access, and 3) Basement Utilization project.

Solar Audit & Power Purchasing RFP’s: This topic was also discussed at the February 20th meeting. Agreement is needed by all parties in the co-op to advertise. The resolution presented was taken from the one that Lambertville approved. Considerable discussion ensued over the language of the resolution and who benefits.

Dave Beaumont questioned whether the resolution adopted by all entities needed to be the same. It was also noted that the RFP still needs to have the remaining numbers filled in and new dates determined in order to advertise, set a walk-thru time and receive a response. Whether there is a current West Amwell representative was questioned and Mr. Fisher stated that he will attend future SHREC meetings. Mr. Fisher also relayed that he had checked the NJ Clean Energy website and that this is an approved process for a municipality to take, although this is the first effort by a group. The operation is legit; Lambertville got the money to do this; the resolution gives authority to go out to bid only; and, if the location is not to the Township's liking, it won't be done.

RESOLUTION #46-2010
SOUTH HUNTERDON RENEWABLE ENERGY COOP RFP

WHEREAS the City of Lambertville is the lead Municipality in the South Hunterdon Renewable Energy Coop, and

WHEREAS the group consists of members from the City of Lambertville, the Lambertville Municipal Authority, and Lambertville Public School, West Amwell Municipality, West Amwell School District, South Hunterdon Regional High School, and

WHEREAS the group has met with Stefanie Brand from the Public Utilities Board, and

WHEREAS the group has collectively decided to work with the County of Hunterdon to prepare a request for proposals, and

WHEREAS the request for proposals is for three separate bids, and

WHEREAS the bid prepared by the South Hunterdon Renewable Energy Coop will focus on using the open space owned by West Amwell Township, and

WHEREAS the group collectively agreed the bid will benefit the South Hunterdon Regional High School.

NOW THEREFORE BE IT RESOLVED that the Township Committee of West Amwell Township, County of Hunterdon, State of New Jersey agree to participate in the request for bids for the South Hunterdon Renewable Energy Coop as follows:

1. Bid for an Energy Audit of all sites involved in the South Hunterdon Renewable Energy Coop
2. Bid for Solar Energy housed on the site owned by West Amwell Township to benefit the South Hunterdon Regional High School
3. Bid for both the Energy Audit and Solar Energy housed on the site owned by West Amwell Township to benefit the South Hunterdon Regional High School

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

PAIC Elected Officials Training on March 16th @ 10 a.m.: All three committeemen will attend and will be registered. It is expected that several other employees will attend as training is required for the judge, the heads of the fire and police departments and leaders of the planning and zoning boards.

Personnel Policy & Procedures Manual: Attorney Faherty has reviewed and approved the revisions. The model complaint procedure will be added and municipality changed to Township as appropriate.

RESOLUTION #47-2010

WHEREAS, the West Amwell Township Committee adopted a Personnel Policies and Procedures Manual on December 28, 2005; and

WHEREAS, said Manual has undergone corrections and amendments on April 5, 2006, April 18, 2007 and March 19, 2008; and

WHEREAS, the Manual was revised again and submitted to the Township Committee on February 3, 2010 for review

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, that the Personnel Policies and Procedures Manual is hereby adopted pursuant to this resolution; and

BE IT FURTHER RESOLVED that the policy manual will be reviewed at least on an annual basis and any revisions approved prior to December 31 of the calendar year will be included; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to PAIC.

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

Also required of municipalities, but not Counties, is a Civil Rights resolution which was read into the record. The mandates being put into place were duly noted. The Clerk was requested to contact PAIC that they forgot to include a check to cover the cost of publication as this is an unfunded mandate.

RESOLUTION #48-2010

A RESOLUTION TO AFFIRM WEST AMWELL TOWNSHIP'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Township of West Amwell to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of West Amwell Township has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Township Committee that:

Section 1: No official, employee, appointee or volunteer of the township by whatever title known, or any entity that is in any way a part of the township shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the township's business or using the facilities or property of the township.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the township to provide services that otherwise could be performed by the township.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Clerk shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Clerk shall establish written procedures that require all officials, employees, appointees and volunteers of the township as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Clerk shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Clerk shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the township. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the township's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of West Amwell Township in order for the public to be made aware of this policy and the township's commitment to the implementation and enforcement of this policy.

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

Township Owned Houses: The attorney for Mr. Arnett has indicated his client's willingness to share in the cost of an appraisal on Block 39 Lot 4.01 for a possible purchase of the property for affordable housing. Appraisals estimates were solicited and Van Guard was selected from a list the Township provided. A 50% reimbursement will be provided. A discussion ensued about the funding for an appraisal if it is later decided against a group home. Also, why the owner is not the one ordering and paying for the appraisal of his property with the Township just kicking in their \$500 share. Attorney Faherty advised that the Township's property could be sold, with full disclosure, on the open market as it is a pre-existing, non-conforming lot, without acquiring lot 4.01. A decision is needed about how to proceed—sell as is or proceed with the plan for a possible group home.

Mr. Pfeiffer commented that Mick Schaible of Van Guard is an excellent choice, is local, lives in the real world and gives solid appraisal numbers. He also addressed the issue of intent and noted that money is spent from the open space trust fund for appraisals on projects that may not go forward. However, there's an intent to buy and money doesn't have to be found elsewhere if the project does not go forward due to lack of reaching an agreement. Attorney Faherty concurred and added that COAH is putting the burden on the Township and that this would be an attempt to satisfy those demands.

Mr. Molnar noted that he was approached by a contractor who is interested in the Hancock Street property, as is. He questioned if lot 4.01 is needed if someone just buys the township property. Attorney Faherty advised that an improved property cannot

be offered to an adjacent property owner. A public sale to the highest bidder would have to be held. A minimum bid could be set and an appraisal would be required. It would be up to the buyer to negotiate for the additional property, if desired. Although it's a substandard lot, it can be used as is and fixed up.

Mr. Fisher inquired whether the property should be sold before knowing what will happen with COAH. The possibility of Mr. Arnett donating the piece in question was raised. It was determined that an appraisal would be needed to justify a donation. Also mentioned was the Hancock Street property is an eyesore that needs to be cleaned up. Mr. Masterson suggested that the Committee do nothing drastic at this time and to stretch out the time frame. This was a consensus opinion. Attorney Tauriello will be advised that the Township Committee is waiting to hear about COAH before proceeding. The item will be re-visited on April 7th.

Discussion turned to the former Perrine property and whether to implement a RO system or sell as is. The sentiment of the Committee was that since it's not COAH capable, the Township would be better off without the liability. Mrs. Hunt offered that she knows of an interested party that would be a low income fit. It was relayed that as the Township's approved certification only includes accessory apartments, the plan would have to be amended to permit a COAH qualified low income sale. This possibility could be explored further with Barbara Walsh. A brief discussion about the amount paid for the house vs possible return ensued. Also noted was that there is a letter of interest in purchasing the property in the correspondence. Attorney Faherty will check on the salt consequences and any obligation other than disclosure. The consensus was that the Township would be better off selling the property due to liability and upkeep issues. No up side to retaining the property was cited. A notice to bidders will be needed and the tax collector will be contacted for any other Township lots that could be included in a sale. A minimum bid on the lot(s) would be set based on the assessment. Attorney Faherty will investigate to determine what is available for sale for the next meeting.

Resolution to Enter Closed Session:

RESOLUTION #49-2010

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
PROTECTING THE SAFETY AND PROPERTY OF THE PUBLIC
LITIGATION
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This Resolution shall take effect immediately.

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

NEW BUSINESS

Municipal Alliance Contracts for 2010 – Agreements designating the Township as the fiscal agent for the South Hunterdon Municipal Alliance for 2010 were presented. The mayor was unanimously authorized to sign on motion by Fisher, seconded by Masterson.

LOSAP: The list of eligible participants has been received. According to the rules, the Township Committee has 30 days to review and request records, if desired. Declined.

RESOLUTION #50-2010

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

WHEREAS said required list of members eligible to receive LOSAP awards for 2009 was received from the West Amwell Fire Company; and,

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

WHEREAS the sponsoring agency has accepted the list as submitted

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

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

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

Municipal Recycling Responsibilities: Ken Hart and George Fisher have volunteered to attend the upcoming meeting at the County. Mrs. Olsen spoke with Alan Johnson and he was overjoyed that there will be attendees, especially newly elected officials. He was asked about whether modifications can be made to the ordinance and an affirmative that some tweaking is permitted was received. This will be discussed further at the meeting. Also questioned was the provision that required a mailing twice a year. This is in the law, which is 25 years old, but there has to be a realization that money is tight. The Township currently publishes the schedule twice a year and flyers are distributed. Adoption of the ordinance is required by June 24th. Tonnage reports will continue to be prepared by the deputy clerk but it was noted that chasing down the businesses for their submissions is the challenging part. Tonnage for the State project on Route 29 will be pursued.

Meeting @ East Amwell on 3/23, 10:30 a.m.: Representatives from NJDOT, the County and the consultant will speak about the Route 31 Re-surfacing project. Mr. Masterson will attend on behalf of West Amwell.

Invitation to Attend SHR Budget Session on 3/31: The possibility of holding a special presentation for the Township Committee at the April meeting will not happen as this it's during spring break and appropriate staff are not available. The Committee was encouraged to attend the public hearing on March 31st.

Application for Raffles License: – SHR Band Parents Association has made their annual application for a raffle in support of camp fees for the marching band.

RESOLUTION #51-2010

WHEREAS, application has been received the Township of West Amwell to grant a raffle license, and

WHEREAS, no objections have been received the Clerk of the Township, nor were any objections made at the regular meeting.

NOW, THEREFORE BE IT RESOLVED that the raffle license be granted

TO: South Hunterdon Regional Band Parents Association
BENEFIT: Marching Band Camp Fees
DATE: April 17, 2010
TIME: 5:30 - 11:00 p.m.
LOCATION: South Hunterdon Regional High School
301 Mt. Airy-Harb. Road, Lambertville NJ 08530

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

The Findings & Determination sheet was reviewed and approval granted for the issuance of a license.

The rules for games of chance states that the licensing municipality **shall** charge a fee in a amount equal to the amount charged by the Control Commission unless an ordinance is adopted exempting all qualified organizations from the payment. This has not been done in the past. The required fee will be charged going forward.

Report on League's Legislative Day: Mr. Fisher attended this mayor's meeting and noted that it was a quite a gripe session. The governor's speech was not uplifting as to fiscal conditions. A comparison was made to Butch Cassidy and the Sun Dance Kid where they jumped off a cliff into a river. As they perished, one mayor quipped whether this was to happen to them. Mr. Fisher also noted that earlier in the year, the governor stated that CMPTRA was exempted. Now, it's on the table. He was so depressed that he left before lunch. March 16th will not be a good day.

Next Budget Workshop Date: This will be held March 10th and 4:15 p.m. Mr. Molnar relayed that he will be out of town and unable to attend the April 7th meeting. Whether or not to change the meeting date was discussed but a suitable alternative could not be found. The regular meeting will held on April 7th with Mr. Masterson at the helm.

League Online Survey: The League has a short survey requesting information on what the municipality did in 2009, and expect to do in 2010, to keep the budget in balance without crippling property tax increases. The Clerk was requested to respond.

OPRA Mandates: A recent court decision states that public bodies can only charge actual costs when making copies, although this is not in line with the statute. In addition, actual cost calculations are to be made annually. This ruling will not take effect until July 1, 2010 but will require an ordinance change. On top of this there is S1352 which will increase local costs and decrease local revenues for OPRA requests. This legislation has a flat rate copy charge for letter and legal size sheets. It also puts a time-line on production of certain documents depending on when received, among several other provisions. This bill would force a greater investment in record keeping and dissemination by requiring the custodian to do more and to do it all faster. The bill appears to also constitute an unconstitutional 'unfunded mandate.' The League is working closely with the Clerks Association on this.

Interest Arbitration Resolution:

RESOLUTION #52-2010

Urging the State Legislature to Reform Interest Arbitration

WHEREAS, the interest arbitration process was intended to fairly and adequately give all due consideration to the interest and welfare of the taxpaying public and support local government aims by arriving at award decisions that are equitable to all involved parties, including municipalities and Police and Fire Department personnel; and

WHEREAS, the New Jersey Employer-Employee Relations Act, adopted in 1968, was amended in 1977 to provide for interest arbitration as the statutorily imposed terminal

step in the collective bargaining process for police and fire personnel as defined by the Act; and

WHEREAS, the Police and Fire Interest Arbitration Reform Act (L.1995, c. 425) was signed into law by Governor Christine Todd Whitman and became effective on January 10, 1996; and

WHEREAS, in 2005, the League of Municipalities' Arbitration Reform Committee suggested a number of Legislative reforms to the Interest Arbitration Process among the changes proposed by the Reform Committee were that: (1) the Arbitrator may not award salary increases in excess of the expenditure cap (N.J.S.A. 40A:4-45 et seq.); (2) the Arbitrator's Award may provide for salary increases limited to the budget cap imposed by the State of New Jersey and/or any lawful adjustment adopted by the public employer; and (3) the Arbitrator's award may provide for salary increases limited to the percentage established by the State or the lawful adjustment adopted by the public employer, as may be appropriate, on a department line basis; and

WHEREAS, in 2007 the Police and Fire Interest Arbitration statute was amended to add a new ninth factor of the 4% Tax Levy Cap which resulted in 4 of the 9 statutory factors in Interest Arbitration addresses the employer's fiscal situation; and

WHEREAS, municipalities are bound by strict fiscal controls embodied in the expenditure limit and tax levy caps and it is the norm rather than the exception for state approved arbitrators to award raises for police salaries at rates that exceed the annual caps; and

WHEREAS, binding arbitration awards in excess of the caps forces municipalities to cut other critically needed municipal services, in order to fund salary increases, compounded by pension increases, to police and fire personnel, and cost for police and fire services continue to spiral at an unacceptable rate; and

WHEREAS, the state approved interest binding arbitration process is inconsistent with the State cap laws and is unfair to municipalities attempting to control property taxes through fiscal responsibility; and

WHEREAS, interest arbitration should be reform to provide that the cost of living and the employer's ability to pay should be given greater weight and the total costs of the arbitrator's award, including steps and cost of living (COLA) increases, should not exceed the cost of living; and

WHEREAS, arbitrators should be required to evaluate and analyze the total cost of the salaries and benefits, including step increases, and must provide a detailed line item analysis and explanation of the costs in the award; and

WHEREAS, arbitrators must also evaluate and analyze the overall compensation received by the bargaining unit, including vacations, longevity, holidays, excused leave, medical and pension benefits; and

WHEREAS, arbitrators should be required to live in New Jersey and the process of selecting the arbitrators and the length of time the Arbitration process takes needs to be reviewed;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of West Amwell in the county of Hunterdon, State of New Jersey hereby urges the New Jersey State Legislature to pass legislation containing substantial reforms to the binding arbitration process; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to *Senator Doherty, Assemblymen DiMaio and Peterson*, the New Jersey State League of Municipalities and the Office of the Governor.

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

NIMS Training: Mr. Molnar and Mr. Fisher will attend this mandated training for elected officials on March 10th at Bethlehem Township, starting a 7 p.m.

Time of Decision: The last letter on this topic will be resurrected and faxed out to the members of the Housing and Local Government Committee as they meet on Thursday for a vote.

OPEN TO THE PUBLIC

Sean Pfeiffer inquired about the change in liaison to the finance committee, noting it was originally Mr. Molnar, and that the mayor had originally stated that these meetings would be open to the public. This is not now the case. Although he understands it is for brain storming, and that dumb things are often said by everyone, government should be open. There is interest in the discussions and the process. His question was 'why exclude the public?' Mr. Molnar offered that thoughts somehow become rumors which are a problem but that when there is something to release, it will be public. Mr. Pfeiffer continued that the Open Space meetings are not subject to the OPMA either; that closed sessions are used when discussing appraisals; but, the meetings are open to the public. His sense is that there is public perception involved with meetings being closed as the public has a right to know if municipal business is involved. He suggested, as an alternative, that the meetings be recorded but not released until something is decided.

Betty Jane Hunt noted that all this sounds good but a previous creative idea wound up crucifying a particular individual and was turned into a political issue. A brief exchange between Mr. Pfeiffer and Mrs. Hunt ensued on this point. Mr. Pfeiffer offered that his concern is for conversations with no records and for open government. Although there may be disagreements, it's important to be respectful. There should be no problem discussing ideas openly. As to a comment from Mr. Fisher about folks getting together informally to discuss various topics, Mr. Pfeiffer offered that there is a difference in that this is an appointed committee, not just neighbors getting together, and is held on Township property. The group may not have any power but there is influence. This is where the public has a right to know and challenge publicly. If someone is not willing to have that exchange, they should not serve.

Dave Beaumont came forward with an update on the South Hunterdon Work Group's six month effort. Their recommendations were submitted to the Board of Education who subsequently met to review same. All submissions were general guidelines/suggestions, nothing was particularly new but categorized considerations for the budget. There were some long term ideas for Special Ed such as engaging with the sending districts about intervention. Budget meetings will be held on March 11th and 18th with a public hearing on the 31st. As for state funding, \$82,000 was lost due to the cut in aid. There is no great amount of surplus, only what the school is required to have. The need for more students has been looked at and ways to address discussed. However, the cost per pupil is based on a student count taken annually on October 15th. One hundred more students would help significantly but will not happen this year. Another recommendation is to continue to pursue ways to reduce the budget in the area of classroom instruction and extra-curricula activities. The question remains as to how to accomplish this as there is a base number of teachers needed to teach 'x' number of subjects. Mr. Molnar commented that he would hate to see the FFA, arts and/or sports suffer. Mr. Beaumont noted that South needs to cut programs; a change in philosophy is required; and, that perhaps a voucher approach to certain activities could be instituted.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #53-2010

WHEREAS, it has been determined by the Planning Board of West Amwell Township that the following applicant's escrow fees are in excess of what was needed to cover their charges, and

WHEREAS, the Planning Board has approved a refund of the following amount;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell that the Treasurer is hereby authorized to refund the following amount to the applicants:

Applicant	Amount Refunded
James Starzell	\$645.36

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

RESOLUTION #54-2010

WHEREAS, N.J.S.A. 40A:4-58 permits appropriation transfers during the first three months of the fiscal year between line items of the prior year's municipal budget, and;

WHEREAS, it has been determined that certain line items are in excess of the sums needed and certain line items have insufficient funds to complete the operation of the fiscal year,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, that the following transfers be made between the Budget Appropriations as follows:

	From	To
Streets & Road Maintenance:		
Salaries & wages	\$ 150.00	
Financial Administration:		
Other expenses		\$150.00

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

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

Statement of Cash and Revenue Report: As of this date there is a cash total of \$4,678,890.65 between the operating and capital accounts. Revenue report for January/February shows YTD receipts of \$67,145.00.

Tax Collector – The monthly report for January and February 2010 were received showing receipts in the amount of \$423,273.96 and \$193,894.31, respectively.

Clerk/Human Resources –

The proposed resolution for Police Office Assistant was held for further budget discussion.

The resolution to hire a part-time patrolman to hopefully cut overtime was presented for consideration.

RESOLUTION #55-2010

WHEREAS, the West Amwell Township Committee has determined that an additional part-time patrolman would be beneficial to the Police Department; and

WHEREAS, the Township Committee, after conducting an interview and upon recommendation from Lt. Stephen J. Bartzak, decided that Todd Pantuso would be an excellent choice for the position of part-time patrolman; and,

WHEREAS, Todd Pantuso has been offered, and accepted, said position

THEREFORE, BE IT RESOLVED that Todd Pantuso be hired as part-time patrolman, effective March 8, 2010

BE IT FURTHER RESOLVED that Todd Pantuso will receive \$20.50/hr in line with the S & W ordinance currently in effect.

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

Construction – The January 2010 Permit Fee Log Detail (8), Monthly Activity Report – Permits (4) & Certificates (11), and the Certificate Log Detail (11) were received.

Police – The November & December 2009 and January 2010 Monthly Reports showing 201-167-190 incidents, 62-44-85 summonses and 9-6-1 warnings, respectively, were received.

Zoning Officer Report -- The February 2010 report of activities was received showing numerous phone calls, office meetings and interpretations. Two permits were issued.

The Treasurer, Tax Collector, Construction, Police and Zoning reports were unanimously accepted.

The Committee entered Closed Session at 11:03 p.m., returning to Open Session at 11:50 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 11:53 p.m. on motion from Molnar.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk