

WEST AMWELL TOWNSHIP COMMITTEE MEETING

May 6, 2009

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

The regular meeting of the West Amwell Township Committee was called to order at 7:05 p.m. Present were Mayor William J. Corboy, Deputy Mayor Frank P. Masterson III, Committeeman Thomas J. Molnar and Attorney Philip J. Faherty III. Also in attendance were John Dupuis, George Fisher, Elise and Mary Lee Ennis, Bernie Meader, Tom King, Sean Pfeiffer, Don Bish, Ron Shapella, Hal Shute, and reporters Linda Seida and Renee Kiriluk-Hill

Mayor Corboy announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was included in the Resolution faxed to the Lambertville Beacon, Hunterdon County Democrat and Trenton Times on January 2, 2009, was posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

The meeting was recorded via digital recording system and a copy of the CD is on file in the Office of the Municipal Clerk.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Bernie Meader led the assembled group in the pledge to our nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 9 Unfinished Business: Fire Company Letter Concerning Budget; OSG Letter on IPE. 10 New Business: Transportation Funding; Community Development Block Grant Money; EMT Money Diversion Resolution; FEMA Survey. 12. Administrative: Police Reports for March & April. Deleted were: 8.D Community Forestry Committee; 9.B Contract; 12.D Construction Reports.

ANNOUNCEMENTS

Mayor Corboy made the following announcements:

- Copies of the 2009 Municipal Budget Introduced on April 13th are Available in the Clerk's Office; Public Hearing is May 20th.
- Route 202 Night-time Road Work Continues
- Last Day to Register for June 2nd Primary is May 12th (Ballot will be posted on the website)
- Municipal Offices Closed May 25th – Memorial Day Observed
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The April 13, 2009 Special and the April 15, 2009 Regular and Closed Session minutes were unanimously approved on motion from Molnar and seconded by Masterson.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Ron Shapella came forward concerning some misleading comments being heard around the community based on erroneous information regarding the township's wastewater management plan. He proceeded to read into the record the attached letter addressing this issue.

Elise Ennis came forward to question the layoff notices recently received by the police department; why this only affected the full-time patrolmen; the advertisement for part-time officers; what plan is in place; and, why the current part-timer was cut 50%. She advocated combining the courts; questioned if this had been looked at; and, if during the court's four year stay they had paid. Mrs. Ennis stated that enforcement of the alarm ordinance is an area that should be looked at for revenue and that the Committee

should look at selling the new fire truck. In addition, she was curious that overtime has never been questioned previously and if the Committee was aware that there are still two men on duty at certain times.

Mr. Corboy reviewed the steps taken to date and that hard actions were needed due to the budget situation. The employees have been cut 10%; the police department was asked to forego their raise but have not responded; notice had to be given so there would be a place to cut if money was needed to pay bills; that part-time officers are 60% of the cost of full time officers; and, that there is nothing in the contract that prevent furloughs. As for Lt. Bartzak not receiving a layoff notice, he's in a different position than the patrolmen. Also, the existing part-time officer must retire in November and will have to be replaced. Although the current part-time officer's normal work schedule was cut, he has chosen not to work other hours. The instruction to the lieutenant from the Township Committee was to cut overtime by 50% and this has been accomplished.

Don Bish came forward to question the garbage collection hours. The 8:30 a.m. start time makes it difficult for those who work on Saturdays to participate in the program. He believes that the time frame caters to those who do not work on Saturday; there's no reason people can't get to the depot by the 12:30 p.m. cut off; and, he's paid for a permit that he will be unable to use.

The 10% cut for all employees, which included collection hours for the truck, was explained by the mayor. A brief discussion ensued about the problem this time change created and the decision was to move the time back to 8 a.m. Central Jersey Waste & Recycling will be contacted about their ability to move the time back to 8 a.m. and a notice will be prepared for the depot.

Bernie Meader offered that the 8 a.m. to 12:30 p.m. time slot is a good one. However, he still has a problem with the \$75 charge as the cost is fully funded through taxes and that people are now paying twice. He suggested that as recycling was to be a money maker, that the profits be used to offset the deficit in garbage collection. Mr. Corboy noted that this all comes back to the lack of funds; that next year may or may not be different; and, that some previous Committee's have said to abolish it completely. Personally, he likes the service but realizes that there are residents who can't come and therefore pay for both here and private service.

Mr. Meader questioned whether the Township Committee has approached the State Police for coverage. He also noted that residents have opted for and have been willing to fund a police department, starting back in the days of George Stymiest. It behooves the Township Committee to continue to fund the police department and if there's a plan for the grant money, this should be communicated to them. He also inquired if there were strings attached to the grant money; the status of the police merger study--cautioning against playing with Lambertville as there would be no money in West Amwell's pocket; advised about the use of part-timers as, in the past, they either didn't show, were unavailable when needed, or received training and left; and, was curious that if the government/we taxpayers are offering even more money to fund police, why the Township wouldn't hire a couple additional full time officers to supplement the ones we have and wipe out overtime completely.

Mr. Corboy stated that the State Police will not return to provide police coverage for the Township but the COPs grant would provide \$25,000 per patrolman plus benefits. However, there's a requirement to keep them on after the three year stint. Although it would be great to get money to fund current officers, the grant can only be used if there's been a reduction in force as there can be no supplanting. The Township has to show a need; the lieutenant has put together a request to this end; and, there is no guarantee that the Township will receive any money. As for the police merger report, nothing has been produced to date for review and the mayor has not been interviewed. Concerning the operation of the police department, five is the minimum number of officers needed. However, even with another officer, overtime will not be eliminated and \$100,000 for overtime is ridiculous.

Tom King came forward concerning his problem with work at a neighboring property as delineated at an earlier meeting. There are issues concerning soil conservation, driveway permit, etc. and he questioned if anyone has checked to see if Township ordinances are in conformance with Construction Code statutes. He then relayed that the neighbor applied for a variance but that he did not receive notice, thereby did not attend. Mr. King alleges that the neighbor put in the driveway and that this feature was not included on the drawing to the Zoning Board. This oversight meant that other entities--the engineer, soil conservation, etc. did not get involved. A turn around and a parking area has also been installed, purportedly to service a tree farm. The field entrance being used has no driveway permit and the County's responsibility is 16 ½ feet from the center to the edge of the roadway. Anything off of that right of way is a township responsibility and Chapter 109:84 was referenced. Mr. King was referred to the Zoning Board of Adjustment as they need to check the facts of the variance. Attorney Faherty suggested that if Mr. King has experienced property damage that he hire an attorney. The Committee's attention was called to a letter from Engineer Clerico concerning his requested review of the pertinent facts found in the evening's correspondence.

Regarding the Fulper litigation, Mr. Corboy proposed that the Letter of Intent, the public hearing transcript, and the Planning Board resolution be placed on the website so that community members can come to their own conclusions. These documents are a matter of public record and this action was approved.

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

Municipal Alliance: Mr. Fuhr was not in attendance.

Public Hearing: Ordinance 10, 2009 AN ORDINANCE TO AMEND CHAPTER 99 ARTICLE II SECTION 99-8 OF THE CODE OF THE TOWNSHIP OF WESTAMWELL, HUNTERDON COUNTY, NEW JERSEY

Proof of publication in the April 23, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the April 15, 2009 Township Committee meeting. Mr. Corboy read the Ordinance by title and opened the public hearing.

Mr. Shapella came forward to explain that this will permit Paul Cronic to join the group and that his participation would be of value.

Hearing no further comments, the public hearing was unanimously closed on motion from Molnar and seconded by Masterson. Molnar moved for adoption of the Ordinance and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Public Hearing: Ordinance 11, 2009 AN ORDINANCE AMEND CHAPTER 41 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY – Public Records

Proof of publication in the April 23, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the April 15, 2009 Township Committee meeting. Mr. Corboy read the Ordinance by title and opened the public hearing.

Hearing no comments, the public hearing was unanimously closed on motion from Molnar and seconded by Masterson. Molnar moved for adoption of the Ordinance and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Public Hearing: Ordinance 12, 2009 AN ORDINANCE TO AMEND CHAPTER 75 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY – Increase in Dog Licensing Fees

Proof of publication in the April 23, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the April 15, 2009 Township Committee meeting. Mr. Corboy read the Ordinance by title and opened the public hearing.

Hearing no comments, the public hearing was unanimously closed on motion from Molnar and seconded by Masterson. Molnar moved for adoption of the Ordinance and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Public Hearing: Ordinance 13, 2009 AN ORDINANCE TO AMEND CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY – Junkyards

Proof of publication in the April 23, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the April 15, 2009 Township Committee meeting. Mr. Corboy read the Ordinance by title, opened the public hearing and commented that this increase is to a 1953 ordinance. A copy of the ordinance has been provided to Mr. Nalence.

Hearing no comments, the public hearing was unanimously closed on motion from Molnar and seconded by Masterson. Molnar moved for adoption of the Ordinance and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Public Hearing: Ordinance 14, 2009 BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND IMPROVEMENT OF REAL PROPERTY, INCLUDING THE BUILDING THEREON, FOR PUBLIC PURPOSES IN AND BY THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$225,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$214,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Proof of publication in the April 23, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the April 15, 2009 Township Committee meeting. Mr. Corboy read the Ordinance by title and opened the public hearing.

Sean Pfeiffer came forward to question the purpose of the Ordinance. Mr. Corboy explained that it will permit the purchase of the Perrine property from a previous litigation. The Township had the option of placing the property into use or purchase it outright.

Bernie Meader questioned the price and was informed that the price was arrived at through long negotiations and is reasonable.

Hal Shute questioned whether this was the end and if there is a plan for the property. He also inquired if the closed session minutes have been, or will be, released. As the annual maintenance cost over time would outweigh the expense of outright purchase, Mr. Corboy relayed that the decision was to rehab and either sell or use as a property for COAH purposes after the salt issue is dealt with by a new well, water buffalo or a RO unit.

Hearing no further comments, the public hearing was unanimously closed on motion from Molnar and seconded by Masterson. Molnar moved for adoption of the Ordinance and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Public Hearing: Ordinance 15, 2009 AN ORDINANCE AMENDING CHAPTER 99 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY – Garbage, Rubbish and Refuse

Proof of publication in the April 23, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the April 15, 2009 Township Committee meeting. Mr. Corboy read the Ordinance by title and opened the public hearing.

Hearing no comments, the public hearing was unanimously closed on motion from Molnar and seconded by Masterson. Molnar moved for adoption of the Ordinance and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Public Hearing: Ordinance 16, 2009 AN ORDINANCE SETTING FIRE ZONES IN THE TOWNSHIP OF WEST AMWELL

Proof of publication in the April 23, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the April 15, 2009 Township Committee meeting. Mr. Corboy read the Ordinance by title and opened the public hearing.

Bernie Meader inquired about the purpose of this Ordinance and its source. It was relayed that Lt. Bartzak had proposed this as there is a need for emergency lanes for fire and police purposes.

Hearing no further comments, the public hearing was unanimously closed on motion from Molnar and seconded by Masterson. Molnar moved for adoption of the Ordinance and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Public Hearing: Ordinance 17, 2009 AN ORDINANCE REGULATING CLOTHING BINS IN THE TOWNSHIP OF WEST AMWELL

Proof of publication in the April 23, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the April 15, 2009 Township Committee meeting. Mr. Corboy read the Ordinance by title and opened the public hearing.

John Dupuis questioned where this is located and was informed that there is currently a bin at the Firehouse. Attorney Faherty relayed that State law requires that a local ordinance be adopted and non compliance with the ordinance has a \$20,000 fine attached.

Hearing no further comments, the public hearing was unanimously closed on motion from Molnar and seconded by Masterson. Molnar moved for adoption of the Ordinance and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Approval to Post Feb 10, 2009 & Mar 10, 2009 Minutes on Website:* Approved
- *Open Space Invoices:* None
- *Project Status Updates:* Mr. Pfeiffer relayed that he and John Cronic met and located the septic system at the Toll property to insure that it will be in the exception area. He has also met with the Zoning Officer and provided a survey. All structures, with the exception of the pre-1800's house, will be demolished. An option to restore the house will be given to a future owner.

Parks & Recreation

- *Hewitt Park:* Mr. Dupuis relayed that South was interested in using Hewitt Park for their new **soccer** program. Although there was interested in helping out, the field is too small; there are no goal posts; parking, especially for buses, is too limited; and, there is no money in the budget for these things. Keeping the soccer fields limited to middle school and lower was recommended. It was noted that the South County Soccer group uses this field and was interested in making repairs but the heavy schedule make this

difficult. Also noted was that Ramblers football and Little League baseball tie up the available fields most of the season and that the Clerk's office will be asking for specific schedules in advance so that other non-sport requests can be accommodated. The park **sign** will be refurbished by the high school Art Department by June 15th. They will sand and repaint but otherwise it is in good shape. **Arnett Park** is expected to having its opening soon. The possibility of obtaining funding through the County Open Space fund for park maintenance is under consideration for next year. There is currently \$5000 in the municipal Open Space account for park maintenance as well. Mr. Molnar commented that the park **grills** need to be replaced. Mr. Dupuis also noted that **lights** are being considered for the baseball field. As the Green Acres park closes at dusk, this will need to be researched.

Recycling

- *Receipt of 2008 Report:* Mr. Shapella commented that there was an increase in reportable tonnage for 2008 and relayed that the Recycling committee is appreciative of Sandy Haberle's work to bring in the business numbers. The final report shows 2,202.50 tons for 2008 compared to 1553.30 in 2007. Mr. Shapella relayed that the State wants a 50% recycling rate but how that number is ascertained is unclear and needs to be determined.

- *Tonnage Grant Application Resolution:*

RESOLUTION #91-2009 TONNAGE GRANT APPLICATION RESOLUTION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102 has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2008 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the West Amwell Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Committee of West Amwell Township that West Amwell Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Kenneth T. Hart to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Molnar moved to adopt the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

- *County Proposal Concerning Municipal Recycling Compliance Officer*. The County realizes that the adoption of the recycling plan will impose significant costs and burdens on municipalities and is exploring the possibility of a shared service situation to assist in achieving the mandates. They are canvassing for interest in a shared position that would be jointly funded by the participating municipalities through their respective Recycling Enhancement Grant funds with costs coming from a municipality's dedicated municipal recycling grant. A response is needed by May 15th. Mr. Shapella will contact the Recycling committee and get a response to the Clerk.

Affordable Housing (COAH)

- *3rd Round Petition Meeting* – COAH's Compliance Report recommending approval of the municipality's petition for third round substantive certification was received. A 14-day comment period expires on May 4th and approval is expected at their May 14th meeting. An Addendum was also recently received but it does not alter the Compliance Report issued earlier.

- *Township Official Attendance*: The AHB has indicated their desire for Susan Molnar, AHB Chair, to attend the May 14th meeting in lieu of Shirley Bishop for the photo-op to contain costs. The Committee had no problem with Mrs. Molnar attending on behalf of the Township but it was felt that Mrs. Bishop's attendance was also important, especially in light of the letter from Fair Share Housing Center.

- *Latest Correspondence from the Fair Share Housing Center*. This May 4th letter concerns the failure of the Township to meet the very-low-income family requirement and the request for a waiver on rental bonus for accessory apartments. In Mrs. Bishop's May 5th e-mail, she noted concern about FSHC suing on the grant of substantive certification. How West Amwell could market four of the moderate income apartments as affordable to very low income (30% of median) was questioned in that West Amwell would then have to subsidize the rent for 10 years. Also, credit and background checks at that income level would be difficult to achieve. Whether or not West Amwell is on FSHC's list of municipalities to sue upon COAH's grant of substantive certification is unknown.

UNFINISHED BUSINESS

Consideration of Resolution on Binding Arbitration Reform – Mr. Corboy spoke about the problems inherent in the current system and the need for legislation to level the playing field. With the 3.5% operating cap on municipal budgets and arbitrators having the final say on an impasse, it means that other employees take the hit.

RESOLUTION #92-2009

AMENDMENT TO BINDING ARBITRATION STATUTE

WHEREAS, the Binding Arbitration Process is expected to support local government aims by arriving at award decisions that are equitable to all involved parties, including municipalities, and Police personnel; and

WHEREAS, the Binding Arbitration Process is promulgated and approved by the state; and

WHEREAS, Municipalities are bound by strict fiscal controls set forth by the State Legislature known as "The Cap Law"; and

WHEREAS, it is the "norm" rather than the exception for state approved Arbitrators to award raises for police salaries at rates that exceed the annual CAP; and

WHEREAS, Binding Arbitration awards in excess of the CAP forces Municipalities to cut other critically needed municipal services to grant salary increases (compounded by pension increases), to police personnel and costs for police services continue to spiral at an unacceptable rate; and

WHEREAS, the state approved binding Arbitration process is inconsistent with the State CAP law and is unfair to municipalities attempting to control property taxes through fiscal responsibility

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of West Amwell hereby requests the New Jersey State Legislature to pass legislation

Molnar moved to adopt the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Update on County's Electronics Day – Contact was made with Alan Johnson who explained that appliances containing Freon created the problem experienced at the last electronics day and will not be offered at subsequent events. The County will also look at other vendors and get proposals as participation and cost was double what was expected. Alternate locations are being explored, including the 4H grounds, although public safety (HazMat) concerns need to be considered which may keep it at the Route 12 site.

Garbage Start Time Discussion (Molnar) – Discussed earlier in the evening. Central Jersey Waste & Recycling will be contacted about the time change and notices prepared for distribution.

Response from NJDEP re: Calton Water Pressure – The long awaited response indicated that at 20 psi, there should not be a problem. Current regulations for new construction require an elevated storage tank for systems providing fire protection, which could eliminate the stated concerns. It was noted that the application's Engineer Report indicated that there was to be no elevated storage construction "because of aesthetic considerations" and a pump station was constructed instead. If the transitory pressure drop continues to be a concern with the water system, the Township may wish to revisit the elevated storage system for fire protection.

1 Lake Drive – Repeated requests for payment have not produced results and the question is this matter should continue to be pursued or dropped. Attorney Faherty was authorized to follow up and relevant information will be provided. Existing ordinances will also be reviewed.

Resolution to Enter Closed Session –

RESOLUTION #93-2009

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
PURCHASE, LEASE OR ACQUISITION OF REAL PROPERTY
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This Resolution shall take effect immediately.

Molnar moved to adopt the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Fire Company Letter Concerning Budget – Jeff Ent would like a response to their earlier letter concerning funding. He will be asked to attend a Committee meeting but Mayor Corboy will also reach out.

Office of Smart Growth (OSG) re: IPE – This letter was just received and includes a revised action plan. Mr. Pfeiffer commented that it is not as onerous as the previous one but that the Township Committee will need to adopt a Resolution by June 15th in order to proceed. Two issues are noted as not having been addressed—Transfer from Environs and Cluster Ordinance. Planner Hintz will need to look at what is required, costs involved, and benefits and the matter will be discussed at the Planning Board meeting on May 19th. Mr. Pfeiffer reviewed the history of why IPE was pursued—needed for COAH substantive certification and the removal of the sewer service area. These have since gone away, so the questions are now 1) what is being requested; 2) benefits involved; 3) cost to pursue; and, 4) whether this is something that will be mandatory in the future. If there is no resolution adopted by June 15th, the Township's application will be withdrawn and any future attempt would mean adherence to new rules, which might have the TDR option as mandatory. If approval is pursued and granted, it would be good for 10 years. There is also the possibility of regime change in Trenton next year to be considered in any decision. Mr. Meader offered that the growing sentiment for quite awhile is that it is time to let this go.

NEW BUSINESS

Thomas McMillan re: Tax Sale Lien for Block 30 Lots 2.02 & 2.03 – Ownership of the tax sale lien is requested. An adjacent lot was purchased from David and Lola Toll and as part of the purchase, sale of the referenced lots was agreed on. However, there was a cloud on the title and during the time period needed to get a title policy, Mr. Toll passed away and an executed deed for the lots was not accomplished. There was no will and the administrator of the estate was petitioned to execute the deed. However, there is difficulty in making contact as she keeps moving around. Mr. McMillan would like to foreclose on these lots but needs to obtain ownership of the lien. Therefore, he is requesting that the Township assign him the certificates so that this can be accomplished. Attorney Faherty advised that the contract is enforceable; that Mr. McMillan has a better right to the properties; that if the Township holds the certificates, they are permitted to assign them; and, that it would then be up to Mr. McMillan to notify the heirs. A resolution will be prepared for the next meeting.

SHR Defeated Budget – Mayor Corboy relayed that the mayors of Lambertville, Stockton and West Amwell met with members of the SHR school board and the administration. The mayors were in agreement that a token reduction was not appropriate given the margin of defeat. He noted that municipal leaders take the heat but that State funding has dropped to 7% here with the lion's share going to Abbott districts, even those that are now affluent. The decision was to make a statement to the State and Dept of Education as the blame should be there. Therefore, the reduction recommendation was 5%, or \$400,000+. It is not expected that this will stand as the high school will appeal the governing body decision. However, the State needs to take responsibility instead of local governing bodies and it is hoped it will be taken to that level although there are some unknowns in this approach. Mr. Meader stated that he applauded the effort and George Fisher inquired if this was a Tea Party plan/movement.

RESOLUTION #94-2009

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

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

WHEREAS, the Education, Budgets and Appropriations Law, N.J.S.A. 28a-22-37, requires the Governing Body of Township of West Amwell, after consultation with the South Hunterdon Regional High School Board of Education, to determine the amount

which is necessary to be appropriate in such budget and to certify to the County Board of Taxation the total amount so determined; and

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

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

1. The original tax levy on the ballot for the base budget: \$8,037,111.
2. The amount of reduction to the tax levy for the base budget: \$ 401,856.
3. The amount of tax levy being certified for the base budget: \$7,635,255.
4. Specific line item reductions:

Account Number	Description	Amount
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- a. Every operating line item to be reduced by 5%

5. Supporting reasons for reduction: Based upon a review of all data provided by the Board of Education, meetings with representatives of the Board of Education, numerous public hearings and consideration of the public need, it has been determined that the reductions set forth herein can be effectuated without a reduction in programs or negatively impacting upon the education of the students.
6. The revised budget is sufficient to provide a thorough and efficient education.
7. There was no additional general fund tax levy considered by the voters.

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

Molnar moved to adopt the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Resolution in Support of “Click or Ticket” Campaign – The Township Police Department will be participating in the 2009 NJ Dept of Traffic Safety campaign from May 18th through May 31st. Lt. Barzak is also in the process of securing a \$4000 grant from the Dept of Traffic Safety to cover overtime costs during this endeavor. Township Committee support via the proposed resolution is requested.

RESOLUTION #95-2009
Resolution Supporting the *Click It or Ticket*
Mobilization of May 18-May 31, 2009

WHEREAS, there were 592 motor vehicle fatalities in New Jersey in 2008; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, the use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 18-May 31, 2009 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 91.75% to 100%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways

THEREFORE, BE IT RESOLVED that the West Amwell Township Committee declares it's support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 18-May 31, 2009 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

Molnar moved to adopt the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Consideration of Resolution for National Police Week – Lt. Vanselous has requested that the Township Committee proclaim May 10th to May 16th as National Police Week. A similar resolution was adopted last year.

RESOLUTION #96-2009

WHEREAS May 10th through 16th is National Police Officer Week; and

WHEREAS, May 13th is "Law Enforcement Officers Memorial Day" as so legislated by the federal government; and

WHEREAS, the people of West Amwell hold their police officers in great esteem and value their local police force as an essential part of their community; and

WHEREAS, the purpose of this designation is to generate increased public support for the law enforcement profession by permanently recording and appropriately commemorating the service and sacrifice of law enforcement officers and to provide information that will help promote law enforcement safety; and

WHEREAS, this legislation requires that all American flags be lowered to half-staff on May 13th in commemoration of this service and sacrifice

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the week of May 10th through 16th is hereby declared as National Police Officer Week in West Amwell Township; and

BE IT FURTHER RESOLVED that all municipal flags be lowered to half staff on Law Enforcement Officers Memorial Day on May 13th

Molnar moved to adopt the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Discussion on Meeting Schedule for Remainder of Year – Mrs. Olsen requested that the Committee consider reducing the number of meetings to 1 per month to reduce workload on both the Clerk and Finance departments given the 10% cuts put into place. It was agreed that the June 3rd and September 2nd meetings will be cancelled.

Transportation Funding Opportunity – There's a proposed NJDOT FY2010 Capital Plan to provide an additional \$25 million more in local aid to municipalities for

construction projects. Application has to be made by June 12th. This information will be transmitted to Engineer Clerico with the thought of perhaps obtaining additional funding for the Rocktown Hill drainage project.

Community Development Block Grant Stimulus Money – Federal stimulus money is available for grants and loans for persons of low and moderate income. Funds may be used for housing rehabilitation efforts. The information will be shared with Ed Geubtner.

EMT Diversion Resolution – The League provided an alert to the Governor's intention to redirect \$4,000,000 from the dedicated EMT Training Fund to the general treasury leaving only \$400,000, which is inadequate to meet the annual training needs of volunteer EMTs and will result in severe cut-backs of state-paid EMT training. The EMT Training Fund is not supported through the use of any tax money but rather by a \$.50 surcharge on each fine, penalty and forfeiture imposed and collected by the State for motor vehicle or traffic violations. The Fund is currently running at \$1 million dollar deficit per year.

RESOLUTION #97-2009

RESOLUTION IN OPPOSITION TO A PROPOSED DIVERSION OF FUNDS FROM
THE EMERGENCY MEDICAL TECHNICIAN TRAINING FUND

WHEREAS, the Emergency Medical Technician ("EMT") Training Fund was created by New Jersey P.L. 1992, chapter 143 (N.J.S.A. 26:2K-54 et seq.) as a dedicated, non-lapsing, revolving fund, established to reimburse any private agency, organization or entity which is certified by the Commissioner of Health and Senior Services to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or recertification; and

WHEREAS, the Fund has allowed thousands of Volunteer EMTs to earn and maintain their EMT certification without incurring out-of-pocket personal expense and without the need for funding from their volunteer squad or municipality; and

WHEREAS, the EMT Training Fund is not supported through the use of any tax money, but rather is supported by a \$.50 surcharge on each fine, penalty and forfeiture imposed and collected by the State of New Jersey for motor vehicle or traffic violations and is currently running at approximately a \$ 1,000,000 deficit per year; and

WHEREAS, on April 23, 2009 the Department of Health and Senior Services Office of Emergency Medical Services (OEMS) informed the New Jersey State First Aid Council of Governor Corzine's intention to redirect \$4,000,000 from the dedicated EMT Training Fund to the general treasury of the State of New Jersey leaving only a proposed \$400,000 balance in the Fund; and,

WHEREAS, a \$400,000 balance in the EMT Training Fund is inadequate to meet the annual training needs of the Volunteer EMTs of this State and will result in severe cut-backs of state-paid EMT training for New Jersey's EMS Volunteer Community;

NOW, THEREFORE, BE IT RESOLVED, that the Township of West Amwell formally opposes Governor Corzine's plan to transfer money from the EMT Training Fund, because of the detrimental effect this will have on the availability of EMT training for New Jersey's Volunteer EMS Community; and be it further

RESOLVED, that the Township of West Amwell opposes the intended re-appropriation of monies from the dedicated EMT Training Fund, which would shift the cost of Volunteer EMT Training to (insert squad names), the municipality and its residents, which during this time of economic hardship, when squads continue to see a decrease in donations, contributions, and a short fall in fund raising, is fundamentally unfair to those who already volunteer their time to attend training courses and answer emergency calls and to require them to pay for their own training, when they already provide so much to their community, and which will, further, significantly impact the recruitment of new members, as well as retention of existing members since many will not be able to pay for their training; and be it further

RESOLVED, that the Governor and the Legislature of the State of New Jersey are requested not to remove any money from the EMT Training Fund and to return any

money to the Fund that has already been removed for purposes other than those specified in New Jersey P.L. 1992, chapter 143; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Corzine, to our State Legislators and to the New Jersey League of Municipalities.

Molnar moved to adopt the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

FEMA Survey – The National Flood Insurance Program (NFIP) requires participating communities to provide information every two years to FEMA via the NFIP Biennial Report. A survey document asking for information on changes to the community's flood hazard areas and the floodplain management program is requested. Harry Heller will be asked to assist in this work.

OPEN TO THE PUBLIC

A brief discussion ensued over the use of police comp days and its effect on overtime. Mr. Meader cautioned to use care in growing government by the use of a COPs grant and that the patrolmen have done good work for the Township. The overtime situation just needs management and oversight.

Mr. Pfeiffer relayed that the State's revenue position keeps deteriorating and now projects a \$1 billion dollar shortfall. The question is if there will be additional funding cuts to the municipality as that is one area being reported.

ADMINISTRATIVE REPORTS

Treasurer –

**RESOLUTION #98-2009
EMERGENCY TEMPORARY RESOLUTION
PRIOR TO ADOPTION OF THE BUDGET
May 6, 2009**

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

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

WHEREAS, the total emergency temporary resolutions adopted in the year 2009 pursuant to the provisions of N.J.C.A. 40A:4-20 (Chapter 96, P.L. 1951 as amended) including this resolution total \$450,432.00.

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

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

Molnar moved to adopt the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

RESOLUTION #99-2009

WHEREAS, it has been determined by the Board of Adjustment 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 Board of Adjustment 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 applicant:

Applicant	Amount Refunded
Dan Longhi	\$ 342.83
Carl Simonye	\$ 95.00
Gail DuFresne & Richard Oberndoreer	\$1,080.80

Corboy moved to adopt the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

RESOLUTION #100-2009

WHEREAS, The State of New Jersey has passed the following legislation-Chapter 54, P.L. 1995-Developer Escrow Statute Amendments, effective September 13, 1995; and

WHEREAS, to comply with N.J.S.A. 40:55D-53.2 the Municipality must adopt a schedule of the fees and charges of all professionals whose services might be charged to developers;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell that the following fees and charges of professionals are:

Zoning Board of Adjustment and Planning Board Engineer
Van Cleef Engineering Associates- \$ 150.00
Heritage Engineering Associates-\$152.00

Zoning Board of Adjustment Attorney
Stewart Palilonis -\$150.00 per hour-

Planning Board Attorney
Felter, Cain & Shurts, Esq - \$150.00 per hour plus
reimbursement of out of pocket expenses

Planning Board Planning Consultant
Clarke Caton Hintz \$150.00

Planning Board Woodlands Advisor
Stearns Associates LLC \$125.00

Molnar moved to adopt the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Presentation of Bills for Approval: Molnar motioned to approve the evening's bills for payment and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Statement of Cash: As of this date there is a cash total of \$2,482,418.37 between the operating and capital accounts. The report was unanimously accepted on motion from Molnar motioned, seconded by Masterson.

Cash Management Plan:

RESOLUTION #101-2009
CASH MANAGEMENT PLAN

BE IT RESOLVED that the Township Committee of the Township of West Amwell adopt this Cash Management Plan as follows:

STATEMENT OF PURPOSE

This Cash Management Plan (the “Plan”) is prepared pursuant to the provisions of N.J.S.A.:5-17 in order to set forth the basis for the deposits and investment of certain public funds of the Township of West Amwell, pending the use of such funds for the intended purposes. The plan is intended to assure that all public funds identified herein are deposited in interest bearing deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decision made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

- The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Township of West Amwell:
 1. Affordable Housing Trust
 2. Animal Control Trust
 3. Capital Account
 4. Current Account
 5. Federal and State Grant Account
 6. Housing Trust Account
 7. Payroll Account
 8. Public Assistance I & II Accounts
 9. Unemployment Trust Account
 10. Escrow Trust Account
 11. Open Space Trust Fund
 12. State of New Jersey Cash Management Fund
- It is understood that this Plan is not intended to cover certain funds and accounts of the Township of West Amwell, specifically:
 1. Municipal Court
 2. Tax Sale Redemption

DESIGNATION OF OFFICIALS OF THE TOWNSHIP OF WEST AMWELL

The Chief Financial Officer of the Township of West Amwell and the Assistant Treasurer are hereby authorized and directed to deposit and/or invest funds referred to in the Plan.

DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan:

- TD Bank
- PNC Bank
- Hopewell Valley Community Bank
- State of New Jersey Cash Management Plan

All depositories must conform to the Government Unit Deposit Protection Act (GUDPA), shall provide a Notification of Eligibility from the State of New Jersey, Department of Banking, on a semi-annual basis.

DEPOSIT OF FUNDS

All funds shall be deposited within forty-eight (48) hours of receipt, in accordance with N.J.S.A. 40A:5-15, into the appropriate fund operating accounts. Deposits are picked up by an armored car service on Monday, Wednesday and Friday to insure the 48 hour rule.

INVESTMENT INSTRUMENTS AND PROCEDURE

The designated official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

1. Deposits with the State of New Jersey Cash Management Fund established pursuant to 10 of P.L. c.281 (C52:18A-90.4)
2. Certificate of Deposits
3. Bonds or other obligations of the United States of America or
Obligations guaranteed by the United States of America
4. Government money market mutual funds
5. Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided such obligations bears a fixed rate of interest not dependent on any index or external factor.

WIRE TRANSFER AUTHORIZATIONS

The Chief Financial Officer and the Assistant Treasurer are authorized to do wire transfers from Township Bank accounts to the State of New Jersey Cash Management Plan; other approved investments and to other authorized third parties in order to conduct authorized Township business.

DISBURSEMENT OF FUNDS

All funds shall be disbursed as authorized and directed by the Township Committee. The Chief Financial Officer shall present to the Township Committee a schedule of debt service principal and interest payments. The Chief Financial Officer shall have the authority to make the following disbursements when necessary:

- Local and Regional School Taxes
- County Taxes
- Purchase of Investments
- Debt Service
- Salaries and wages
- Health benefits
- Postage
- Utilities

PETTY CASH FUND

Reimbursements for expenditures through the Petty Cash Fund shall be made within limits approved by the Director of the Division of Local Government Services. The Petty Cash Fund shall be maintained in accordance with N.J.S.A. 40A:5-21.

CHANGE FUND

Change Funds have been established by past resolutions of the governing body to provide change to taxpayers making payments.

BONDING

Staff members are covered by a Public Employee Surety Bond.

COMPLIANCE

The Cash Management Plan of the Township of West Amwell shall be subject to the annual audit conducted pursuant to N.J.S.A. 40A:5-4.

As stated in N.J.S.A. 40A:5-14, the official(s) charged with the custody of Township Funds shall deposit them as instructed by this Cash Management Plan, and shall thereafter be relieved of any liability or loss due to the insolvency or closing of any designated depository.

If at any time, this Cash Management Plan conflicts with any regulation of the State of New Jersey, or any department thereof, the applicable State regulations shall apply.

TERM OF PLAN

This Plan shall be in effect when adopted by resolution of the governing body of the Township of West Amwell. The Plan may be amended from time to time.

Molnar moved to adopt the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Dedicated by Rider for Uniform Fire Safety Act Penalty Moneys: This account is for money collected by the Fire Official for violations issued.

RESOLUTION #102-2009
RESOLUTION REQUESTING APPROVAL FOR DEDICATION BY RIDER
UNIFORM FIRE SAFETY ACT PENALTY MONEYS

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S. 52:27D-192 et seq allows municipalities to receive amounts for penalty moneys received under the Uniform Fire Safety Act Penalty Moneys;

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Governing Body of the Township of West Amwell, County of Hunterdon, New Jersey as follows:

1. The Mayor and Governing Body hereby request permission of the Director of Local Government Services to pay expenditures for the Uniform Fire Safety Act Penalty Moneys (NJS52:27D-192 et seq.)
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Molnar moved to adopt the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Tax Collector – The monthly report for April 2009 was received showing receipts in the amount of \$600,629.26. The report was unanimously accepted on motion from Molnar, seconded by Masterson.

Clerk/Human Resources – A letter of resignation, effective April 30, 2009, was received from Pete Buchanan. A note of appreciation for his service will be sent. The position needs to be filled temporarily while the position is advertised. Mr. Rose requested that Mike Janoski be appointed to fill this position during that time frame.

RESOLUTION #103-2009

WHEREAS, the Township of West Amwell is in need of an Electrical Sub-code Official/inspector; and

WHEREAS, the Construction Official has recommended Michael Janoski be appointed to temporarily fill this position for a period not to exceed 60 days; and

WHEREAS, Michael Janoski has expressed an interest in serving as the Electrical Sub-code Official/Inspector for the time period specified

THEREFORE, BE IT RESOLVED that Michael Janoski be appointed Electrical Sub-code Official/inspector effective May 4, 2009

Molnar moved to adopt the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

RESOLUTION #104-2009
SALARY & WAGE RESOLUTION AMENDMENT

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2009 Salary and Wage Resolution, adopted March 4, 2009, be amended as follows:

Position	Salary/Compensation
<u>Remove:</u> Electrical Sub-Code Official Buchanan	\$5,850.00
<u>Add:</u> Electrical Sub-Code Official Janoski (effective May 4, 2009)	\$5,850.00

Molnar moved to adopt the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Court – The 1st quarter 2009 Report was received showing total receipts in the amount of \$20,404.06.

Zoning Officer Report – The April 2009 report of activities was received. Numerous phone calls and interpretations were noted, together with site visits, complaints and 8 permits.

Police – The March and April 2009 Monthly Reports showing 189/191 incidents, 99/81 summonses and 1/1 warnings, respectively, were received.

The Court, Zoning and Police reports were unanimously accepted on motion from Molnar, seconded by Masterson seconded.

The Committee entered their previously authorized Closed Session at 10:08 p.m., returning to Open Session at 10:37 p.m.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 10:39 p.m. on motion from Molnar, seconded by Masterson.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk