

WEST AMWELL TOWNSHIP COMMITTEE MEETING

November 4, 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 7:03 p.m. Present were Mayor William J. Corboy, Deputy Mayor Frank P. Masterson III, Committeeman Thomas J. Molnar, Committeeman-elect George Fisher and Attorney Philip J. Faherty III. Also in attendance were Sean Pfeiffer, Hal Shute, Bernie Meader, Betty Jane Hunt, Barbara Walsh, Steve Bergenfeld and an unidentified couple.

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

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

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 10. New Business: All Seasons Proposal; CS Minute Packet; Orleans Request. Deleted were: 12. Administrative: Tax Collector; Construction

ANNOUNCEMENTS

Mayor Corboy made the following announcements:

- General Election – November 3rd from 6 a.m. to 8 p.m. (The newly elected Committeeman, George Fisher, was extended a welcome by the Mayor which was echoed by the other Committee members.)
- Township Offices Closed November 11th – Veterans Day; November 26th through 30th – Thanksgiving; December 24th through 28th - Christmas
- Township Clean Up Day – November 14th, 8 a.m. to 12:30 p.m.
- County Hazardous Waste Collection Day – Nov 14th, County Complex
- Township Committee Schedule for the Remainder of 2009 – November 18, December 9 and December 30
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The October 21, 2009 Regular and the October 28, 2009 Special and Closed Session meeting minutes were approved on motion from Molnar and seconded by Masterson. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Hal Shute came forward about a recent e-mail he sent to the Webmaster. He stated that the contentious election had him shooting from the hip and assured the Committee that he would not pursue the action mentioned with a higher authority as no illegal action was taken. However, it is his opinion that there is some information on the website that should not be but, in the future, he'll come in to hash it out in person. Mr. Shute also noted that he does not wish to wrangle about unimportant stuff.

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

Municipal Alliance: Mr. Fuhr was not in attendance.

Public Hearing: Ordinance 28, 2009 AN ORDINANCE REPEALING ORDINANCE 24, 2009 THAT AMENDED 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 October 26, 2009 issue of the Trenton Times was presented. The ordinance has been posted and available to the public since its introduction at the October 21, 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.

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

Introduction: Ordinance 29, 2009

This action is being required by the SADC concerning the Toll acquisition. The following ordinance was read by title and introduced on first reading:

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN AGRICULTURAL DEVELOPMENT RIGHTS EASEMENT ON A PORTION OF PROPERTY KNOWN AS BLOCK 8 LOTS 20 AND 36 TO THE STATE OF NEW JERSEY, STATE AGRICULTURE DEVELOPMENT COMMITTEE FOR FARMLAND PRESERVATION PURPOSES, AUTHORIZING ACCEPTANCE OF A DEED FROM HUNTERDON LAND TRUST ALLIANCE AND AUTHORIZING A CONVEYANCE OF A DEED RESTRICTION TO THE COUNTY OF HUNTERDON

WHEREAS, the Township of West Amwell (“Township”), is about to jointly acquire, along with Hunterdon Land Trust Alliance, a non-profit corporation, property known as Block 8, Lots 20 and 36, in the Township of West Amwell, consisting of approximately 130+/- acres along Route 179 in the Township, (hereinafter “Property”) which was contracted for with the intention of deed-restricting and preserving it for farmland purposes, except for a public access easement to be placed on an approximately 1.7+/- acre portion of the Property; and

WHEREAS, the Township, by Ordinance 6, 2009, adopted on March 18, 2009, previously authorized the aforesaid acquisition with Hunterdon Land Trust Alliance; and

WHEREAS, as originally required by the contract, Hunterdon Land Trust Alliance applied for and received a grant in the amount of \$825,000 from the State of New Jersey, State Agriculture Development Committee for its proportionate share of the purchase price in consideration for permanently deed-restricting a portion of the Property (approximately 126 acres +/-) for farmland preservation purposes; and

WHEREAS, as the State of New Jersey, State Agriculture Development Committee will permanently hold the agricultural development rights to the property on behalf of the public, it is not necessary for the Township to retain a development rights easement for the same purpose; and

WHEREAS, the Hunterdon County Board of Chosen Freeholders (hereinafter “County of Hunterdon” or “County”), at a meeting held on October 6, 2009, approved a cost-share in a sum not to exceed \$227,700.00 toward preservation of the Property, which cost-share would provide a benefit to the Township on behalf of the public. Further, the County of Hunterdon has indicated that, as consideration for its cost-share, the Township must convey a permanent Deed Restriction that requires the Township and its successors in title and interest to mow the Property in order to maintain it for farmland purposes and, further, gives the County of Hunterdon enforcement rights in the event that said mowing does not occur. The Township acknowledges that the aforementioned Deed Restriction is routinely required by the County of Hunterdon as part of its farmland preservation program.

WHEREAS, the Township is authorized to acquire interests in Property for public purposes, pursuant to N.J.S.A. 40A: 12-1, et seq.

WHEREAS, Hunterdon Land Trust Alliance has advised the Township that it does not wish to retain title to the Property and accordingly, has offered its property interest in Block 8, Lots 20 and 36, to the Township subject to the conveyance of the development rights easement to the State of New Jersey, State Agriculture Development Committee; and

WHEREAS, the State of New Jersey, Agriculture Development Committee appropriately requires that the Township join with HLTA in the conveyance of the development rights easement to the State of New Jersey, Agriculture Development Committee; and

WHEREAS, Township is authorized to convey the Deed of Easement to the State of New Jersey and the above-described Deed Restriction to the County of Hunterdon under N.J.S.A. 4:1C-11 et seq., 4:1C-34, 4:1C-43.1, N.J.S.A. 40A:12-13 et seq. and any other applicable law; and

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

Section 1. As part of the acquisition of Block 8, Lots 20 and 36 with co-purchaser Hunterdon Land Trust Alliance, the Township of West Amwell is hereby authorized to convey to the State of New Jersey, State Agricultural Development Committee, a Development Rights Easement on a portion of Block 8, Lots 20 and 36 in the Township of West Amwell, County of Hunterdon and State of New Jersey, which easement shall pertain to approximately 126+/- acres of the Property in consideration for an \$825,000 grant given to Hunterdon Land Trust Alliance, as originally contemplated in West Amwell Township Ordinance 6, 2009 and in the contract for purchase, which is on file with the Township of West Amwell Clerk..

Section 2. The Township of West Amwell further authorizes acceptance of the conveyance by Hunterdon Land Trust Alliance of its property interest in Block 8, Lots 20 and 36.

Section 3. Further, if and when requested by the County of Hunterdon, the Township of West Amwell authorizes conveyance of a Deed Restriction to the County of Hunterdon for mowing rights in consideration of a cost share from the County in a sum not to exceed \$227,000, as approved by the Hunterdon County Board of Chosen Freeholders pursuant to the parties entering into a contract of sale or other appropriate agreement for that purpose.

Section 4. On behalf of the Township Committee of the Township of West Amwell, the Mayor, Deputy Mayor, Township Clerk and Attorney, as appropriate, are authorized to prepare and sign any and all documentation necessary to effectuate the conveyance of the Agricultural Development Rights Easement to the State of New Jersey, State Agricultural Development Committee, together with any other documents required by said entity, including a project agreement, or other similar or related documents.

Section 5. Further, the Mayor, Deputy Mayor, Township Clerk and Attorney, as appropriate, are authorized to prepare and sign any and all documentation necessary to effectuate the acceptance of Hunterdon Land Trust Alliance's property interest in Block 8, Lots 20 and 36 once the Property has become deed-restricted.

Section 6. Finally, if and when requested by the County of Hunterdon, the Mayor, Deputy Mayor, Township Clerk and Attorney, as appropriate, are authorized to prepare and sign any and all documentation necessary to effectuate the conveyance of a Deed Restriction for mowing rights to the County of Hunterdon, together with any other documents required by said entity, including a contract of sale, cost share agreement, and other such documents.

Section 7.

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

Section 8. Effective Date.

This ordinance shall take effect immediately upon final adoption and publication according to law.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be held November 18, 2009. Publication will be in the Trenton Times on November 7th.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Project Status Updates:* Sean Pfeiffer relayed the following: 1) Attorney Dragan disagrees with the SADC about the need for the just-introduced ordinance for the **Toll**

purchase as the contract and previous ordinance gives appropriate authority. However, there's a new attorney at the SADC who wants this and the Township needs to close with Toll soon. Survey comments have been dealt with; a copy of the partnership agreement has been received from Toll; and, Toll is handling the driveway encroachment issue with Stephanie Miller. 2) The **Kilmer** environmental assessment has been received. There are some issues to be dealt with Green Acres and debris was found on the property. The township tax map is wrong once again as the surveyor found that the property consists of 62 acres not the 78 so indicated. The contract is adjustable to reflect a per-acre purchase price. These issues will be discussed with Mr. Kilmer.

George Fisher inquired about the specifics of the Toll purchase and how much Township money would be at risk. Mr. Pfeiffer relayed that the Township is the contract purchaser and will be maintaining the property until it is auctioned off as a preserved farm. Toll gave a 32% discount over CMV and the remaining \$1.5 million price tag will be funded by a \$825,000 purchase grant to the Hunterdon Land Trust Alliance from the SADC and \$675,000 from the Township's Open Space trust fund. There is no bonding involved as the open space program functions on a pay-as-you-go basis. The HLTA will assign their interest in the property to the Township at closing and the Township will receive a reimbursement of \$227,000 from the County for the easement. The responsibility for removing some old structures on the property falls to the Township. The tree stock will remain and landscapers will be contacted for their possible interest in same in exchange for filling the holes. Mr. Pfeiffer also noted that the Township is acquiring the property for not much more than easement value. As for the future auction, Max Spann handled a previous one for the Township and charges 10% to the buyer. Although there is an expectation to sell the property ASAP, this will be timed with market values. Preservation of the property was important due to its considerable road frontage and ownership by a developer.

Environmental

- *Authorization to Post Minutes of June 11, July 9, and September 10, 2009 on Website:* Approved.

Community Forestry - HELD

Affordable Housing

- *COAH Non-Residential Fee:* Barbara Walsh, the new Municipal Housing Liaison/Administrative Agent, relayed that pursuant to the 2009 NJ Economic Stimulus Act, a developer who paid non-residential development fees after 7/17/2008 is entitled to a refund if they submit a claim to the Township by November 30, 2009. If a claim is made, the Township would then request reimbursement from the State. If the State does not have the money to reimburse the Township, the non-residential development would be excluded from the actual growth share obligation; however, if the funds are reimbursed by the State, the growth share obligation remains.

The Township has one non-residential development fee collected during the time period indicated in the legislation. The developer paid \$2,846.26 and is eligible for a .5% return, if a refund is requested in writing. This is a small amount of money to claim and perhaps the owner is unaware. The growth share obligation to the Township is minimally one unit. The choices for the Township are: 1) do nothing and accept the growth share allocated; or, 2) notify the developer, make a claim to the State or a reimbursement that may or may not be received. Ms. Walsh's recommendation to the Committee was to notify the developer about his eligibility and follow up accordingly. However, Committee direction was requested.

The consensus of the Committee was to notify the developer and let him decide.

UNFINISHED BUSINESS

Award of Quote for Clean Up Day – There will only be 5 packer trucks available and

no roll-offs. The DPW staff will collect the metal; pile it separately; and, take it to market as time allows.

RESOLUTION #173-2009

WHEREAS, the Township of West Amwell solicited and subsequently received one quote for a Township Clean-Up Day; and,

WHEREAS, the quote received from Central Jersey Waste & Recycling was for 6 packers @ \$2195 each and 3 roll-offs for metal at \$175 per haul with no tipping fee; and,

WHEREAS, the Township Committee has determined that the number of packers be reduced to 5 and that no roll-offs will be required; and,

WHEREAS, Central Jersey Waste & Recycling has been contacted and has agreed to these changes; and,

WHEREAS Central Jersey Waste & Recycling has submitted a copy of their Business Registration Certification and will submit a Certificate of Insurance upon receipt of this award; and,

WHEREAS, the Township of West Amwell has sufficient funds to award the quote per the certification provided by the CFO

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of West Amwell that the quote for 5 packers, totaling \$10,975, for a Township Clean-Up day is hereby awarded to Central Jersey Waste & Recycling of Ewing NJ.

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

Draft Mandate Relief Letter – The proposed letter to Assemblymen Doherty and DeMaio and Senator Karrow was presented in line with the discussion at the last meeting. The League requested that State legislators be contacted and asked to support a variety of mandate relief efforts during and after the lame duck session. Mr. Corboy noted that Governor-elect Christy has asked the legislature not to impose any new unfunded mandates between now and when he take office in January.

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

Resolution to Enter Closed Session – Not needed

NEW BUSINESS

Postage Machine Renewal Proposal – Although the actual machine is now owned by the Township, the meter is not--and cannot be--according to postal regulations. In order to carry forward the meter rental, maintenance and price protection, a new agreement is needed that must include a new piece of equipment. A cross-cut shredder was suggested and is something that Vital Statistics has recommended. A 51 month agreement would run \$152/month vs the current budgeted amount of \$167/month. The requested action was approved.

All Seasons Proposal – This Safety & Efficiency Agreement is offered yearly by All Seasons. The heating portion will be deleted as the current supplier does the cleaning and filter changes. The air conditioning coverage involves primarily checks, adjustments and filter changes. Proposal accepted and signed by the mayor.

Closed Session Minute Packets – Attorney Faherty has reviewed the closed session minutes and has recommendations on which ones can be opened. Packets were

distributed for Committee review and concurrence. Action will be taken at the next meeting.

Orleans Request – Letters have been received requesting final road dedication and acceptance of maintenance bonds. Attorney Faherty indicated that Orleans has to submit a maintenance bond for his approval and provide a deed of dedication for the roads in order for this to proceed; therefore, the request is premature. Attorney Faherty will contact the developer and anticipates an ordinance for introduction at the December 9th meeting. With additional roads on the horizon, the salt budget will have to be reviewed as well as the effect on the DPW staff.

Community Forestry – (carried from earlier in the meeting) – Gary Robinson updated the Committee on several pending items. The **mid-year report** is a reminder that there are 4 required functions to be met in order to maintain approved status. These are: 1) an approved Community Forestry Management Plan; 2) two CORE trained representatives; 3) eight CEU credits a year divided between at least two individuals; and, 4) submission of the **2009 Annual Accomplishment** report prior to February 15, 2010. Glenn Baran and Gary Robinson have completed CORE training and the CEU requirement has been exceeded by two credits and included three CFC members. The committee is now working on the accomplishment report.

A second **5-year Management Plan** is due by 12/30/2010. Les Alpaugh, the forester that developed the initial plan, has been contacted and will help. The CFC can either do the plan on their own or re-certify through the use of a forester. There is **grant money** available to pay for professional review and an application will be made even if the money is not needed. The CFC members can review, revise and edit the current plan and then have Mr. Alpaugh look at it. The cost of producing the plan is estimated at around \$3500 but any professional review should be less than that. A one page application will need the mayor's signature. Mr. Robinson also relayed that he attended the October 24th **Shade Tree Conference**; found it informative; and, obtained information to distribute.

- *Resolution Awarding Tree Work*: The tree work is pending due to the rainy weather and concern about damaging the fields. Conditions are being monitored and the contractor hopes to be able to do the work within the next couple of weeks. The Road Supervisor and the Parks & Recreation Chair will be given 3 or 4 days advance notice of the start date. Mr. Robinson noted that they have until the spring of 2011 to accomplish the tree removal.

Mr. Molnar inquired about the planned tree work. Mr. Robinson explained that there are 14 hazardous trees on the inventory that will be removed. These are mostly Elms that have died due to grading. The contract calls for the trees to be taken down and the dead wood removed. The Road Supervisor has already done some of the work.

RESOLUTION #174-2009

WHEREAS, the Community Forestry Committee requires a tree service to comply with the provisions of their Community Stewardship Incentive Program grant; and

WHEREAS, Brian's Tree Service was contacted and has provided an estimate of \$2100 for the work involved; and

WHEREAS, this projected cost is below the quotation threshold

NOW, THEREFORE, BE IT RESOLVED the by Mayor and Committee of the Township of West Amwell that Brian's Tree Service be awarded the tree service work in line with the referenced grant work

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

OPEN TO THE PUBLIC

Sean Pfeiffer came forward with additional clarifications on the Toll project. He explained that the land and structure removal costs can be recouped from the gross price with the net proceeds then split between the parties.

Betty Jane Hunt was happy that a Clean-up will be held but inquired about what would happen when the 5 packers are filled. Mayor Corboy relayed that restrictions are in place limiting vehicles to either a regular pick-up truck or car and that there is a one-trip limit for participation.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #175-2009

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 |
|------------------|-----------------|
| Richard Phillips | \$ 115.00 |

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

RESOLUTION #176-2009

WHEREAS, N.J.S.A. 40A:4-58 permits appropriation transfers during the last two months of the fiscal year between line items of the 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 |
|-------------------------|------------|------------|
| Mayor & Council: | | |
| Salaries & wages | \$1,700.00 | |
| Revenue Administration: | | |
| Other expenses | | \$1,000.00 |
| Engineering Services: | | |
| Other expenses | | \$ 500.00 |
| Water: | | |
| Other expenses | | \$ 200.00 |
| Total | \$1,700.00 | \$1,700.00 |

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

Presentation of Bills for Approval: Molnar inquired about two particular bills on the list and then motioned to approve the evening's bills for payment and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Treasurer Report: Appropriations to date were provided and reviewed.

Zoning Officer Report – The October 2009 report of activities was received. Numerous phone calls and interpretations were noted

The Treasurer and Zoning Officer reports were unanimously accepted as received.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 7:55 on motion from Molnar, seconded by Masterson.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk