

WEST AMWELL TOWNSHIP COMMITTEE MEETING

~~October 30~~November 5, 2012 - 7:00 p.m.

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

The regular meeting of the West Amwell Township Committee was called to order at 7:00 p.m. Present were Mayor George A. Fisher, Deputy Mayor Zachary T. Rich, Committeeman Thomas J. Molnar, Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance were John Cronic, Randy Hoagland, Harry Heller and Dan Goodman.

Mayor Fisher announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was included in the Resolution faxed to the Hunterdon County Democrat and Trenton Times on January 3, 2012, was posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. Due to inclement weather conditions, the meeting was re-scheduled to November 5, 2012. Notice of this action was published in the Hunterdon County Democrat, issue of November 1, 2012 and faxed to the Democrat and Trenton Times and posted on the Township bulletin board and website on said date. Notice of a change in location due to lack of power at the municipal building was e-mailed to the Democrat for on-line publication on November 5th. 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 not recorded.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Fisher led the assembled group in the pledge.

AGENDA REVIEW BY TOWNSHIP CLERK

None

ANNOUNCEMENTS

The following announcements were made:

- General Election – ~~Municipal Building~~ Firehouse, November 6th, 6 a.m. – 8 p.m.
- Rabies Clinic – 258 Mt. Airy-Harb (DPW), November 10th, 1 p.m. – 3 p.m.
- Municipal Offices Closed November 12th, Veterans Day Observed
- Municipal Offices Closed November 22nd & 23rd, Thanksgiving
- Hunterdon County Hazardous Waste Collection – Nov 10th, 9 a.m. - 1 p.m. Rt 12 County Complex
- PSE&G ROW Easement Trimming Along Branchburg & Roseland Lines to Commence July 1st and Continue Thru 2013
- JCP&L Routine Aerial Patrols Commence September 24th
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

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

September 26, 2012 Regular Meeting
October 10, 2012 Special Meeting
October 10, 2012 Closed Session (Personnel-Police Interviews)

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Dan Goodman, 31 Ferris Wheel Drive, commented that the lack of communications is upsetting to residents; noted that the Lambertville mayor is putting forth effort; questioned when linemen and tree cutters could be expected to arrive; advised that the schools use an auto caller system for notifications; inquired whether the superintendents have been involved in the school closing decision making; stated that Pennsylvania is making it a priority to get the schools up and running and have the ability to move kids to different schools, something not available here; and, requested an update.

Mr. Goodman was advised that the Township website is unable to be updated due to storm damage; that a letter advising residents to sign up for Nixle was sent with the tax bills; that Nixle alerts continue to be sent out; flyers were handed out at the Saturday depot; and, notices posted at the municipal building and fire house. Given the circumstances and no power, the township is doing its best. It was also relayed that conversations with JCP&L are happening 2-3

times per day but the information given is the same as what can be found on their website; the Rocktown-Lambertville sub-station is energized; and, assessments are underway. As to the November 5, 2012 Minutes
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question of when lineman and tree cutters could be expected, no definitive answer has been received. The current JCP&L chart available on line has most restoration completed by the 10th, but the Township has no control over their schedule. Also noted was that the Township's Fire, Roads, Police and OEM have done their job so there is no excuse for JCP&L not to be here. Registration for Nixle alerts was again emphasized as a communications tool. There is also a reverse 911 system in place but it may or may work given particular situations. With the majority of the Township having no internet, posting and/or handing out signs together with word of mouth by neighbors is where the Township finds itself at this time. It was also pointed out that while Governor Christie is pushing to get the schools open and has requested a survey by County for both power and accessibility, an incident after Hurricane Irene whereby the schools opened too early and had a bus back into downed wires was relayed. JCP&L gets here whenever and on their own agenda; they service the population centers first which is why Lambertville is seeing some power; and although the phone lines are burning with calls to JCP&L, there is nothing the Township can do to move them along. The schools will not open due to public safety concerns.

In response to a suggestion made previously by Jason Fuhr concerning the passing of Township WWII veterans, Mrs. Olsen noted the passing of Ray Marfino (Army) in September and Harold Baker (Army) in October.

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

Municipal Alliance: Mr. Fuhr was not in attendance.

Regionalization Study: Mr. Beaumont was not in attendance.

Public Hearing: Ordinance 16, 2012 AN ORDINANCE TO AMEND ORDINANCE 1, 2012 TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY

Proof of publication in the October 11, 2012 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the September 26, 2012 Township Committee meeting. Mr. Fisher read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was unanimously closed.

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

Introduction: Ordinance 17, 2012 AN ORDINANCE TO AMEND CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL – Engineering Inspection

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

BE IT ORDAINED by the Township Committee of the Township of West Amwell, Hunterdon County, State of New Jersey, that Part 2, Article IV, Section 13 of Chapter 109 be amended and supplemented as follows:

Section 1

109-13. Fee schedule.

Add E

To escrow the initial cost of reviewing the grading plan, cost of inspection of stormwater management facilities during construction and final inspection prior to the issuance of a CO:

- 1) Individual Lot Grading Plan (less than 1 acre of disturbance) \$750
- 2) Individual Lot Grading Plan (1 acre or more of disturbance) \$1500

Change Current E. Zoning fees to F. Zoning fees.

Section 2:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

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Section 3:

This Ordinance shall take effect immediately upon final passage and publication as provided by law, and upon filing a copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

Rich moved to introduce the Ordinance on first reading and Molnar seconded. Motion carried unanimously. The public hearing will be held November 28, 2012.

Introduction: Ordinance 18, 2012 AN ORDINANCE TO AMEND CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL – Checklist No. 1 Land Development Application

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

AN ORDINANCE TO AMEND CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL – Checklist No. 1 Land Development Application

BE IT ORDAINED by the Township Committee of the Township of West Amwell, Hunterdon County, New Jersey that Checklist No. 1, Land Development Application, Development Review Checklist of Chapter 109 be amended as follows:

Section 1

The Land Development Application, Development Review Checklist heading is amended to read:

“All applications must be submitted to the Administrative Officer of the Planning/Zoning Board, **as well as to the Township’s Environmental Commission**, at least three weeks prior to regularly scheduled Board meeting.”

Under heading ‘Required information/documents to be provided on plans,’ item 1 is amended to read:

“All documents properly certified and sealed by the appropriate New Jersey licensed professional persons (PE, PLS, PP, CLA, RA). **All site plans must be produced using standard block fonts.**

Section 2:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3:

This Ordinance shall take effect immediately upon final passage and publication as provided by law, and upon filing a copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

Rich moved to introduce the Ordinance on first reading and Molnar seconded. Motion carried unanimously. The public hearing will be held November 28, 2012.

Introduction: Ordinance 19, 2012 AN ORDINANCE TO AMEND CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL – Fee Schedule

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

BE IT ORDAINED by the Township Committee of the Township of West Amwell, Hunterdon County, State of New Jersey, that Part 2, Article III, Section 6 of Chapter 109 be amended and supplemented as follows:

Section 1

109-6. Amount of fees and escrow deposits due.

7. Variances

- | | | |
|------------------------|---------|-----------------------------------|
| b. N.J.S.A. 40:55D-70d | \$1,000 | \$2,500 per variance – commercial |
| c. N.J.S.A. 40:55D-7d | \$ 200 | \$ 500 per variance - residential |

Section 2:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3:

This Ordinance shall take effect immediately upon final passage and publication as provided by law, and upon filing a copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

Molnar moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held November 28, 2012.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Nunn Appraisal – Resolution of Award:*

RESOLUTION #168-2012

WHEREAS, as appraisals have been solicited for Block 8 Lot 29.01 (Nunn) for a potential easement acquisition; and

WHEREAS, two appraisals are required for the project; and,

WHEREAS, seven requests were solicited; and

WHEREAS, the following quotes were received:

Lynford L. Collins of C.L. Orbaker & Associates, Inc	\$2,200.00
Thomas Rodriguez of Tom Rodriguez Associates	\$1,800.00

WHEREAS funds are available in the Reserve for Preliminary Expenses for Open Space and Farmland Preservation

THEREFORE BE IT RESOLVED by the Township Committee that Lynford L. Collins of C. L. Orbaker & Associates, Inc. and Thomas Rodriguez of Tom Rodriguez Associates be awarded the requested appraisal work on Block 8 Lot 29.01.

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

- *Adam Property Boundary Issue:* John Cronic relayed that Hal Shute is looking into this.
- *Project Status Updates:* Held

Environmental

- *Authorization to Post August 9, 2012 Minutes to Website:* Approved
- *Green Team – Update on Sustainable Jersey Grant:* Held
- *New Invasive Species Update:* Held

Finance Advisory

- *Authorization to Post August 1, 2012 Minutes to Website:* Approved
- *2013 Debt Refinancing:* Held

UNFINISHED BUSINESS

Possible Appointments – None

Updates –

- *Fulper/Johanna Foods Sludge Odor.* Mayor Fisher announced receipt of a letter from DEP noting that Johanna Foods, Inc. has been authorized to land apply its food processing residue under the food processing by-products general permit since May 1, 1999. Analyses presented

has been authorized under NJG0102814 and on November 15, 2000 the department imposed best management practices on Johanna in an effort to mitigate future nuisance odor situations. After recent complaints, the NJDEP sent a letter on September 20, 2012 updating the BMP's. The department has been in regular contact with Johanna regarding the latest odor situation and may further modify the BMP's upon completing a review of the matter. Mr. Fisher noted that it's a sticky situation between Right-to-Farm and odor. The phone number of the environmental hotline is 1-877-927-6337. Citizen and the township should call to initiate an investigation of odor complaints and/or potential permit violations.

- *Toll Mowing*: Mr. Molnar relayed that the property has only been mowed once and questioned whether they should be paid the full amount. Attorney Faherty will review the specifications and award.

Quotes

- *Snow Plowing – Calton & Orleans*: Rejected
- *Roll-Offs*: Only one response was received and it was for new, not re-furnished, units. Attorney Faherty advised that the Township could proceed with a purchase. The Clerk was instructed to order two new units from East Coast Containers. Preferred color is green.

Planning for 2013

- *Meeting Schedule Discussion*: A calendar of dates available for a possible second monthly meeting was provided. The number of specials to date was questioned and will be researched. Held
- *Professional Services*: The consensus was to continue with this year's professional staff for 2013 via the non-fair and open process.

Affordable Housing Program

- *Discussion on Municipal Housing Liaison/Direction*: The position will be re-advertised. Also requested was an outreach to other townships for a possible shared service, although this route has been explored previously without success. The Clerk was also requested to inquire whether the newly hired open space secretary might be interested.
- *Possible Date for Interviews*: Held
- *Plan Amendment* (see 10/10 minutes for background): This amendment would add the category of new construction. Held

Resolutions of Hire

- *DPW Road C – William Leary*:

RESOLUTION #169-2012

WHEREAS, William Leary was interviewed for a full time position in the Department of Public Works; and

WHEREAS, the Township Committee is in agreement with the Road Supervisor that William Leary be hired for the advertised position; and

WHEREAS, the Salary & Wage Ordinance has a range of \$14.51 to \$17.73/hr. for a Road Class C (less than 5 years of service)

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, that William Leary be hired for the Road Class C position

BE IT FURTHER RESOLVED that William Leary be paid \$15.00/hr

BE IT FURTHER RESOLVED that William Leary begin employment as of November 5, 2012.

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

- *Open Space Secretary – Christine Rosikiewicz*:

RESOLUTION #170-2012

WHEREAS, Christine Rosikiewicz was interviewed for the part-time position of Open Space Secretary; and

WHEREAS, the Township Committee is in agreement with the Open Space Chairman that Christine Rosikiewicz be hired for the advertised position; and

WHEREAS, the Salary & Wage Ordinance has a range of \$13.50 to 16.50/hr. for this position

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, that Christine Rosikiewicz be hired for the Open Space Secretary position

BE IT FURTHER RESOLVED that Ms. Rosikiewicz be paid \$15.00/hr for up to 6 hrs/month

BE IT FURTHER RESOLVED that Ms. Rosikiewicz begin employment as of November 5, 2012.

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

- Police Patrolman Cesare:

RESOLUTION #171-2012

WHEREAS, there exists an opening for an Officer in the Township Police Department; and

WHEREAS, Joseph P. Cesare submitted an application for employment and has been interviewed by the Township Committee; and

WHEREAS, Joseph P. Cesare was recommended by Lt. Stephen J. Bartzak to fill this open position

WHEREAS, the Township Committee is in agreement with Lt. Bartzak that Joseph P. Cesare hired as a Patrolman and will be probationary employee for one year

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, that Joseph P. Cesare be appointed to the position of Patrolman (probationary) effective October 19, 2012

BE IT FURTHER RESOLVED that a pro-rated salary of \$43,352 be paid for this position in accordance with the police contract

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

Corporal Resolution – As this position is a first for the Township's Police Department, a resolution was presented for consideration.

RESOLUTION #172-2012

WHEREAS, a decision was made by the West Amwell Township Committee, upon recommendation from Lt. Bartzak, to create the position of Corporal in the police department; and

WHEREAS, the position of Corporal is to address liability issues and the policies of the Attorney General for designated supervisors; and

WHEREAS, a resolution amending the regulations was adopted on September 26, 2012; and

WHEREAS, it is the considered opinion of the governing body that this position be filled

NOW, THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, that the following Patrolmen be appointed to the position of Corporal:

Patrolman 1st Class Timothy Vanselous
Patrolman 1st Class Jeffrey S. Jones

BE IT FURTHER RESOLVED, that this appointment be effective as of October 10, 2012.

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

Fire Company Turn Out Gear

- Revised State Purchasing Resolution:

RESOLUTION #173-2012
Amending RESOLUTION #115-2012

BE IT RESOLVED that RESOLUTION #115-2012 Authorizing Contracts with Certain Approved Stated Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40a:11-12A is hereby amended to provide for additional turn out gear for the Township Fire Company as follows:

Referenced State Contract Vendors

<u>Commodity/Service</u>	<u>Vendor</u>	<u>State Contract #</u>
1 ea Morning Pride turn out coat	George Kline Sales 308 Cambria Ave Bensalem, PA 19020	A80948
1 pr American Firewear gloves	as above	as above
6 ea Carnes helmets	Continental Fire & Safety Inc 108 Volusia Ave Trenton NJ 08610-2626	A80953
6 ea Carnes frontice	as above	as above
2 pr Thorogood boots	as above	A80959

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

- Resolution of Award:

RESOLUTION #174-2012

WHEREAS, there is a need to purchase various pieces of fire company turn out gear for the Township of West Amwell, in the County of Hunterdon, State of New Jersey as follows

- 1) 1 Morning Pridge turnout coat
- 2) 1 pair American Firewear gloves
- 3) 6 Carnes helmets
- 4) 6 Carnes frontice
- 5) 2 pair Thorogood boots
- 6)

; and

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

- 1) & 2) A80948 – George Kline Sales; \$1,302.19
- 3), 4) A80953 & 5) A80959 – Continental Fire & Safety, Inc.; \$2,098.08

; and

WHEREAS, the maximum amount of the purchases is \$3,489.60; and

WHEREAS the CFO has certified to the Township Clerk that funds are available in the Ordinance 10, 2012; and

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

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

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

NEW BUSINESS

Proposed Fulper Harvest Fest – This event has been moved to November 10th. Proceeds are

fee was approved. However, the \$75.00 food handling fee must be remitted to obtain a license.

Enforcement of Pole Statute – Held

Resolutions for Consideration–

- *Special Emergency Resolution – Tax Maps*: An estimate of \$8,000.00 was received from the Engineer Roseberry. CFO Carro has requested that this item be held.

- *Supporting Sustainable State Funding for Preservation & Stewardship of Open Space, Parks, Farmland & Historic Sites in New Jersey*:

RESOLUTION #175-2012

Supporting Sustainable State Funding for Preservation and Stewardship of Open Space, Parks, Farmland and Historic Sites in New Jersey

WHEREAS, New Jersey has a long and successful history of preserving open space, parks, farmland, and historic sites; and

WHEREAS, the Green Acres Program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years; the State Agricultural Development Committee has preserved 200,000 acres of farmland over the past 30 years; and the Historic Trust has preserved 477 historic sites over the past 45 years; and

WHEREAS, all remaining funds for these programs under the Green Acres, Water Supply and Floodplain Protection, Farmland and Historic Preservation Bond Act of 2009 will be fully allocated by the end of 2012; and

WHEREAS, the Township of West Amwell has been a direct beneficiary of, and partner to, these critical state preservation programs; and

WHEREAS, substantial unmet needs remain for additional land and water protection, park development, and farmland and historic preservation, for the health and welfare of our communities and residents; and

WHEREAS, it is imperative that a long-term, dedicated source of funding be established in order to:

- sustain open space, farmland, and historic preservation programs beyond the 2009 Bond Act
- improve and ensure proper stewardship of parks, preserved lands, and historic sites
- provide equitable access to quality parks and recreation in urban, suburban, and rural areas
- match and leverage local, county, and private funds for these purposes
- protect drinking water supplies, water quality, and alleviate costly flood damages
- preserve fish and wildlife habitat and provide public access for hunting and fishing
- revitalize cities and towns
- protect our quality of life and economic prosperity.

NOW, THEREFORE, BE IT RESOLVED, on this 5th day of November 2012, by the Township of West Amwell in Hunterdon County, State of New Jersey, that:

1. The Township of West Amwell supports establishment of a long-term, dedicated source of state funding for these purposes.
2. A certified copy of this resolution be served upon Governor Chris Christie, Senator Shirley Turner, Assemblywoman Bonnie Watson Coleman and Assemblyman Reed Gusciora, all District 15 Municipalities, Hunterdon and Mercer County Freeholders, NJ Keep It Green, and the New Jersey State League of Municipalities.

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

- Opposing S-1534 & A-2586 Exempting Private Universities from the MLUL:

RESOLUTION #176-2012
RESOLUTION OPPOSING S-1534 AND A-2586 EXEMPTING PRIVATE UNIVERSITIES FROM THE
MUNICIPAL LAND USE LAW

WHEREAS, the State Senate passed S-1534; and

WHEREAS, the State Assembly has introduced for consideration A-2586; and,

WHEREAS, said bills are mirror-image measures that would exempt private universities from the New Jersey Municipal Land Use Law, NJ.S.A. 40:55D-I et seq; and

WHEREAS, planning and zoning by municipalities is of fundamental interest to municipalities, and their residents as an appropriate means to manage and control land use; and

WHEREAS, exempting private universities from the Municipal Land Use Law would adversely affect land use controls that now protect municipalities, and their residents; and

WHEREAS, exempting private universities from the Municipal Land Use Law would damage the self-determination of municipalities and inhibit the role and participation of residents; and

WHEREAS, there is no rational basis to exempt private colleges and universities from the Municipal Land Use Law since it creates a disparity between these private institutions and non-profit institutions, private businesses and residents; and

WHEREAS, shifting the authority to private colleges and universities in the determination of land uses further burdens taxpayers to meet the cost impacts incurred as a result of the additional, unbridled development;

NOW, THEREFORE, BE IT RESOLVED that West Amwell Township strongly opposes S-1534 and A-2586, hereby urges our State representatives vote against this legislation; and

BE IT FURTHER RESOLVED that copies be forwarded to the New Jersey State League of Municipalities, Senator Shirley Turner, Assemblywoman Bonnie Watson Coleman and Assemblyman Reed Gusciora, the members of the Assembly Higher Education Committee, the Speaker of the Assembly and the Governor of the State of New Jersey.

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

- Supporting A-3393 to Protect Residential Property Taxpayers from the Loss Of Telecommunications Tax Support:

RESOLUTION #177-2012
RESOLUTION IN SUPPORT OF A-3393, LEGISLATION TO PROTECT RESIDENTIAL PROPERTY TAXPAYERS
FROM THE LOSS OF TELECOMMUNICATIONS TAX SUPPORT

WHEREAS, in 1997, at the request of incumbent utilities, the laws regarding State taxation of telecommunications corporations were amended in response to technological and market innovations, in order to increase competition; and

WHEREAS, the amendments sought to preserve revenues to local governments by providing that local exchange telephone companies subject to the New Jersey Franchise and Gross Receipts Tax on April 1, 1997 would continue to be subject, annually, to the Business Personal Property Tax ("BPPT"); and

WHEREAS, the statute defines local exchange companies as those telecommunications carriers "providing dial tone and access to 51% of a local telephone exchange"; and

WHEREAS, Verizon's self-serving interpretation of the statutory definition has led it to claim exemption from the BPPT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51% of the local telephone exchanges; and

WHEREAS, Hopewell Borough's challenge to that claim was upheld by the Mercer County Board of Taxation in 2009; and

WHEREAS, Verizon's appeal of that determination to the Tax Court resulted in a June, 2012 trial court decision accepting the corporation's self-serving interpretation of the law; and

WHEREAS, as things now stand, over 100 municipalities know that they enter 2013 without BPPT revenues that will cost property taxpayers well in excess of \$8 million and, unless matters change, more municipalities will lose more millions in the future; and

WHEREAS, remedial legislation (A-3393) has been introduced by Assemblyman Ralph Caputo, which will clarify the perceived ambiguity of the statutory definition to further implement the original legislative intent to preserve revenues to local governments; and

WHEREAS, we anticipate the introduction of companion legislation by Senator Bob Smith, as soon as the Senate next convenes;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of West Amwell Township commends Assemblyman Caputo and Senator Smith and strongly supports A-3393, which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon's obfuscation; and

BE IT FURTHER RESOLVED, that we urge our State Senator and our representatives in the General Assembly to join as co-sponsors of A-3393 and its companion bill; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Honorable Governor Chris Christie, the Honorable Speaker of the General Assembly Sheila Oliver, the Honorable President of the State Senate Stephen M. Sweeney, the Honorable Assembly Republican Leader Jon Bramnick, the Honorable Senate Republican Leader Thomas H. Kean, Jr., and our own State Senator and Representatives in the General Assembly, and to the New Jersey State League of Municipalities.

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

Fire Prevention – Captain George A. Becket, Sr., a representative of the Division of Fire Safety, recently met with the Clerk and Fire Prevention official. He noted such things as the lack of line items in the budget; that the township gets 65% of the business life hazard money which is to be reserved for the fire prevention budget; that all the fire official's inspection fees are to be appropriated to that budget line, not general coffers, for the use of that specific department. Also mentioned was the use of the official's personal vehicle was problematic. Monies received could be used to fund a car, computers, software, etc. as well as salary. The possibility of a shared service was mentioned but more information will be sought. Held.

South Hunterdon – Mr. Rich has advised that the school's ranking has moved from 74th to 21st in the state, according to NJ Monthly. Congratulations are in order and the Clerk was instructed to prepare a letter.

Request for Municipal Consent for Use of Public ROWs – A representative will be requested to attend the November 28th meeting.

Misc Discussions

- *Office Space*: The situation in the Construction office and the need to use the basement was broached. Mr. Fisher will speak with the building office staff.
- *Porta-Potty for Depot*: The current porta-potty was donated and no one can be found that will clean it. A rental will be pursued.
- *Road Maintenance*: Randy Hoagland reported on the road situation. The need to budget for chip sealing was noted and Mr. Molnar and Mr. Hoagland will work up a rotation. Mr. Fisher will speak with local mayors concerning road work cooperation.
- *Special Meeting for Stormwater Training*: Held
- *2013 ACO Shared Services*: Nothing has been received from the ACO as requested previously and word has not been received from Delaware Township about their continued involvement. Mr. Fisher will meet with the other municipalities involved to determine same.
- *HVAC Unit for Firehouse*: The draft RFP was received from Engineer Roseberry seeking approval to solicit proposals. Approval was given to proceed.

There is no heat in the police department. Mr. Hoagland offered to contact Hackney for service.
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S & W Amendment –

RESOLUTION #178-2012

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

Position	Salary/Compensation
<u>Add</u> : Road Class C Leary	\$15.00/hr

Delete: Road Class C Baran

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

Donation from Auction – Held

Application for Fire Company Membership – The application from Greg A. Pslotas was received and unanimously approved on motion by Fisher, seconded by Rich.

Possible Part-time Patrolman – The Township recently lost one of its part time patrolmen. Lt. Bartzak has recommended James S. Klesney to fill the slot.

RESOLUTION #179-2012

WHEREAS, the West Amwell Township Committee has determined that an additional Class II Special Officer would be beneficial to the Police Department; and

WHEREAS, the Township Committee, upon recommendation from Lt. Stephen J. Bartzak, decided that James S. Klesney would be an excellent choice for the stated position; and,

WHEREAS, James S. Klesney has been offered, and accepted, this position

THEREFORE, BE IT RESOLVED that James S. Klesney be hired as a Class II Special Officer, effective November 5, 2012

BE IT FURTHER RESOLVED that James S. Klesney receive \$18.54/hr in line with the S & W ordinance currently in effect.

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

OPEN TO THE PUBLIC

Mr. Hoagland relayed that peak shingles are missing from the new firehouse roof. The project is still not 100% completed but the company will be contacted to make the repairs.

Attorney Faherty relayed that he is still working the shared services/tenure issue and has reached out to the League concerning publication as he needs to read the actual ruling.

Mr. Cronic recommended that generators be obtained for the DPW and municipal building. A 10K should be ample for the latter with perhaps a 1300 one for the former. The sooner this is implemented, the better. It was been reported that FEMA is delivering generators but where they are going was questioned.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #180-2012

WHEREAS, it has been determined by the Zoning 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 Zoning 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 applicant(s):

Applicant

Amount Refunded

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

Presentation of Bills for Approval: A bill for fuel oil in the amount of \$583.62 was added.

RESOLUTION #181-2012

BE IT RESOLVED by the Township Committee of the Township of West Amwell that the vouchers listed on the Bill List, in the amount of \$1,377,204.49, plus \$583.62 for a total of \$1,377,787.12, dated October 26, 2012, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

The bill list, as amended, was unanimously approved on motion by Molnar, with a second from Rich.

Treasurer Report: Appropriations through October 26, 2012 were provided and reviewed.

Tax Collector –

RESOLUTION #182-2012

WHEREAS severe weather conditions and loss of power has resulted in a hardship for residents to remit their fourth quarter taxes on time; and

WHEREAS, the Township Committee desires to extend the grace period beyond November 13, 2012

THEREFORE BE IT RESOLVED that pursuant to N.J.S.A. 54:4-66 et seq., the payment without interest for fourth quarter 2012 taxes will be extended to November 30, 2012, after which time all receipts for the fourth quarter shall be deemed delinquent with interest accruing from November 1, 2012.

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

The monthly report for September 2012 was received showing receipts in the amount of \$134,034.66.

Construction – The Permit Fee Log details (17), Monthly Activity Report-Permits, Payment Audit Report (\$10,222.00), Monthly Activity Report-Certificates (4), Monthly Activity Detail Report-Certificates (4) and Certificate Log Detail (4) were received for PermitsNJ.

Court – The September 2012 monthly report was received showing a ticket total of 420 (156 local) and the receipt of \$17,833.39.

Police – The August and September 2012 Monthly Reports showing 208/165 incidents, 315/276 summonses and 2/3 warnings were received.

Zoning Officer Report – The September 2012 report of activities was received. Numerous phone calls, e-mail correspondence and interpretations were noted, together with 8 permits.

The reports were unanimously accepted as filed.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 8:12 p.m. on motion from Fisher.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: November 28, 2012