

WEST AMWELL TOWNSHIP COMMITTEE MEETING
October 6, 2010

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

The regular meeting of the West Amwell Township Committee was called to order at 7:01 p.m. Present were Mayor Molnar, Deputy Mayor Frank P. Masterson III, Committeeman George Fisher and Attorney Philip J. Faherty III. Also in attendance were Paul Cronce, Cathy and Chester Urbanski, Sean Pfeiffer, Howard Hope, Robin Horsnall, Betty Jane Hunt, Zack Rich, John Cronce, Hal Shute, Pt. Vanselous, Pt. Skillman and reporter Renee Kiriluk-Hill.

Mayor Molnar announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was included in the Resolution faxed to the Lambertville Beacon, Hunterdon County Democrat and Trenton Times on January 1, 2010, was posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

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

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Paul Cronce led the attendees in the pledge to our nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

There were no additions or deletions to the posted agenda.

ANNOUNCEMENTS

The following announcements were made:

- Computer & Electronics Collection, Rte. 12 County Complex, October 9th, 9 a.m.-1 p.m.
- Municipal Offices Closed October 11th in Observance of Columbus Day
- Last Day to Register for General Election, October 12th
- Last Day to Apply by Mail for a Mail-in Ballot, October 26th
- County Clerk's Office Open until 7 p.m. to Vote by Mail-In Ballot on October 28th
- County Clerk's Office Open from 9 a.m.-1 p.m. to Vote by Mail-in Ballot on October 30th
- Last Day to Apply at County Clerk's Office in person for a Mail-in Ballot, Nov. 1st
- General Election – November 2nd; Polls Open at 6 a.m., Close at 8 p.m.
- Daylight Savings Time Ends 12:01 a.m. November 7th
- Public Information Center on Rte. 31 Resurfacing Project, Nov. 9th, 4-7 p.m., East Amwell Township
- Municipal Offices Closed November 11th for Veterans Day
- Hazardous Waste Collection, County Complex Rte. 12, November 13th, 9 a.m.- 1 p.m.
- Municipal Offices Closed November 25th & 26th for Thanksgiving
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The September 1, 2010 Regular and Closed Session as well as the September 21, 2010 Special and Closed Session minutes were approved on motion from Molnar, seconded by Masterson, and carried unanimously.

It was determined that the packet of Closed Session Minutes for Review & Possible Release be held until the next meeting.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Mayor Molnar wished to mention that the Ladies Auxiliary Roast Pork dinner is scheduled for this Saturday, October 9th from 4 – 7 p.m. at the Firehouse.

Sean Pfeiffer expressed concern that while purchasing a garbage truck may be a worthwhile idea, there needs to be a contingency plan in the event of a breakdown. Mayor Molnar stated that he and Paul Cronce recently visited a Patterson dealership with a substantial selection of used trucks and made an offer of \$45,000 on one. He also relayed that they are currently negotiating with Hampton Borough to purchase a recycling truck, as our leased vehicle is twenty years old; has had problems; and, is broken down. There is a provision in the contract with Lambertville that they issue a replacement vehicle in the event of mechanical failure. Mr. Cronce assured the Committee that he would have a truck here for Saturday's collection. Mr. Pfeiffer offered that some residents utilized the Lambertville depot in the interim.

Cathy Urbanski asked if there would be additional recycling if we had our own vehicle. Mr. Fisher's response was that they would consider weekly collection with a back up dumpster for overflow. As this will be funded from the Capital Ordinance, there should be enough for both.

Paul Cronce feels that this is a good move for the township and should result in savings but a back up is a necessity. Perhaps looking elsewhere should be considered as he feels they could still do better on pricing.

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

Municipal Alliance: Mr. Fuhr was not in attendance this evening.

Public Hearing: Ordinance 11, 2010 AN ORDINANCE PROVIDING FOR THE PURCHASE OF A REFURBISHED GARBAGE TRUCK IN AND BY THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AND APPROPRIATING \$70,000.00 FROM THE CAPITAL IMPROVEMENT FUND

Proof of publication in the September 9, 2010 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the September 1, 2010 Township Committee meeting. Mr. Molnar read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was unanimously closed on motion from Fisher, seconded by Masterson.

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

Introduction: Ordinance 12, 2010

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

AN ORDINANCE AMENDING CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY – Stream Corridor Protection

BE IT ORDAINED by the Township Committee of the Township of West Amwell, Hunterdon County, State of New Jersey, that Chapter 109-150.1 of the Stream Corridor Protection Ordinance be amended as follows:

Section 1. 109-150.1 Activities Permitted in Stream Corridors Under Hardship, item B is hereby deleted in its entirety and replaced with:

B. For all other stream corridors, applicable variances may be granted by the Board of Adjustment or the Planning Board, whoever has jurisdiction, in cases of a preexisting lot (existing at the time of adoption of this ordinance), when there is insufficient room outside the stream corridors for uses permitted by the underlying zoning and there is no other reasonable or prudent alternative to placement in the stream corridors, including obtaining variances from setback or other requirements that would allow conformance with the stream corridors requirements. A variance may be granted according to Section 40:55D-70 of the Municipal Land Use Law and only if it is shown that the activity is in conformance with all applicable local, state, and federal regulations, including but not limited to the Stormwater Management rules, N.J.A.C. 7:8, and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.

Section 2. All ordinances or parts of ordinances deemed to be inconsistent with this ordinance are hereby repealed.

Section 3. This Ordinance shall become effective immediately upon final adoption and publication in accordance with the laws in the State of New Jersey, and upon filing a copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

Section 4. Upon adoption this ordinance shall become part of the Code of the Township of West Amwell.

Mrs. Urbanski offered a bit of background to clarify that this amendment to the Ordinance was necessary because a hardship resulted in that the language was not consistent with that of the MLUL. This change relieves confusion over certain issues since it is taken straight from the DEP

Stream Corridor model ordinance. It removes what was originally written and enables variances to be considered. The onus is off the property owner and is better for both the public and the Zoning Board.

Fisher moved to introduce the Ordinance on first reading and Masterson seconded. Motion carried unanimously. The Public Hearing will be held November 3, 2010.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- Toll Project:

- Status of demolition work: John Cronce and Mr. Pfeiffer reported that this work commenced two weeks ago although the substantial rain slowed progress a bit. The house cleaned up well and the chicken house is under way. Mr. Cronce submitted payroll certification from the contractor who had asked if collecting payment for work to date was possible. Attorney Faherty offered that as long as the requested amounts are not over the bid, he could do so.

- Request for public works department: Mr. Cronce reported that the spring and fall mowing looked great, and the road crew is to be commended. Mr. Pfeiffer suggested that Open Space money be spent to secure the bottom floor of the house with plywood to prevent vandalism since it would be vacant all winter. There has been refuse dumping on the site recently including bulky items. A chain and lock have been placed in the meantime. The mayor will consult with the road supervisor about further securing the area.

- Discussion auction timing: Local hunting clubs rotate alternating years for land area and Mr. Cronce relayed that he received requests to hunt the property in the hope it wouldn't be sold just yet. Mr. Molnar and Mr. Fisher agreed that they would rather have someone there and Mr. Faherty said that the clerk should inquire with the insurance company. Mr. Cronce would see that a hold harmless certificate be secured and that the Club posts signs. Mr. Pfeiffer mentioned public access areas should be noted and that no signs are to be placed in these zones. He feels the property should be ready for marketing late winter/early spring. Mr. Fisher recommended following auctioneer Spann's lead on when to offer the property and that spring foliage may make it more appealing for photos and advertising.

- Discussion soil conservation plan: Attorney Dragan is drafting a contract as within one year of closing, a soil conservation plan is required to be filed with the County. National Soil Conservation will write a plan at no cost as long as an application is submitted.

- Kilmer Project:

- Letter/report from environmental consultant: Gould Environmental, Inc. submitted a follow up report evaluating the results of last year's recommendations concerning historical debris on the property

- Discussion status of cleanup: Remnants of two structures; cedar posts for what may have been a pole barn; and, a stone foundation considered to be non hazardous, remain. Clean up efforts have been achieved and a baseline report completed and submitted to Green Acres.

- Closing status: Catherine Drake is in receipt of necessary approvals. Closing with the Kilmer's is slated for Wednesday October 13th.

- *Open Space Invoices:* The presented Open Space bills were approved for further processing.

- *County Municipal Grant Application:* A huge undertaking was again completed by Cathy Urbanski who was recruited and accepted this task on behalf of Open Space for West Amwell Township for the last couple of years. The Municipal Grant Application included a lengthy spreadsheet recording data by block and lot, property owner, conservation easements, open space, etc. and citing the county's deed book and page numbers. Mr. Pfeiffer explained that East Amwell paid their administrator over \$4,000.00 to do their application. Mrs. Urbanski invested thirty five to forty hours of her time, including several trips to the Hall of Records to retrieve the information. Kudos were extended to Cathy for her dedication and hard work once again in this effort. The mayor's signature was authorized and Mrs. Urbanski will personally deliver the application to the County this week.

- Other Project Status Updates:

- Gulick III: This farm is moving through the County PIG receiving final approvals at the end of September. Closing should be accomplished by early next year. The Farmland Preservation notice for the county Planning Board's public hearing should appear in this week's issue of the Hunterdon County Democrat.

- Nunn: Funding for this project has been awarded by the County. Requirements have changed making it increasingly difficult for an in-house volunteer to complete these applications. Items now requested include GIS mapping, oath and signature by the municipal Ag Committee Chairperson, a site visit be performed by the Ag staff and, filing of the application

form. The latter was once five or six pages but is now over forty. Mr. Pfeiffer reported to the State that we just don't have the kind of staffing or technical capabilities necessary for the more complicated forms.

Environmental

- *Authorization to Post August 12th Minutes on Website*: Approved

Aq Advisory

- *Proposed Newspaper Articles*: Chester Urbanski relayed that new member Betty Jane Hunt was interviewed by the editor of the Beacon newspaper. There is great interest for a series of articles to be authored by Mrs. Hunt who plans to focus on the agricultural resources our community shares. Her first article is ready for publication. Mrs. Hunt relayed that she would like to see the segment run every other issue and the goal set for her is to have two articles prepared in advance of each submission.

UNFINISHED BUSINESS

Updates on Trash & Recycling Trucks – As was discussed earlier in the evening, a bid was offered to Hampton Borough for their used twenty-yard truck. An e-mail is expected from them next week as to acceptance of our offer.

Auction Results - Block 12 Lot 14 & Water Buffalos/Possible Resolution(s) of Award – No bidders responded to the auction items. Deputy Clerk Haberle asked about the possibility of simply listing the water buffalos 'for sale' in newspapers or e-bay.

Update on Maintenance Bond Inspection Status – Calton – Due to weather conditions, a walk-through has been rescheduled for next week according to Zach Rich.

SHREC Update – Mr. Fisher reported significant activity--the RFP is in progress; consultants are being interviewed; and, an agreement is pending for hosting the solar panels. A figure of 3 to 5 cents over the 8 cents typically charged to land owners is a considerable savings and a net metered system supplying service to the schools and municipal building should result in a substantial rebate. The funds will not be run through the municipal budget but will have tax consequences. Mr. Shute prepared a spreadsheet running numbers over fifteen years showing savings of at least \$10,000 for the municipal building. Mr. Fisher feels we should have bonded and bought the system. However, this presents its own risks. The grant is for 2.4 million dollars. First step is to select and retain the consultant and get a proposal. The next meeting is Tuesday.

Rocktown Hill Drainage Project – Mayor Molnar noted for the public that the slated work for Rocktown Hill Road is being funded through grant monies. Soft costs are being run through the Delaware River Joint Toll Bridge Commission and construction costs by NJDOT.

RESOLUTION #133-2010

WHEREAS, the Township of West Amwell advertised, and subsequently received bids, for the Rocktown Hill Road Improvement Project on October 5, 2010, as outlined on the attached bid summary:

WHEREAS, three bids were received as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Jonico, Inc., Lambertville, NJ	\$163,351.00
Diamond Construction, Brick, NJ	\$189,320.00
Top Line Construction Corp., Somerville, NJ	\$189,646.09

WHEREAS, Robert J. Clerico, Municipal Engineer, has reviewed the submitted bids and determined that Jonico, Inc., P. O. Box 751, Lambertville, New Jersey 08530-0751 submitted the lowest responsive bid in the amount of \$163,351.00; for the Rocktown Hill Road Improvement Project and;

WHEREAS, the Township of West Amwell has sufficient funds to award the Contract.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of West Amwell that the Contract for the Rocktown Hill Road Improvement Project be and is hereby awarded to Jonico, Inc., P. O. Box 751, Lambertville, New Jersey 08530-0751 for their bid of \$163,351.00 subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Robert J. Clerico, P.E., Township Engineer.
2. The award of this Contract is made subject to review and approval by the New Jersey Department of Transportation Bureau of Local Aid and the Delaware River Joint Toll Bridge Commission.

Fisher moved to approve the Resolution and mayor's signature, Masterson seconded. Motion carried unanimously.

Elizabethtown Road Opening Agreement/Bond – In conjunction with the Rocktown Hill Road improvement project, a road opening is required by the gas company. The bond agreement was drawn up and provided by Attorney Faherty. Approval for the mayor's signature was granted.

Status Inquiry on Block 39 Lot 4.01 from Mr. Arnett – Attorney Faherty directed that Clerk Olsen respond to Mr. Arnett informing him that Porter Little is the owner of the referenced property. The property had been considered for a group home but this was determined not feasible. Since the property could not be utilized as anticipated, the township no longer has any interest.

Professional Services Update – It was determined that this topic be discussed at a special meeting to be scheduled later in the month.

OPEN TO THE PUBLIC – Before entering Closed Session Mayor Molnar offered a last opportunity for public comment. Mr. Molnar announced that an Open House was being held at the Mt. Airy Firehouse on Monday evening with refreshments and activities for children. This event is held annually in honor of Fireman's month each October. The invitation was extended for all to come out to enjoy the evening.

Resolution to Enter Closed Session

RESOLUTION # 134-2010

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and
WHEREAS, this public body is of the opinion that such circumstances presently exist,
NOW, THEREFORE, BE IT RESOLVED by the Committee of West Amwell Township, County of Hunterdon, State of New Jersey, as follows:

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

Motion by Fisher to approve the Resolution, seconded by Masterson, and carried unanimously. The meeting returned to Open Session at 9:18 p.m.

NEW BUSINESS

Resolutions for Upgraded Recording System(s) –

RESOLUTION #135-2010

WHEREAS, West Amwell Township is in need of upgraded recording equipment for the Court, and Township Committee; and

WHEREAS, it has been determined that an AOC approved FTR Reporter 5.4, with upgrade discount and new laptop, will best fill the stated need; and

WHEREAS, Office Business Systems Inc. will provide this upgraded system for \$3,325.00; and

WHEREAS, the CFO has certified that funds are available in the Comcast Technology Grant for this purpose.

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the proposal for an upgrade to a FTR Reporter 5.4 Digital Audio/Video Recording System be authorized as per the attached proposal.

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

RESOLUTION #136 -2010

WHEREAS, West Amwell Township is in need of upgraded recording equipment for use by the Planning Board, Zoning Board and various committees of in the Township; and

WHEREAS, it has been determined that a FTR Hearing 5.3 Digital Voice Recording System Vista/2007 Word compatible will best fill the stated need; and

WHEREAS, Office Business Systems Inc. will provide this upgraded system on the current laptop for \$1,490.00; and

WHEREAS, the CFO has certified that funds are available in the Comcast Technology Grant for this purpose.

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that an upgrade to the current system as described in the attached proposal be authorized.

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

Consideration of Resolution Requesting HC Freeholders Engage in an Analysis of All Police, Fire and Rescue Services – The Committee agreed with supporting the Freeholders study of emergency services.

Freeholder Walton Letter on Shared Services – Item held

County Tax Board Appeals Survey – In September a request to respond to a survey being conducted by the NJ League of Municipalities was circulated to mayors in all municipalities. The result of this effort is to determine the local impact of tax appeals. Information supplied by Assessor Gill was utilized to complete the questionnaire. The survey signed by Mayor Molnar will be forwarded to the League.

Application for Energy Efficiency and Conservation Block Grant – Mr. Fisher announced that he is willing to take on the work related to moving forward with this application for grant monies.

Special Meeting Dates for October & November – TBD

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION # 137-2010

WHEREAS, it has been determined by the Board of Health of West Amwell Township that the following applicant's soil test witness fee is in excess of what was needed to cover their charges, and

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

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

Applicant	Amount Refunded
Al's Sunoco Service	\$300.00
Pleasant Run Farm, LLC	\$300.00

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

RESOLUTION # 138-2010

WHEREAS, certain Reserve for Encumbrances remain on the balance sheet of the Current Fund;
and

WHEREAS, it has been determined that these reserves should be canceled;

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 Reserve for Encumbrances of the Current Fund be canceled:

PO Number	Vendor	Amount Canceled
26453	Flemington Bituminous	\$4,790.00

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

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

Tax Collector –

RESOLUTION #139-2010

WHEREAS, an overpayment of taxes 2010 taxes on Block 32 Lot 6Q0155 was given farmland status by the Assessor. The tax amount of \$4,556.13 and the interest paid in the amount of \$155.83 should be refunded to the property owners:
The Estate of Julia Carrier-c/o C. Leak.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey to instruct the Treasurer to issue a check in the amount of \$ 4,711.96 for the refund of the amount overpaid plus interest on Block 32 Lot 6 Q0155.

Make check payable to: The Estate of Julia Carrier-c/o C. Leak

Mail with a copy of this resolution to:

Carrier, Est. of Julia c/o C. Leak
80 N. Moore St.-Apt 31-B
New York NY. 10013

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

RESOLUTION # 140-2010

WHEREAS, an overpayment of 2010 taxes on Block 3 Lot 20.21 was paid in error by Core Logic. The tax amount of \$2,284.03 should be refunded to Core Logic Real Estate Tax Service.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey to instruct the Treasurer to issue a check in the amount of \$ 2,284.03 for the refund of the amount overpaid on Block 3 Lot 20.21.

Make check payable to: Core Logic Real Estate Tax Service.

Mail with a copy of this resolution to:

Core Logic Real Estate Tax Service
Ste 100, 95 Methodist Hill Dr
Rochester, NY 14623-4280

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

The monthly report for August and September 2010 were received showing receipts in the amount of \$2,616,545.85 and \$66,350.77, respectively.

Construction – The August 2010 Permit Fee Log details, Monthly Activity Report-Permits (7), Payment Audit Report, Monthly Activity Report-Certificates (11), and Certificate Log Detail were received for PermitsNJ.

Deposits for the month were \$6,154.00.

Zoning Officer Report -- The September 2010 report of activities was not available. Deposits for August were \$150.00.

Motion by Fisher, to accept the Tax Collector and Construction reports, seconded by Masterson and carried unanimously.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 9:35 p.m. on motion from Fisher seconded by Masterson.

Respectfully submitted,

Sandy Haberle, Deputy Clerk