

# **WEST AMWELL TOWNSHIP COMMITTEE MEETING**

**October 7, 2013 - 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 7:11 p.m. Present were Mayor Zachary T. Rich, Committeeman George A. Fisher, Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance were Tom Molnar, Hal Shute, John Dale, Steve Bergenfeld, and CFO Tom Carro. Jeff Jones and Bambi Kuhl arrived at 8:35 p.m.

Mayor Rich 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 2, 2013, 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.

## **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

Mayor Rich led the assembled group in the pledge to the nation's flag.

## **AGENDA REVIEW BY TOWNSHIP CLERK**

The following items were added: 10.B. Updates: MOU, Fire truck repair, firehouse furnace. 10.F. Closed Session for potential litigation. 10.E was deleted.

## **ANNOUNCEMENTS**

The following announcements were made:

- Ongoing E-cycling on Saturdays @ Township Depot, 8:00 a.m. to 12:30 p.m.
- Online Auction of 2007 Durango Ends October 10<sup>th</sup> at 3 p.m.
- Next Township Cleanup Day – October 26<sup>th</sup>, 1 – 3 p.m.
- Fire Company Pork Dinner – October 12, 4 – 7 p.m., Firehouse
- Municipal Offices Closed October 14<sup>th</sup>, Columbus Day
- Special Senatorial General Election – October 16<sup>th</sup>, 6 a.m. to 8 p.m.
- Hunterdon County Computer & Electronics Collection – Oct 12<sup>th</sup>, Rt 12 Complex
- Hunterdon County Hazardous Waste Collection – Nov 9<sup>th</sup>, Rt 12 Complex
- Last Day to Register for November 5<sup>th</sup> Election – October 15<sup>th</sup>
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

An additional announcement was made:

- The next Township Committee meeting will be held October 29<sup>th</sup>. This change of date has been noticed.

## **PRESENTATION OF MINUTES**

The September 25, 2013 Regular meeting minutes were unanimously approved on motion from Fisher, seconded by Rich.

The minutes of the September 25, 2013 Closed Session were held.

## **OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA**

No one came forward.

## **SPECIAL PRESENTATION(S)**

None

## **INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING**

None

## **STANDING COMMITTEE REPORTS**

### **Open Space**

- *Closed Session (Purchase, Lease of Acquisition of Real Property):* Hal Shute came forward and stated that a closed session will not be needed as the topic can be discussed in open session. He relayed that there's over \$1 million in farmland preservation funding allocated to the Township; the Township has no farmland projects at this time to utilize the funds available; there's a growing concern that the State will take this money if the Township doesn't use it; and, the need exists to come up with some good projects. Mr. Shute stated that he's had a conversation with the Fulpers, who are interested in selling some or all of the units in the

GDP, although the last time things did not go well. He inquired whether or not the Township Committee was supportive of this initiative and noted that there is nothing on the table at this point. However, the deadline for the PIG application is next week. As this is where the money is, it would be good to get a foot in the door and make a quick application as a place holder over the winter.

Mr. Fisher inquired about whether there is actual talk at the State level about taking the farmland preservation money and was answered in the affirmative. Mr. Shute continued that with the \$1.25 million in State funding, and both the Township and County making a 1/3 match, the Township could do \$2 million in projects, e.g, the GDP. The number of acres in the tract was questioned by Mr. Rich. It was explained that there's 140 acres, the GDP preserved the zoning and, that with clustering, a maximum of 67 houses could be built. Mr. Shute indicated that purchasing everything would probably not be affordable but that perhaps a portion thereof could be done. The expense of this would most likely be greater than six 8-acre properties was noted by Mr. Fisher. In response to a question from Mr. Rich concerning the State's timetable, Mr. Shute indicated that the CADB meets next week; that although Lambert is a project, it is not coming quickly but that the CADB will work with the Township, time-wise. The Jingoli property was mentioned but as this would be a big job considering the number of acres and the fact that there is no new funding available, it would be better left for the SADC. Mr. Rich directed that talks with the Fulpers continue. Mr. Shute hopes to have a proposal for the October 29<sup>th</sup> meeting but observed that interest and price may not connect. A brief discussion over DEP limits for individual septic systems ensued.

The mayor inquired about the responsibility for mowing the easement on the Hunter property as a resident of the area had been in touch. Mr. Shute will follow up.

#### **Finance**

- *Authorization to Post July 30, 2013 Minutes to Website:* Approved

#### **Aq Advisory**

- *Authorization to Post September 5, 2013 Minutes to Website:* Approved

#### **UNFINISHED BUSINESS**

##### **Possible Appointments** – None

**Updates** – 1) Mr. Fisher relayed that he had missed the recent 4 p.m. meeting but indicated that the financing group wants changes to the PPA agreement. The attorneys have had conference calls and there are some sticky issues to be resolved and subsequently approved by the **SHREC**. Changes are also proposed for the lease agreement. Attorney Faherty noted that these involve a cut in term from 20 to 15 years with a 5 year option. Currently the lease agreement has the Township with the right of first refusal if the facility is sold. The new PPA wants this to be removed and given to the provider so it can be sold as a package. An Exhibit B has been mentioned that would be deleted and replaced. However, a copy of same is not in Township files. SHREC has to agree with the proposed changes. 2) The **website** has been populated with 2013 minutes. There are more updates and corrections needed prior to an advertisement push. Mr. Shute commented that he had difficulty finding tonight's agenda and suggested that it be put on the main page. The file numbering system for minutes and agendas was also mentioned. 3) The **generator** situation is status quo at the moment. 4) The first **cleanup day** went well; 5) The old **gas boy** system at the DPW is no longer needed and it's removal agreed upon.

#### **RESOLUTION #150 -2013**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL  
AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED  
FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

WHEREAS, the Township of West Amwell has determined that the property described and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Township of West Amwell intends to utilize the online auction services of the Public Group-Public Surplus located at [www.publicsurplus.com](http://www.publicsurplus.com); and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9, and

WHEREAS, the Township of West Amwell would like to auction the following items:

- Gas Boy
- 2008 Ford Crown Victory

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell in the County of Hunterdon, State of New Jersey, that the Township is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled [www.publicsurplus.com](http://www.publicsurplus.com); and be it further

RESOLVED, that the terms and conditions of the agreement entered into between the Public Group-Public Surplus and the Township of West Amwell are available at [www.publicsurplus.com](http://www.publicsurplus.com) and in the Township Clerk's office; and be it further

RESOLVED, that a certified copy of the within Resolution be forwarded by the Township Clerk to the Department of Community Affairs, Director of the Division of Local Government Services.

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

6) The **memorandum of understanding** (MOU) has been reviewed by Attorney Faherty who has advised that a primary and secondary agent for making application has to be designated. Harry Heller and Rick Carmosino were so designated. 7) CFO Carro joined the meeting to advise on the **fire truck repair** situation. He relayed that this cannot be considered an emergency repair as the problem has been known for months. It was agreed that the Fire Company proceed and pay for this work, otherwise the Township would have to request three quotes. A cap of \$8000 for reimbursement by the Township was agreed upon. Mr. Carro will so advise Mr. Ent. The tank replacement situation, which could run \$15,000+ is another issue. The Township Committee requested that Mr. Ent report back on these items. 8) The contract with Tillett & Sons for the **firehouse furnace** replacement work called for a deposit. Mr. Carro advised that the Township is not supposed to pre-pay for work, with the exception of conventions. Mr. Tillett is looking for \$6500 to start.

*Rich motioned to authorize cutting the check as requested, which will be released once there is an on-site delivery of the materials and approval by Mr. Fisher. Fisher seconded the motion which carried unanimously.*

**Annual Best Practices Inventory** – The inventory, as prepared by the Clerk and CFO for their respective certifications, was presented for review and discussion. The Committee proceeded to review the document and recommended changes to questions 7, 14, 26, 38, and 48. The inventory will be revised to reflect same prior to filing with DCA. The due date is October 15<sup>th</sup>.

**Resolution for Transfer of General Assistance to County** – A sample resolution was acquired from another municipality and amended to reflect the Township. A November 1<sup>st</sup> transfer date was selected.

#### RESOLUTION #151-2013

**WHEREAS**, the "Work First New Jersey" legislation, P.L. 1997, C.37 provides New Jersey municipalities with options as to the administration of the General Assistance program; and

**WHEREAS**, the said legislation allows each municipality to continue to administer and fund administration of the General Assistance program in the present manner, or transfer administration of the program and the cost of administration to the County Social Services Agency; and

**WHEREAS**, the Township of West Amwell initially elected to continue to provide for the administration for the General Assistance program at the municipal level; however, the increased overhead and staffing costs have come prohibitive; and

**WHEREAS**, the Township Committee having determined that the best interests of its residents and tax payers would be served by transfer of the General Assistance program to the County of Hunterdon.

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

1. Administration of the Municipal General Assistance program of the Township of West Amwell shall be transferred to the County of Hunterdon effective November 1, 2013.
2. All current files of the General Assistance office shall be maintained until the date of transfer, at which time they shall be delivered to the Hunterdon County Division of Social Services.
3. The Township Clerk shall forward a certified copy of this Resolution to the Division of Local Government Services in the New Jersey Department of Community Affairs; the Division of Family Development; Hunterdon County Division of Social Services; Hunterdon County Department of Human Services; Hunterdon County Board of Chosen Freeholders; West Amwell Township Director of Social Services.

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

**Closed Session Resolution –**

RESOLUTION #152-2013

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:

POTENTIAL LITIGATION

3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.

4. This Resolution shall take effect immediately.

*The Resolution was unanimously approved on motion by Fisher, seconded by Rich. This Closed Session will convene after Open to the Public.*

**NEW BUSINESS**

**2014 ACO Shared Service Agreement** – East Amwell has sent notice of their intent to renew the agreement next year. There's been no word from Lambertville City although Mrs. Olsen has received word that the Delaware Township BOH is reviewing the matter. The current agreement should be reviewed for possible changes, e.g, the ACO has not received a raise. A few other minor revisions should also be made.

**Receipt of Nominees for Township Committee Vacancy** – The West Amwell Republican County Committee presented the following names for consideration: Stephen Bergenfeld, John Dale, and Harry Heller. This item was held for a Closed Session to happen later this evening.

**New Wellness Program from SHBP/Possible Wellness Champion Designation** – This is a new State health benefits program to help participants understand their current health status. Employees and their covered spouses/partners will each receive a \$100 gift card once 250 Wellness Points are earned by participating in both a biometric screening and a health assessment. In the future, points can be earned and increased financial incentives received for the performance of a wide array of wellness activities. If a Wellness Champion for this location is not identified, it is assumed that the materials will be sent to the Township Clerk. Mr. Rich offered that this is a program to assess the health and make-up of the employee pool and has been ongoing in the business world for some time. The decision was to pass on designating a Wellness Champion.

**Resolution Authorizing Lease of Police Vehicle** – The 2008 Crown Vic has dropped its second transmission. A brief discussion ensued over the current vehicle fleet make-up and whether this is something that could be done without for now. After this an attempt will be made to replace a vehicle each year as a high investment has been made in the department. It was

noted that a vehicle is available at Winner Ford on State contract. It was requested that the 2008 Crown Vic be added to the previously approved resolution of auction sale.

RESOLUTION #153-2013

WHEREAS, the West Amwell Township Police Department has need of a new vehicle; and

WHEREAS, Winner Ford, under state contract #82925, has a 2013 Explorer, four wheel drive vehicle, complete with light package available for lease; and

WHEREAS, the 3 year lease annual payments will run approximately \$13,000.00; and,

WHEREAS, the CFO has certified that funds will be made available

THEREFORE BE IT RESOLVED by the West Amwell Township Committee, that a 3 year lease is hereby approved for a 2013 Explorer

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

A Closed Session to discuss the Municipal County Committee's recommendations was called at 8:18 p.m.

RESOLUTION #154-2013

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:

PERSONNEL

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.

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

Returning to Open Session at 8:20 p.m., the announcement was made that the decision to appoint one of the nominees to the vacant Township Committee seat will go to the Municipal County Committee. This appointment has to be made within 15 days.

The Committee returned to Closed Session under their previously approved resolution for potential litigation at 8:22 p.m., returning to Open Session at 8:25 p.m. on motion by Fisher, seconded by Rich.

**OPEN TO THE PUBLIC**

Attorney Faherty reported on the following items:

- He has reviewed the George Washington Road bids. There is information that needs sign-off by the contractor prior to contract signing and will be forwarded to the Township Engineer. Attorney review of the contract will take place prior to execution.

- The dilapidated house on Route 31 is owned by Royal Tax Lien Service per the title search. Catfish Holding transferred the lien to Royal subject to five tax sale certificates that are open on the property. The property is on the Historic Registry and a letter to DEP is required to start the process of possible demolition and a lot of money would have to be spent. Mr. Rich added the original owner took about a loan of \$1 million but paid nothing and the company picked up the liens. What is owed is more than the property is worth but this is not the Township's deal nor is there any authority to tear it down. Perhaps the owner could be taken to court to comply with a hazardous structure notice but Attorney Faherty will review the options and report back.

Corporal Jeff Jones came forward concerning the new vehicle. He relayed the types of vehicles currently in the fleet, noting that there are two cars on the road all the time. More paperwork is forthcoming.

Bambi Kuhl relayed that she met with the clients last week but did not relay information about the pending move. She was advised that the resolution to move Public Assistance was approved earlier in the evening with a November 1<sup>st</sup> transfer date. Mrs. Kuhl requested a specific reason for this decision as she has been told that this is to save money and that it was an Auditor suggestion. If the reason was the latter, she wished that this had been discussed with her. Mr. Rich stated that the purpose was to save money. Mr. Fisher added that there are very few municipalities who handle this in-house anymore; that he had no problem with her work; but, they needed to put some processes to where they could be more efficiently handled. Mrs. Kuhl noted her work with the trust has paid for rent and meds beyond what General Assistance will handle and that she was taken aback with this decision as she has been handling this work for a number of years. Appreciation was extended to Mrs. Kuhl for her years of service and she left the meeting.

#### **ADMINISTRATIVE REPORTS**

None

#### **CORRESPONDENCE**

The correspondence as listed on the Agenda was ordered filed.

#### **ADJOURNMENT**

There being no further business, the meeting was unanimously adjourned at 8:41 p.m. on motion from Rich.

Respectfully submitted,

---

Lora Olsen, RMC  
Township Clerk

APPROVED: October 29, 2013