

WEST AMWELL TOWNSHIP COMMITTEE MEETING

September 16, 2009

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

The regular meeting of the West Amwell Township Committee was called to order at 7:05 p.m. Present were Mayor William J. Corboy, Deputy Mayor Frank P. Masterson III, Committeeman Thomas J. Molnar and Attorney Philip J. Faherty III. Also in attendance were Sean Pfeiffer, Fia Pfeiffer, Ron Shapella, Cathy Urbanski, George Fisher, Hal Shute, Bernadette & Buddy Myers and reporter Linda Seida, with CFO Jane Luhrs joining the meeting for the budget amendment.

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

Buddy Myers led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

None added.

ANNOUNCEMENTS

Mayor Corboy made the following announcements:

- County Household Electronic Collection Day – Sept 19th
- Township Offices Closed October 12th – Columbus Day
- Last Day to Register to Vote in November Election – Oct 13th
- County Hazardous Waste Collection Day – Nov 14th
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting
- **NEW:** A Public Information Session will be held Sept 23rd from 5:30 to 7 p.m. at the Rt 12 Complex Concerning the Reconstruction and Approach Roadway Work for Alexauken Creek Bridge W-124

PRESENTATION OF MINUTES

The minutes listed on the Agenda were held.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Ron Shapella relayed that there are several West Amwell residents currently serving in the military in Iraq. He requested permission to post photos and contact information on the website. Mr. Masterson added that there is a resident serving in Afghanistan that should also be included. The requested posting was approved.

Mr. Shapella commented that there is a difference in the surface quality/smoothness of the road repair between Sections 12 and 13 of Rocktown-Lamb. Road and suggested that it be looked at. Mr. Corboy stated that the work was approved for payment but that Engineer Clerico will be requested to check on the disparity of the work.

Sean Pfeiffer came forward with several concerns. The first was the status of the website as there appears to be a six month delay in the posting of Open Space minutes and maps. He was advised that Deputy Clerk Haberle has found several areas that are not current; has contacted the webmaster; and, is waiting to hear from him. Mr. Pfeiffer

also relayed a recent incident concerning the removal of a Planning Board agenda from the bulletin board and the location of the keys for both that area and the recording equipment. His concern was for security purposes and noted that Mrs. Olsen has done a good job with these type issues. He suggested that the Clerk's office post all agenda and be the sole possessor of that key and that the equipment key be stored in another location for security purposes. Mayor Corboy noted that Clerk has purview and will devise an appropriate plan. The PSE&G plan for ROW clearing listed on the agenda was questioned. Mr. Pfeiffer was provided with the information received.

Cathy Urbanski approached the Committee to express appreciation for the appointment to the Sourland Municipal Alliance. An alternate has also been requested and she recommended that Joel Coyne be appointed, commenting that he is the most environmentally conscious and knowledgeable person in the Township.

Bernadette and Buddy Myers came forward with concern about their affordable housing unit. It has been empty since April, although they have been working with Stacey Smith-Bohn, who recently left township employment, to find an appropriate tenant. They also questioned the ability to perhaps fill the unit with a moderate income person. Mr. Corboy relayed that interviews were conducted this evening to fill the vacant position; that significant effort has been made to find persons to fill the unit; and, that he recognizes that it is the Township's responsibility to find appropriate tenants. Mrs. Olsen gave an overview of the low/moderate split that was put into place in the second round and that this cannot be changed. She suggested that interested parties be encouraged to submit an application for income verification/eligibility. A list of potential tenants is needed for both low and moderate units.

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

Public Hearing: Ordinance 23, 2009 AN ORDINANCE TO REPEAL CHAPTER 90 (FLOODPLAIN MANAGEMENT) OF THE CODE OF THE TOWNSHIP OF WEST AMWELL AND TO ADOPT, IN ITS PLACE, THE FLOOD DAMAGE PREVENTION ORDINANCE AS CHAPTER 90 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL

Proof of publication in the August 20, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the August 12, 2009 Township Committee meeting. Mr. Corboy read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was unanimously closed on motion from Molnar and seconded by Masterson.

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

Public Hearing: Ordinance 24, 2009 AN ORDINANCE AMENDING CHAPTER 99 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY – (Garbage, Rubbish and Refuse)

Proof of publication in the August 20, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the August 12, 2009 Township Committee meeting. Mr. Corboy read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was unanimously closed on motion from Molnar and seconded by Masterson.

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

Introduction: 2009 Budget Amendment

CFO Luhrs relayed that the Local Finance Board granted a cap waiver for legal expenses. The budget has been amended and a public hearing is to be held next

week. \$105,000 has been added to the original budget, including grant money received for Clean Communities and Click It or Ticket It programs. An additional \$55,000 from surplus has also been utilized. The overall increase to the tax rate is less than a penny. The budget resolution was read into the record as follows:

**RESOLUTION #145-2009C
A RESOLUTION TO AMEND THE 2009 BUDGET**

WHEREAS, the local municipal budget for the year 2009 was approved on the 13th of April 2009; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired that said approved budget be amended;

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 amendments to the approved budget of 2009 be made:

		FROM	TO
	GENERAL REVENUES		
1	Surplus Anticipated	425,000.00	480,000.00
	Total Surplus Anticipated	425,000.00	480,000.00
3	Miscellaneous Revenues – Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services – Public and Private Revenues Offset with Appropriations:		
	Clean Communities Program	7,396.66	9,436.76
	Click It or Ticket Grant	-	4,000.00
	Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services – Public and Private Revenues	39,847.85	45,887.95
	Total Miscellaneous Revenue	1,841,062.75	1,847,102.85
5	Subtotal General Revenues	2,404,941.75	2,465,981.85
6	Amt to Be Raised by Taxes for Support of Municipal Budget:		
6a	Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	985,305.87	1,029,423.97
	Total Amount to be Raised by Taxes for Support of Municipal Budget	985,305.87	1,029,423.97
7	Total General Revenues	3,390,247.62	3,495,405.82
8	General Appropriations		
A.	Operations - Within Cap		
	Mayor & Committee: Salaries & wages	8,399.00	2,017.00
	Engineering OE	1,500.00	5,000.00
	Legal OE	328,000.00	328,633.00

	Levy Cap Waiver Legal OE	-	99,367.00
	Total Operations(Item 8(A))	2,302,697.00	2,399,815.00
	Total Operations Including Contingent-Within "CAPS"	2,302,697.00	2,399,815.00
	Detail		
	Salaries & Wages	1,066,407.00	1,060,025.00
	Other Expenses	1,236,290.00	1,339,790.00
H-1	Total General Appropriations for Municipal		
	Purposes within CAPS	2,441,824.00	2,538,942.00
A	Operations-Excluded from "CAPS"		
	Affordable Housing Agency		
	Other Expenses	12,000.00	14,000.00
	Total Other Operations-Excluded from		
	CAPS	32,600.00	34,600.00
	Public and Private Programs Offset by Revenues		
	Clean Communities Program	7,396.66	9,436.76
	Click It or Ticket Grant	-	4,000.00
	Total Public & Private Programs		
	Offset by Revenues	39,947.85	45,987.95
	Total Operations-Excluded from "CAPS"	72,547.85	80,587.95
	Detail:		
	Other Expenses	64,547.85	72,587.95
D	Municipal Debt Service-Excluded		
	from CAPS		
	Interest on Notes	14,552.00	14,552.10
	Total Debt Service-Excluded from CAPS	653,165.60	653,165.70
H-2	Total General Appropriations for Municipal		
	Purposes Excluded from CAPS	792,001.62	800,041.82
O	Total General Appropriations -		
	Excluded from CAPS	792,001.62	800,041.82
L	Subtotal General Appropriations	3,233,825.62	3,338,983.82
9	Total General Appropriations	3,390,247.62	3,495,405.82

BE IT FURTHER RESOLVED, that the budget amendment be published in the Trenton Times in the issue of September 19, 2009.

Notice is hereby given that the budget amendment was approved by the Township Committee of the Township of West Amwell on September 16, 2009

A hearing on the budget amendment will be held at the Municipal Building on the 24th of September at 7:00 p.m. at which time and place objections to the Budget amendment for the year 2009 may be presented by taxpayers or other interested parties.

Corboy motioned to approve the Budget Amendment Resolution and Masterson seconded. Roll call: Molnar-no, Masterson-aye, Corboy-aye

Mr. Molnar's no vote was challenged by the mayor on the basis that no other plan had been offered. He then overviewed the tax rate of surrounding municipalities and offered that West Amwell's taxes are not onerous given the comparison.

Introduction: Ordinance 25, 2009

Mr. Corboy explained the Construction office usually brings in enough money to cover their costs but the downturn has had an effect. This amendment was recommended by the Construction Official, who has reviewed current rates and found them significantly below the norm by 10-15%. The proposed ordinance is an attempt to bring fees more in line with other permit rates in the State and area; are not onerous; and, reflect usual and customary rates.

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

AN ORDINANCE TO AMEND CHAPTER 68 OF THE CODES OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY – Construction Codes, Uniform

Be it Resolved by the West Amwell Township Committee that Chapter 68 be amended as follows (anything contained within [] is deleted):

Section 1:

68-3 Fees.

B. Schedule I, Building Subcode

- (1) New construction for additions per cubic foot of the building or structure volume:
Additions: [0.035] 0.3800;
Pre-manufactured Construction [0.0] 0.3800.
 \$1 - \$50,000 estimated cost [10.00] 25.00
 \$50,001 - \$100,000 estimated cost [10.00] 20.00
 Over \$100,001 estimated cost [10.00] 15.00
- (2) Rehabilitation – includes Repair, Alteration, Renovation and Reconstruction
 - (a) Minimum building fee: \$60
 \$1 - \$50,000 estimated cost [20.00] 25.00
 \$50,001 - \$100,000 estimated cost [20.00] 25.00
 Over \$100,001 estimated cost [20.00] 25.00
- (3) Minor Work
 \$1 - \$50,000 estimated cost [10.00] 20.00
 \$50,001 - \$100,000 estimated cost [10.00] 25.00
 Over \$100,001 estimated cost [10.00] 15.00
- (4) Roofing , Siding, Fence, Deck or Balcony
 \$1 - \$50,000 estimated cost [10.00] 15.00
 \$50,001 - \$100,000 estimated cost [10.00] 20.00
 Over \$100,001 estimated cost [10.00] 25.00
- (5) Sign, Pylon
 First 100 sq ft [1.00] 4.00
 Next 400 sq ft [1.00] 3.00
 Each additional sq ft thereafter [1.00] 2.00
- (6) Sign, Ground or Wall
 First 100 sq ft [1.00] 3.00
 Next 400 sq ft [1.00] 2.00
 Each additional sq ft [1.00] 1.50

- (7) Temporary Structures
[0.00] 100.00
- (8) Open Structural Towers
 - \$1 - \$50,000 estimated cost [10.00] 25.00
 - \$50,001 - \$100,000 estimated cost [10.00] 20.00
 - Over \$100,001 estimated cost [10.00] 20.00
- (9) Relocation of a structure
Minimum fee [100.00] 200.00
- (10) Radon Vent System (New Construction) 80.00

C. Schedule II, Plumbing Subcode

- (13) Fuel Oil Piping [65.00] 80.00
- (14) Gas Piping [65.00] 80.00
- (15) [Radon Vent System] [65.00]
(New Construction)
- (16) Backflow Preventer [65.00] 80.00
- (17) Steam Boiler [65.00] 80.00
- (18) Hot Water Boiler [65.00] 80.00
- (19) Sewer Pump [65.00] 80.00
- (20) Interceptor/Separator [65.00] 80.00
- (21) Greasetrap [65.00] 80.00
- (22) Sewer Connection [65.00] 80.00
- (23) Water Service Connect [65.00] 80.00
- (29) Other Special Devices [65.00] 80.00
- (30) Minimum Fee [45.00] 60.00
- (31) Backflow Preventer [45.00] 80.00
Annual Testing

D. Schedule III, Electrical Subcode

- (1) Receptacles, Fixtures
 - Devices- first 50 [40.00] 50.00
- (17) Service
 - <=200 amps [50.00] 60.00
 - >200 but <=800 amps [100.00] 120.00
- (18) Subpanels
 - <=200 amps [50.00] 60.00
 - >200 but <=800 amps [100.00] 120.00
- (19) Motor Control Center
 - <=200 amps [50.00] 60.00
 - >200 but <=800 amps [100.00] 120.00
- (28) Minimum fee [45.00] 60.00

E. Schedule IV, Fire Subcode

- (1) Flammable/Combustible Tanks
 - 1 – 1,000 gallons [40.00] 55.00
 - 1,001 – 1,500 gallons [50.00] 85.00
 - 1,501 – 2,000 gallons [60.00] 105.00
 - 2,001 – 2,500 gallons [70.00] 130.00
 - 2,501 – 3,000 gallons [80.00] 155.00
 - 3,001 – 3,500 gallons [90.00] 180.00
 - 3,501 – 4,000 gallons [100.00] 205.00
 - 4,001 – 4,500 gallons [110.00] 230.00
 - 4,501 – 5,000 gallons [120.00] 255.00
- (2) Alarm Systems
 - 1 to 20 devices [60.00] 80.00
 - 21 to 100 devices [125.00] 150.00
 - 101 to 200 devices [250.00] 375.00
 - 201 to 400 devices [750.00] 900.00
 - 401 to 1,000 devices [850.00] 1100.00

	Over 1,000 devices	[1,000.00]	1,400.00
	Panel	[0.00]	110.00
(3)	110v Interconnected Alarms		
	1 to 20 - \$10 per alarm		
	21 to 100	[125.00]	150.00
	101 to 200	[250.00]	375.00
	201 to 400	[750.00]	900.00
(7)	Suppression Systems		
	Fire Pump	[100.00]	150.00
(8)	No. of Sprinkler Heads		
	Up to 20	[60.00]	85.00
	21 to 100	[125.00]	185.00
	101 to 200	[250.00]	450.00
	201 to 400	[750.00]	950.00
	401 to 1,000	[850.00]	1,150.00
	Over 1,000	[1,000.00]	1,800.00
(9)	No. of Dry Pipe/Alarm Valves		
	1 to 20	[30.00]	45.00
	21 to 100	[120.00]	185.00
	101 to 200	[212.00]	315.00
	201 to 400	[550.00]	775.00
	401 to 1,000	[800.00]	1,100.00
	Over 1,000	[1,050.00]	1,400.00
(10)	No. of Pre-action Valves		
	1 to 20	[30.00]	45.00
	21 to 100	[120.00]	185.00
	101 to 200	[212.00]	315.00
	201 to 400	[550.00]	775.00
	401 to 1,000	[800.00]	1,100.00
	Over 1,000	[1,050.00]	1,400.00
(11)	No. of Standpipes	[212.00]	250.00
(12)	Pre-engineered System		
	Wet Chemical	[125.00]	175.00
(13)	Pre-engineered System		
	Dry Chemical	[125.00]	175.00
(14)	Pre-engineered System		
	CO2 Suppression	[125.00]	175.00
(15)	Pre-engineered System		
	Foam Suppression	[125.00]	175.00
(16)	Pre-engineered System		
	FM200 Suppression	[125.00]	225.00
(17)	Pre-engineered System		
	Other	[125.00]	175.00
(18)	Kitchen Hood Exhaust	[75.00]	125.00
(19)	Smoke Control System	[75.00]	125.00
(20)	Gas-fired Appliances	[50.00]	65.00
(21)	Oil-fired Appliances	[50.00]	65.00
(27)	Spray Booth	[30.00]	75.00
(28)	Chimney Relining	[30.00]	35.00
(30)	Fireplace, Coal Stove or		
	Wood Burning Stove	[40.00]	45.00
(32)	Annual Fire Line		
	Backflow Preventer	[0.00]	65.00
(33)	Plan Review – per hour		
	RCS	[0.00]	35.00
	ICS	[0.00]	55.00
(34)	Minimum Fee	[45.00]	60.00

K. Certificates

- (1) Certificate of Occupancy
 - a. Minimum Fee [35.00] \$60.00
 - b. or 10% of permit fees (whichever is greater)
- (2) Certificate of Occupancy – Change of Use
 - a. [151.00] \$175.00
- (3) Certificate of Continued Occupancy
 - a. [151.00] \$175.00
- (4) Certificate of Occupancy Renewal
 - a. [35.00] \$60.00
- (5) Certificate of Clearance – Lead Hazard Abatement
 - a. [35.00] \$60.00

L. Variations

- (1) Variation Application – Class I
 - a. [745.00] \$800.00
- (2) Variation Application – Class II & III
 - a. [151.00] \$175.00
- (3) Variation Application Resubmission – Class I
 - a. [289.00] \$300.00
- (4) Variation Application Resubmission – Class II & III
 - a. [82.00] \$100.00

M. Annual Permit Fees

- (1) Per worker of a group in # specified by law
 - a. [67.00] \$700.00
- (2) Per additional worker over # specified by law
 - a. [292.00] \$300.00
- (3) State Permit Fee per Subcode
 - a. [176.00] \$200.00
- (4) Number in Core Group
 - a. [25.00] \$60.00
- (5) Annual Pool Inspection
 - a. [45.00] \$60.00
- (6) Backflow Preventer Annual Re-inspection
 - a. [58.00] \$60.00

N. Other Fees

- (1) State Permit Surcharge (Training) Fee – All other construction
 - a. [1.70] \$2.00

Section 2. Adoption

Upon adoption this Ordinance will be incorporated into and become part of the Code of the Township of West Amwell.

Section 3. Repealer

All Ordinance and parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 4. Effective Date

This Ordinance shall take effect after final adoption and publication according to the laws of the State of New Jersey.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded.
Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Possible Resolutions for Kilmer (Block 8 Lots 14, 15, 13 & 58):* Mr. Pfeiffer relayed that the same surveyor is being utilized, as per Green Acres rules and that the price

reflects a 10% discount, as requested by Mayor Corboy this year of outside vendors. Two quotes were received for the environmental assessment. The Gould proposal offered considerable detail; provided the lowest quote; the company has a proven record with the Township; and, is recommended by Open Space. Both the **survey** and **environmental assessment** quotes can be awarded.

RESOLUTION #146-2009

WHEREAS there is a need to perform a boundary and location survey, which will include a map and metes and bounds descriptions in accordance with the NJDEP Green Acres specifications, for Kilmer Block 8 Lots 14, 15, 13 & 53; and;

WHEREAS Bohren & Bohren was awarded a Professional Services contract on January 1, 2009; and

WHEREAS Bohren & Bohren has provided a proposal outlining the parameters of the survey work to be performed; and

WHEREAS the estimated amount for the survey work is \$ 9,900.00; and

WHEREAS the CFO has certified that funding is available in Ordinance 21, 2009 for this expenditure

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that Bohren and Bohren be authorized to proceed with a boundary survey of Block 8 Lots 14, 15, 13 & 53 in line with the submitted proposal

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

RESOLUTION #147-2009

WHEREAS quotes have been received for a Preliminary Environmental Assessment on Block 8 Lots 14 (minus 4-acre exception area) and 15, Kilmer, as follows:

Gould Environmental, Inc.	\$2,350.00
Amy S. Greene Environmental Consultants	\$2,900.00

WHEREAS Gould Environmental, Inc. has submitted the lowest quote for the requested work and has submitted the required paperwork, and

WHEREAS the CFO has certified that funds are available in Ordinance 21, 2009 for this expenditure.

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the quote for a Preliminary Environmental Assessment on Block 8 Lots 14 (minus 4-acre exception area) and 15, Kilmer, be award to Gould Environmental, Inc.

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

- *Letter to County re: Continued Participation in PIG Program:* The new rules implemented last year require that a letter be sent yearly to confirm continued participation in the farmland preservation program. The letter was presented and approved for the Mayor's signature.

- *Update on Fulper Stoy I and Gulick II Reimbursements:* Both properties closed with the County earlier this month and reimbursement received. Stoy I has been in the pipeline since 2005 because of payment over Certified Market Value (CMV) due to GDP land averaging of \$9000/acre, which made it ineligible for the PIG. Application was then made to the County traditional program, which is no longer an option. The situation now is that if the Township pays one penny over the CMV, the Township is on the hook for

the entire cost. Gulick II is a most recent venture and involves land cost. All reimbursements are up to date to this point. A check for soft cost reimbursement on Steifel is expected shortly. Documentation for Gulick II soft cost reimbursement is expected to be ready for the next meeting.

- *Authorization to Post Minutes*: All regular and closed session minutes as listed on the agenda were approved for posting.

- *Open Space Invoices*: Invoices totally \$7510.48 from Attorney Dragan to cover work on Fulper, Gulick, Kilmer, West Amwell LLC (Toll), and misc matters were approved for further processing.

- *Project Status Updates*: Mr. Pfeiffer relayed that County funding policy requires land owners to sign an option agreement by October 21st in order to qualify for the next round. This means that the landowner must sell the easement if the CMV is over the option price and has placed a damper on the municipal PIG program. Landowners have a problem with the option agreement being due after the December ranking process, which caused all East Amwell land owners to drop out last year. However, if the option agreement is not signed, the Township has to pick up the extra 20% of the cost. The policy appears to be a ploy by the County to hold onto the money. Mr. Corboy expressed interest in attending the next County meeting because of the affect on the farmland preservation process.

The Governor has signed funding legislation so the money is there for **Toll** acquisition. The documentation is in place and Dan Knox has indicated that a closing could be near, although there may be minor comments on the survey. An October 15th closing per the contract is up in the air, so Toll has been notified by Attorney Dragan that the Township is exercising the extension clause. Toll does not have a problem with this, now that the money is in place, and has ordered the property cleanup.

Mr. Molnar questioned the Salada property mentioned in the just-opened closed session minutes. Apparently unusual easement language changes were requested by the property owner and there's been no further word since January.

Environmental

- *WAT Elementary "Green Art"*: Mrs. Urbanski relayed that a meeting was held on August 26th with the elementary school principle and 4th grade teacher about possible involvement with an after school program. Another possibility is an art contest on environmental and green issues showing how they are perceived by the students. She inquired whether the art projects could be displayed in the municipal building, should it occur. There was no objection raised to this request.

Township Lands

- *Contact with Kit Crisafulli re: Brush-hogging and Planting*: The two fields have been brush-hogged and Mr. Crisafulli is ready to keep the trail mowed. The hay field is to be planted ASAP this year.

Parks & Recreation

- *County Parkland Suggestions* - Held

UNFINISHED BUSINESS

Municipal Alliance Resolution of Support – In addition to the agreement that was executed at the last meeting, a resolution is also required as follows:

RESOLUTION #148-2009

WHEREAS, The Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Township of West Amwell Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township of West Amwell Committee supports the application of funding from Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED by the Township of West Amwell, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby support the submission of an application for the South Hunterdon Municipal Alliance grant for calendar year 2010 in the amount of \$14,700.00.
2. As Lead Municipality for the South Hunterdon Cluster, the Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the reporting of programs within its cluster area.

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

Possible Appointments – Mayor Corboy made the following appointments: Joel Coyne – Alternate to the Sourland Municipal Alliance; Lonnie Baldino – Class II on the Planning Board.

Update on IPE Meeting – Mayor Corboy overviewed the history with this process and the confrontations with OSG. Ron Shapella, Sean Pfeiffer and he recently attended a meeting and there was a breath of fresh air in the room. OSG indicated that they will work on the Memorandum of Understanding and their issues concerning clustering-- finding workable areas; and, the reserve septic issue will not hinder the IPE process. After that meeting, they met with the Acting Commissioner who indicated that if they encounter any difficulty getting IPE implemented, he was to be contacted immediately. The process should be completed by the end of the year. Mr. Pfeiffer came forward to add that a significant development was to look at clustering near cross roads with no transfer of development rights or centers requirement and to cluster on private well and septic. OSG has agreed to do the required mapping for a rational review. This will relieve the Township of the cost of paying a planner for this activity. A future benefit of IPE is Open Space and Farmland Preservation grants.

Township Properties

- *254 Mt. Airy-Harb.*: Access has been achieved by the DPW staff. The electricity is still on and the heater runs on propane. The place has a musty/moldy smell due to being closed up, so the recommendation is that heat be kept on at a low setting but that the water be shut off and the pipes drained. The question is whether or not water samples need to be taken in order to fulfill DEP report requirements. Sadat will be contacted about well testing with no water circulation and whether the septic system had been located. The Clerk was instructed to get the utilities transferred to the Township so these systems will be available. Mayor Corboy will speak with Tom Stover concerning the possibility of a new, deeper well but was caution by Mr. Shapella because of Mr. Stover's involvement with the situation at the former Cahill residence. The file records will also be researched.

- *68 Hancock*: The basement of this property is flooded; the water tank is floating and the water heater is underwater and lying on its side. There is much garbage, both inside and out. The recommendation of Supervisor Hoagland is that property clean up be undertaken when the house is demolished. The propane tank is outside and can be removed by the company, FerrellGas. If this is the same company that services Perrine, a credit for the 8% remaining contents will be requested to be transferred. Community Options is interested if additional land can be obtained. A commitment for some additional funding, in addition to the property, is also requested. Attorney Faherty noted that Mr. Arnett has previously indicated a willingness to donate land and will contact him concerning the adjoining lot.

- *Creek Road Resident Request Concerning Speed Bumps*: The Miller family is concerned that the resurfaced roadway has made the speeding worse. They would like the Committee to consider speed bumps to deter speeders and out-of-state motorists who use the road as a short cut. The situation with Rocktown-Lamb. road on the Lambertville end with its five bumps within a ¼ mile that appeared practically overnight and the situation on the news where a car flew into a second story window after hitting a speed bump were reviewed. There is no money for this in the budget and the consensus of the Committee was that they will consider it. The speed limit on Alexauken Creek Road is 30 mph and whether speed bumps could be installed without DOT permission is a question for Engineer Clerico. Hal Shute suggested that perhaps 'cattle crossing' signs be installed. Both items will be investigated.

- *Complaint Concerning Town Lawn at the Estates*: Corey Sparks of 3 St. John's Lane is concerned about piles of grass clippings; their effect on the lawn; and having the community look good when people visit the neighborhood. He also compared the mowing service to that of similar communities in Bucks County, finding West Amwell's lacking by comparison. A copy of the e-mail sent to Mr. Sparks by the Supervisor Hoagland was distributed. A draft letter from the mayor was presented and approved, with minor amendment, for mailing.

Garbage Cards & Possible Resolution – There has been mention in the past about a pro-rated fee for those applying later in the year but who have not been using the service up to this time. A resolution creating the authority was presented.

RESOLUTION #149-2009

WHEREAS, Ordinance 3, 2009 set a semi-annual fee of \$75.00 for the purchase of a garbage card; and

WHEREAS, a pro-rated charge has been deemed desirable

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that a pro-rated charge of \$12.50 per month for October, November and December 2009 be instituted for any resident who did not previously acquire a garbage card

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

Possible Police Study Update – The underlying premise for the original study—lower cost, administrative hierarchy, training, advancement—and subsequent events was reviewed. No report has come forth, although the mayor has prodded Mr. Capabianco for it. Mr. Corboy still believes that a south county force would be a good thing for the items mentioned previously. The plan was that once the report was issued, there would be a public hearing to allow residents to read it and vent accordingly. There was never the intent to vote on this without resident input. Mr. Shapella comments that the public has a right to see this and that it is time for it to be made public. Mr. Corboy agreed that it is time to bring the process to a close and that at this time there is no rationale to merge but that Lambertville is the lead agency. Mr. Masterson noted that Blue Shield had a prosecution clause attached to the draft released for review and comment by the Township Committee. Mr. Pfeiffer commented that he appreciates that this is a dead issue, but was curious why it wasn't submitted to the Clerk—the usual route, and how there could be a prosecution on the release of a document developed with State funding. All agreed that a 'stake in the heart' for this study is needed.

Municipal Lien Assignment – Block 39 Lot 2.02 & 2.03 – Approval of the assignment was granted earlier. The total redemption amount of \$460.04 has been received. The mayor executed the two certificates of sale.

Closed Session Resolution –

RESOLUTION #150-2009

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975,

permits the exclusion of the public from a meeting in certain circumstances, and WHEREAS, this public body is of the opinion that such circumstances presently exist, NOW, THEREFORE, BE IT RESOLVED by the Committee of West Amwell Township, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
PURCHASE, LEASE, OR ACQUISITION OF REAL PROPERTY
LITIGATION
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.

Molnar moved for approval of the Resolution and Masterson seconded the motion. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

NEW BUSINESS

Ordinance Concerns – Zoning Officer Baldino – Lonnie Baldino presented a proposed fee schedule consisting of **zoning fees** that would be applied for non-residential, residential, and tent permits, and explained the situations under each of the three divisions. The current permit is \$10.00 for all zoning permits and he is of the opinion that the Township needs to keep up with the times. Fees from other towns were consulted in the development of this new schedule and were presented as well. An ordinance will be prepared for introduction.

Mr. Baldino then broached the subject of **barking dogs**, noting that although the provision in the current ordinance is all that the ACO can enforce, other towns have this problem under public nuisance legislation. Samples were presented and it was agreed that their language was better. Attorney Faherty stated that nuisance is hard to prove in court but will review the ordinances presented for a recommendation at the next meeting.

The next item was **construction hours** in Chapter 109-209. Mr. Baldino recommended that weekend work not start until at least 8 a.m. A brief discussion ensued about the difference between a developer and a homeowner. The item was taken 'under advisement.'

Information/Discussion on Professional Services Contracts for 2010 – There has been previous mention of changing to a process where bids would be solicited. A list of professional services contracts awarded in 2009 was presented together with samples obtained from Lambertville. Mrs. Olsen explained that the process is to draft an RFP/RFQ with criteria for award. Publication of a notice on the website and/or newspaper ten days prior to the time set for opening is required. The bids would be opened publicly, reviewed and award recommended. The governing body would award this at a public meeting. If this direction is chosen, the decision would need to be made soon in order to prepare the materials for bid in late November. A special meeting is needed for further discussion. In the meantime, the materials distributed will be reviewed.

Invitation to Participate in 2010 Census New Construction Program – There is probably but one new home in the Township. The decision was not to participate.

Mayor's Report on Property Tax at Risk Seminar – This Verizon PPT seminar featured resident Tom Allibone as one of the speakers. Mr. Corboy overviewed the basis for the franchise tax that was originally paid directly to the municipalities involved but has now been folded into CMPTRA. Although there's no answer to the question about why West Amwell enjoys such a large part of these revenues, they mean a lot to the Township. Verizon has interpreted the legislation to mean that once 51% of the hard wire connections (land lines) to houses in a municipality are lost, they are no

longer required to pay the franchise tax. There is a difference of opinion on this interpretation. Mr. Corboy stated that the Township is fortunate to have Mr. Allibone in on this and that the municipalities represented at the Rutgers meeting also had an interest in continuing the money flow. Hopewell Borough has been affected and are litigating. The purpose of the meeting was to alert communities about Verizon's position and to solicit support for pursuing litigation. Letters and perhaps a cost share of \$100 is under consideration. Mr. Corboy is of the opinion that it is in West Amwell's best interest to support the effort.

Coverage for Garbage Depot on September 26th – There is a possibility that Mary Hoagland will be away on Sept 26th. She suggested that a DPW staff member be asked to cover for her as it is a recycle day and Bob Gordon will be busy at that station. This may also be used as another opportunity for a card check. It was agreed that the depot should not be unattended and that DPW be contacted for this duty.

Award of Fuel Oil Quotes – Four vendors were solicited. Only one responded—our current supplier.

RESOLUTION #151-2009

WHEREAS, West Amwell is in need of #2 Fuel Oil to run municipal operations; and

WHEREAS, it has been determined that the cost involved is under the bid threshold and the commodity can be quoted; and

WHEREAS, quotes were solicited from four vendors on September 8th for the winter 2009 – spring 2010 market; and

WHEREAS, the following quote(s) were received

Stem Brothers, Inc.	Locked Price - no longer available
	Capped Price - \$2.599/gallon

WHEREAS, the apparent low quote for #2 Fuel Oil is Stem Brothers, Inc.; and

WHEREAS Stem Brothers, Inc. has submitted at Business Registration Certificate; and

WHEREAS, the CFO has certified that funds are available in the 2009 Temporary Budget and will be made available in the 2009 Budget as well as the 2010 Temporary Budget for this expenditure under Fuel Oil OE.

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the quote for #2 Fuel Oil be awarded to Stem Brothers, Inc. using the Capped price of \$2.599/gallon

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

Request for Letter of Support for Proposed Amendment to Fish Code – Mrs. Urbanski relayed that on August 17th, the DEP amended the fish code. They are proposing to re-stock the Alexauken Creek with trout. She requested a letter of support from the Township Committee. Comments are due October 16th. The request was well received and a sample letter will be supplied for the next meeting.

Hunterdon Parkland Partnership Resolution – The Silvi/Goat Hill Road property is the subject of this particular endeavor and a resolution of support from the Committee is requested naming Cathy Urbanski as authorized representative of West Amwell Township. There is no Township involvement as the property is run by the Parkland Partnership. Her role would be to provide specific input for the benefit of the public. Mrs. Urbanski also noted that she has walked the property and that there are already

trails there. She is also involved in getting volunteers to help with various aspects. There is no financial commitment with this resolution.

RESOLUTION #152-2009
WEST AMWELL TOWNSHIP RESOLUTION SUPPORTING
THE HUNTERDON PARKLAND PARTNERSHIP MANAGEMENT PLAN

WHEREAS, The Hunterdon Land Trust has established the Delaware River Stewardship Initiative to support long-term protection and enhancement of public lands along the Delaware River, and

WHEREAS, this stewardship initiative, is designed to serve the residents of Hunterdon County and the surrounding region, and

WHEREAS, the Delaware River corridor is a focus for land preservation efforts and the state of New Jersey Division of Parks and Forestry, Hunterdon County, municipalities, and non profit conservation organizations have acquired over 2,000 acres of land in this region for public recreation and conservation purposes, and

WHEREAS, the New Jersey Division of Parks and Forestry has primary management responsibility for the bulk of this land despite limited resources to carry out projects necessary to allow public use, and

WHEREAS, the Hunterdon Land Trust has launched this stewardship initiative to provide support to the entities that own this public parkland to improve public access and protection of natural resources to fulfill the promise of public benefit and create a regional culture of stewardship, and

WHEREAS, the Hunterdon land Trust formed the Hunterdon Parkland Partnership, a committee of representatives from the Delaware River corridor municipalities and conservation organizations to work with local and state agencies to implement a 5 year management plan developed to improve access and management of these public lands as part of this Stewardship Initiative, and

WHEREAS, the Governing Body of West Amwell Township recognizes that the Hunterdon Parkland Partnership Management Plan prepared by the Hunterdon Land Trust in partnership with the Hunterdon Parkland Partnership and the New Jersey Department of Environmental Protection, Division of Parks and Forestry provides a mechanism to enhance protection and improve public access to Delaware River parkland:

NOW THEREFORE BE IT RESOLVED that the Township Committee of West Amwell Township supports the Hunterdon Parkland Partnership Management Plan and their goals to enhance protection and improve public access to Delaware River parkland located within the Delaware River corridor, and specifically those within West Amwell Township.

BE IT FURTHER RESOLVED by the Township Committee, that Catherine Urbanski is authorized to serve as representative of West Amwell Township on the Hunterdon Parkland Partnership to communicate West Amwell's vision for its parkland, and to help mobilize action and support within the Township.

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

OPEN TO THE PUBLIC

Hal Shute came forward noting that this was a good meeting. He also inquired about the 4:30 closed session results (none) and if this was the reason for the late start (yes).

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #153-2009
EMERGENCY TEMPORARY RESOLUTION
PRIOR TO ADOPTION OF THE BUDGET
September 16, 2009

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

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

WHEREAS, the total emergency temporary resolutions adopted in the year 2009 pursuant to the provisions of N.J.C.A. 40A:4-20 (Chapter 96, P.L. 1951 as amended) including this resolution total \$1,351,195.00.

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

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

Molnar motion to approve the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Presentation of Bills for Approval: A lease payment for the 2006 Crown Vic in the amount of \$6212.57 was added. Molnar motioned to approve the evening's bills for payment and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Revenue Report: The Revenue report for July 2009 was received. Receipts for the month were \$24,125. Unanimously approved.

Tax Collector –

RESOLUTION #154-2009

WHEREAS, a payment was made on the THIRD quarter for 2009 on Block 11 Lot 22.02 by the Mortgage company and the homeowners. The overpayment totals \$3,345.92. Julianne Smith is requesting the refund.

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 \$3,345.92 for the refund of the amount overpaid on Block 11 Lot 22.02.

Make check payable to: Julianne and Cody Smith
Mail with a copy of this resolution to:

Julianne & Cody Smith
134 Rocktown-Lamb. Road
Lambertville NJ 08530

Molnar motion to approve the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

The monthly report for August 2009 was received showing receipts in the amount of \$1,606,499.54.

Clerk/Human Resources – Stacey Smith-Bohn submitted her resignation as MHL/AA effective September 4th.

Construction – The August 2009 Permit Fee Log Detail, Monthly Activity Report-Permits, Payment Audit Report, and Monthly Activity Report-Certificates were received for PermitsNJ.

Zoning Officer Report -- The August 2009 report of activities was received. Numerous phone calls, interpretations and permits were noted, as well as several meetings.

Molnar motioned to accept the resignation of Ms. Smith-Bohn, as well as the Tax Collection, Construction and Zoning reports and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

The Committee entered their previously authorized Closed Session at 10:18 p.m., returning to Open Session at 11:09 p.m. Mrs. Olsen was authorized to contact Coffey & Associates concerning settlement funds.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 11:14 p.m. on motion from Molnar, seconded by Masterson.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk