

WEST AMWELL TOWNSHIP COMMITTEE MEETING

August 12, 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 Cathy & Chester Urbanski, Ron Shapella, Sean Pfeiffer, George Fisher, and Alex Baran

Mayor Corboy announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was included in the Resolution faxed to the Lambertville Beacon, Hunterdon County Democrat and Trenton Times on January 2, 2009, was posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

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

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

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

AGENDA REVIEW BY TOWNSHIP CLERK

The following was added to 9. Unfinished Business: Resolution to LFB for Levy Waiver

ANNOUNCEMENTS

Mayor Corboy made the following announcements:

- Township Offices Closed Monday, September 7th for Labor Day
- Next Regular Township Committee Meeting – Sept 16th
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

A public information session for the Route 29 project is being scheduled for early September from 4:00 – 7:00 p.m. at the Justice Center. Dates currently under consideration are September 9, 10 or 16th.

PRESENTATION OF MINUTES

With a couple minor corrections to the July 15, 2009 Special meeting minutes, the minutes of the July 15, 2009 Special, Regular and Closed Session and the August 5, 2009 Special and Closed Session were approved on motion from Molnar and seconded by Masterson. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Ron Shapella came forward to commend the hard work of the Farmers Market committee; stated that this is a good first year market; and reminded the Committee of their commitment to support it. Mr. Shapella noted that he is currently writing an article on farm markets in the State and found that state and local government support is essential to keep them going. Chester Urbanski's work on behalf of the Township's market received commendation and that everyone needs to come out to experience what is happening here. The Township Committee members commented positively on the market and added their appreciation for the efforts being made.

Cathy Urbanski came forward to report two initiatives. The first is a planned trail by D & R from the Howell Farm to Route 518, through the Water Company and into Lambertville. A map showing the proposed route was distributed. Concerned about additional liability to the Township was raised but not seen as any different from what now exists. The trail will be available to both hikers and horses. There can be no parking lots on the United Water/DEP property due to its designation as a watershed;

trails can be no wider than 10 feet; and, no benches are permitted. Mr. Corboy suggested that this be named Stymiest trail/grove and change the current Stymiest Road portion back to Rock Road.

Mrs. Urbanski has also been working with Hunterdon Land Trust Alliance and the Delaware River Stewardship group on a management plan. A trail is proposed within one mile of the Delaware, including the former Silvi and Supreme Ten properties now owned by DEP. HLTA is dealing with DEP to allow for this trail activity. A non-binding resolution will be forthcoming and input on the trail system requested.

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

Public Hearing: Ordinance 20, 2009 BOND ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY PROVIDING FOR THE ACQUISITION OF REAL PROPERTY TO MEET THE TOWNSHIP'S COAH OBLIGATION, APPROPRIATING \$315,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Proof of publication in the July 23, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the July 15, 2009 Township Committee meeting. Mr. Corboy read the Ordinance by title; explained that this ordinance will enable the Township to act quickly should a group home possibility arise; that a couple potential houses were lost due to the lack of readily available funding; and, opened the public hearing.

Hearing no comments, the public hearing was closed on motion from Molnar and seconded by Masterson. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

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

Public Hearing: Ordinance 21, 2009 AN ORDINANCE PROVIDING FOR THE ACQUISITION OF A CONSERVATION EASEMENT ON CERTAIN REAL PROPERTY KNOWN AS BLOCK 8, LOTS 14 AND 15, IN AND BY THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AND APPROPRIATING \$725,000.00 FROM THE OPEN SPACE TRUST FUND.

Proof of publication in the July 23, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the July 15, 2009 Township Committee meeting. Mr. Corboy read the Ordinance by title and opened the public hearing.

Sean Pfeiffer came forward and overviewed this 78 acre parcel on Route 179. It abuts the Toll South project that is under contract which will yield 208 acres of preserved land; and, is an important link for a North/South trail from Route 179 to Route 518. This is a Green Acres conservation easement with a 50% Township cost share. Although a trail has yet to be delineated, markers for the public access will be installed after the property closes.

Hearing no other comments, the public hearing was closed on motion from Molnar and seconded by Masterson. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

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

Public Hearing: Ordinance 22, 2009 AN ORDINANCE AUTHORIZING THE ACQUISITION OF A DEED OF CONSERVATION EASEMENT ON CERTAIN REAL PROPERTY KNOWN AS BLOCK 8, LOTS 14 AND 15 IN THE TOWNSHIP OF WEST

AMWELL FROM KYLE KILMER, ET AL.

Proof of publication in the July 23, 2009 issue of the Lambertville Beacon was presented. The ordinance has been posted and available to the public since its introduction at the July 15, 2009 Township Committee. Mr. Corboy read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was closed on motion from Molnar and seconded by Masterson. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

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

Introduction: Ordinance 23, 2009

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

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

BE IT ORDAINED by the Township Committee of the Township of West Amwell, Hunterdon County, New Jersey, as follows:

**CHAPTER 90
THE FLOOD DAMAGE PREVENTION ORDINANCE
(60.3) D**

**Section 1.0
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND
OBJECTIVES**

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Township Committee of the Township of West Amwell, of Hunterdon County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

[1] The flood hazard areas of Township of West Amwell are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

[2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- [1] To protect human life and health;
- [2] To minimize expenditure of public money for costly flood control projects;

- [3] To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] To minimize prolonged business interruptions;
- [5] To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- [6] To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- [7] To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- [8] To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- [1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- [2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- [3] Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- [4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- [5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the Zoning Official's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

"Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"Digital Flood Insurance Rate Map" (DFIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Elevated building" means a non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- [1] The overflow of inland or tidal waters and/or
- [2] The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Study" (FIS) means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

"Flood plain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

- [a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- [b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- [c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- [d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"New construction" means structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

"Recreational vehicle" means a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of Construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

[1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

[2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Section 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of West Amwell, Hunterdon County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of West Amwell, Community No.340243, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Hunterdon County, New Jersey (All Jurisdictions)" dated September 25, 2009
- b) Flood Insurance Rate Map for Hunterdon County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34019C0339F, 34019C0343F, 34019C0344F, 34019C0345F, 34019C0361F, 34019C0363F, 34019C0364F, 34019C0402F, 34019C0404F, 34019C0406F, 34019C0408F, 34019C0410F, 34019C0426F; whose effective date is September 25, 2009

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 150 Rocktown-Lambertville Road, Lambertville, New Jersey 08530-3509.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not less than \$100.00 nor more than \$1,250.00 or imprisoned for not more than 90 days or a period of community service not exceeding 90 days, or any combination thereof, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of West Amwell from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of West Amwell, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Zoning Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Zoning Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Zoning Official shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- [1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- [2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- [3] Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of Section 5.3[1] are met.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2-1, SPECIFIC STANDARDS, Residential Construction, and 5.2-2, SPECIFIC STANDARDS, Nonresidential Construction.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

[1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

[2] For all new or substantially improved floodproofed structures:

- [i] verify and record the actual elevation (in relation to mean sea level); and
- [ii] maintain the floodproofing certifications required in Section 4.1 (3).

[3] Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

[1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

[2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

40.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

[1] The Planning Board as established by the Township of West Amwell shall hear and decide appeals and requests for variances from the requirements of this ordinance.

[2] The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Official in the enforcement or administration of this ordinance.

[3] Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided by law.

[4] In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (i) the danger that materials may be swept onto other lands to the injury of others;
- (ii) the danger to life and property due to flooding or erosion damage;
- (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) the importance of the services provided by the proposed facility to the community;
- (v) the necessity to the facility of a waterfront location, where applicable;
- (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

[5] Upon consideration of the factors of Section 4.4-1 [4] and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

[6] The Zoning Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

[1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 4.4-1[4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

[2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

[4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

[5] Variances shall only be issued upon:

- (i) a showing of good and sufficient cause;
- (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
- (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 4.4- 1[4], or conflict with existing local laws or ordinances.

[6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 ANCHORING

[1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

[2] All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

[1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

[2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

[1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

[2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

[3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

[4] Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

[1] All subdivision proposals shall be consistent with the need to minimize flood damage;

[2] All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

[3] All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

[4] Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

[1] New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation;

[2] within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

[1] New Construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; and

[2] within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as

high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
or

- [1] be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- [2] have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- [3] be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in SECTION 4.3-3 [2] [ii].

5.2-3 MANUFACTURED HOMES

- [1] Manufactured homes shall be anchored in accordance with Section 5.1-1 [2].
- [2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- [1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- [2] If section 5.3[1] is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- [3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION 6: ADOPTION

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

SECTION 7: REPEALER

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

SECTION 8: 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. The public hearing will be held September 16th. An adopted copy must be filed with the State by September 25th.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *County Parkland Status*: Sean Pfeiffer relayed that he was contacted by Glorianne Robbi of the East Amwell Parks & Recreation committee about the status of West Amwell discussions on the County parkland on Gulick Road. It has been almost a

year since this was last discussed, and no word has been forthcoming from our Parks & Recreation committee as to what may be needed, Mr. Pfeiffer expressed concern that West Amwell may lose out if something isn't identified soon as East Amwell will be moving ahead on a facility initiative. Mr. Molnar will follow up.

- *Authorization to Sign Application for Stiefel Soft Cost Reimbursement:* An acquisition payment form from Green Acres was presented. A total of \$22,187.23 in soft cost reimbursement is due to the Township. The required documentation will be ready next week. Molnar moved to approve the execution of the document and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye.

- *Open Space Invoices:* An invoice from Bohren & Bohren for the revision of the Toll survey in the amount of \$261.00 was approved for further processing.

- *Project Status Updates:* DEP has closed on the **Silvi property**. This acquisition will now be included in the Open Space map. Mr. Pfeiffer reviewed the history of this acquisition and credited the state Green Acres program for bringing this to conclusion. Kudos were also extended to Ron Shapella, and the committee that was appointed, for keeping the project alive and getting this important parcel preserved. He also noted that endangered species have been cited on the property, and which will provide opportunities for environmental groups, and that preservation was better than houses or a quarry in this regard. Mr. Corboy commented that the location of Washington's Rock on this property makes it special and that the river overlook is very pretty.

The Township is scheduled to close on the **Toll** property in October. The SADC has given the project their final approval but funding is dependant on the governor signing legislation. Mr. Pfeiffer also noted that there are ongoing discussions on how the cost share will be determined as this is a Township fee simple acquisition with no certified easement value and that usually the County cost shares at 20% of easement value. Suggestions include taking the average or hiring an appraiser. County staff is leaning towards using an average but this will need CADB approval. Soft costs will be re-couped once the property is auctioned off. The net will be divided between the SADC and the Township, proportionately.

The **total preserved acreage is 5,083**. In 2009, 522 acres are currently preserved with another 208 acres under contract, so the Township is on target for 650 preserved acres in 2009. Mr. Pfeiffer stated that given the state funding situation, the Township has done well.

Environmental Commission

- *Greenhouse Gas Reduction Grant:* Mrs. Urbanski requested permission to apply for a local government grant currently offered by DEP. A pre-application is due by September 4th and must be made in the name of the Township. The Environmental Commission would like to study calculating carbon dioxide emissions and compare these to absorption rates to show the value of woodlands. Mrs. Urbanski hopes to get assistance from Banisch Associates with this project and noted that there's lots of grant money being made available. She also noted that there is a move under way to reduce carbon emission to 1990 levels, and recommended the Township move on this now. The analysis and recommendations from the study would be added to the NRI. Approval to submit the pre-application was given.

Township Lands Committee

- *Letter to Farmer:* Mrs. Urbanski reviewed the situation with getting the proposed crops and farming underway, especially in light of the very wet summer weather. She recently spoke with **Kit Crisafulli**, noting that he's a year and a half behind, and is requesting that he move the Township into first position. The presented letter was discussed; modified; and approved for the mayor's signature.

Farmers Market Committee

- *Website Posting Permission:* Chester Urbanski relayed that the Farmers Market would like permission for a link on the website. Included would be a couple of pictures from a recent Beacon article, a short paragraph on what the market offers, the vendors involved and an application form. A recent article in the Democrat garnered calls for directions, so he'll also add contact information. He noted that the market needs

vendors to attract customers and customers to satisfy the vendors. There have been 17 different vendors to date and he's looking for ways to keep them. The market has lots of home-grown and beautiful items and attendees have found the market to be a fun place. Permission granted. Mr. Urbanski will transmit the materials to the webmaster for posting.

- *Request for Banner.* In an effort to bring in more customers, Mr. Urbanski is pursuing a possible banner on Bridge Street in Lambertville for next year. Permission will be needed from both the City and the State. There is also the possibility of obtaining a used banner for around \$300 from the New Hope market but where to locate it, how to hang, and how to pay for it are problems looking for a solution. The current signs for the market are placed on private property and special ones are set up early every Saturday morning at various locations. The problems with these signs are that they are small and one would need to be driving slowly to read them. The possibility of asking Tamke Tree or the Fire Company to assist with hanging a banner was mentioned. The matter of sufficient funds for the purchase was raised in that CFO Luhrs reminded Mr. Urbanski recently that the Farmers Market owes the Township \$400 for mailing costs incurred in the spring. This is money that needs to be repaid by the end of the year. The concern is that not a lot of cash is generated each week. \$1000.00 in fees has been collected so far and there are 12 weeks to go. Mr. Corboy indicated that the Farmers Market should do their best to pay for the banner but the Township is not worried about a couple hundred dollars. However, he suggested that perhaps the vendors be asked to either contribute to the purchase or pre-pay their 2010 fees as a commitment to the market.

Recycling

- *Proposed Quote Sheet for Clean Up Day.* Mr. Shapella noted that the roll off for construction debris would be eliminated as it is doubtful that this would be 'clean' for recycling purposes. Eventually any building permit will require that a dumpster be utilized. A question about whether the quote should include the use of company manpower or if DPW staff will continue to be utilized was raised as the latter would be working primarily at straight time. The Road Supervisor will be consulted.

- *Draft Ordinance:* The ordinance was reviewed and discussed. Mr. Molnar indicated that he was unaware about a charge but Mr. Shapella noted that this is needed to off-set costs; is a nominal charge; and, that the process needs to be regulated so that locals do not subsidize non-residents. Permits will be required to be paid for in advance but the ability to purchase a permit, by check only, on the actual day needs to be available. How this will be manned is to be determined. A decision was made to introduce the ordinance on first reading as there will not be another meeting until September and the regulation needs to be in place before a clean up day can be scheduled.

Introduction: Ordinance 24, 2009

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

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)

WHEREAS, West Amwell Township has offered one or more clean-days a year for residential bulky waste disposal; and

WHEREAS, it has been determined that a fee needs to be assessed for all residents using this service to help defray costs

THEREFORE, BE IT RESOLVED by the West Amwell Township Committee that Chapter 99 be amended to add the following:

Section 1: Article III, Clean-Up Day

99-21. Authority.

The Township Committee shall determine whether a Cleanup Day will be scheduled and the date and hours during which a Cleanup Day may take place.

99-22. Permit required.

All residents wishing to participate in any Clean-Up Day shall be required to obtain a permit in advance of the scheduled cleanup day for each anticipated load.

99-23. Process and eligibility.

The permit must be presented to and collected by authorized Township personnel before residents can dispose of any waste material at the collection area on the municipal property during Clean-up Day. Permits are available to residents of West Amwell Township and only for residential waste. No business or commercial waste material will be accepted during Clean-up Day.

Only West Amwell residents who are permitted to bring materials for disposal, designated municipal employees, and employees of the designated solid waste contractor will be allowed in the disposal area on cleanup day.

99-24. Fee.

The fee for the permit shall be car or station wagon, \$10; SUV, \$20; Pickup truck, \$30; Trailer, \$35; Pickup truck with trailer, \$60.

99-25. Exclusions

No moving vans, dump trucks or U-Haul-type trucks are permitted. The Township reserves the right to reject any or all materials deemed not acceptable. No gasoline, chemicals or other volatile materials or explosives, or concrete, rocks, earth, soil, tree stumps or automobiles will be accepted during cleanup day. Car tires are limited to two per family. Metal will be placed in the designated roll-off container and not in a compactor truck. Municipal employees will exercise discretion on whether materials are suitable for disposal during cleanup day.

Section 2:

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

Section 3:

This Ordinance shall become effective upon final passage and publication according to law.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be held September 16th.

Mr. Molnar raised the topic of possibly of renting/leasing a truck from Lambertville for garbage and trash collection next year. A brief discussion ensued about perhaps purchasing a truck and using it for both garbage and recycling, if the latter was initially collected via dumpster. Mr. Shapella noted that this option has been discussed but that a shed for recycling was preferred as dumpster collection brings a 'blowing' problem. Whether a cost savings on solid waste could be achieved with Township collection and

a used truck was raised. Some numbers would need to be pulled together to make a determination. These matters will be on the agenda for the September recycling meeting.

Parks & Recreation

- *Hewitt Park Sign*: An e-mail received earlier this summer relayed that the Hewitt Park sign had been restored and was waiting for re-installation. Mr. Molnar relayed that the latter has also been accomplished and that it looks great. A letter of appreciation for a job well done will be sent to John Zidzik at SHR, as his students are responsible for the restoration work.

UNFINISHED BUSINESS

Presentation of 2008 Audit Resolution and Certification – Proof of publication in the August 6, 2009 issue of the Lambertville Beacon was presented. The Committee members will need to sign off on the certification.

RESOLUTION #137-2009

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of West Amwell, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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:

Farmers Market – Heidi Tomenchok
Sourlands Municipal Alliance – Cathy Urbanski
Planning Board, Alt #2 – Rich Storcella

The appointment of Mr. Storcella moves David English to the Alt #1 position.

Acknowledgement of Phone Bill Credit – Pat and Tom Allibone, working on behalf of the Township, have secured credits of \$617.50 and \$112.57 from AT&T. A letter of appreciation will be sent.

Update on Zoning Violations – Mr. Molnar relayed that the 14 cars on the Salada driveway have been reduced to 3. As for the ones in the trees, they're most likely still there but the place looks better. Mr. Salada is now renting space from Jay Wright on Route 179. The King busses are not visible but probably housed inside. Attorney Faherty noted that this is still a violation and that the police have the authority to go in and look without a warrant to ensure compliance. Mr. Corboy raised the issue of other barns in the Township housing contractor equipment under the guise of farmland preservation. He is concerned about opening 'a can of worms' and getting neighbor vs neighbor complaints and if out of sight covers the problem. The attorney stated that this is a policy decision. Mr. Molnar will follow up with Lt. Bartzak and Zoning Official Baldino.

Update on Township Property at 68 Hancock Street – The DPW crew has secured the house with plywood as some vandalism of the property was observed. Attorney Faherty reported that there has been no response from the former tenant to his letter. The June rent remains unpaid. An outreach to Mr. Arnett for a possible donation is still pending. Mrs. Olsen noted that a neighbor was curious as to what was to be done with the property.

319 Grant re: No-cost Time Extension to 2/21/2010 for Mayor's Signature – The mayor was unanimously authorized to execute the amendments/modifications agreement. This is the second amendment to the agreement and extends the work period expiration to February 21, 2010.

Route 179 Salt – Judy Nanni called on July 7th stating that a conversation with Congressman Holt's office revealed that a resolution was needed from West Amwell to allow United Water to come up to the affected residents and that any movement in this direction starts with the Township. Several e-mails followed as it was unclear to the Clerk what would be included in a resolution; that an ordinance was required the last time city water was brought into the Township; that Route 179 is a State road and their permission would be needed; if other residents would be required to hook-up; and, if a feasibility study would be needed, among other things. A call was subsequently received from a John Shevlin of DEP Safe Drinking Water. The minutes of previous meetings were reviewed with him as to status of discussions and that the Township has been waiting for a report from Jeff Callahan of DOT for a year. Mr. Shevlin indicated that United Water had issues with their water supply two years ago but that this has been corrected. Any new water system, e.g., community well, would require at least 15 homes and that permission is difficult to obtain. He offered to contact United Water about making a proposal to extend the line, although he expressed concern when informed that the site in question is about 3 miles from Lambertville. He was also informed of Commissioner Kolluri's 8/22/2008 letter stating that DOT still advocates the use of ROs and is not confident that NJDEP will grant the permit to allow for the extension due to concerns with current and future demands placed on it. Also, that it is very likely that a pump station would have to be installed and that pumping requirements may not be able to meet the required design parameters.

A brief discussion ensued with the consensus being that the Township needs to know what has to be done—resolution or ordinance—but, as the burden of responsibility is on DOT, the State should do whatever needs to be done as long as there is no cost to the Township. Mr. Shapella noted that the BPU would also be involved as United Water is a utility and has to protect its interests. The line would have to be opened up to all who want it but whether there's a State law mandating same is unknown.

Update on COPS Grant – The Township was not awarded a COPS grant for retaining laid-off patrolmen. The application for a COPS video camera grant has been submitted.

Resolution to Enter Closed Session –

RESOLUTION #138-2009

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:
LITIGATION – Fair Share Housing
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 motioned to approve the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Resolution to LFB for Levy Waiver –

RESOLUTION #139-2009

**Resolution Of The Township of West Amwell
Making Application To The Local Finance Board
Pursuant To N.J.S.A 40A:4-45.46**

WHEREAS, the Township Committee of the Township of West Amwell in the County of Hunterdon desires to make application to the Local Finance Board for its approval of a proposed levy cap waiver pursuant to N.J.S.A. 40:4-45.46 and,

WHEREAS, the Township Committee believes that:

- (a) it is in the public interest to accomplish such purpose; and,
- (b) the levy cap waiver is for the health, wealth, convenience or betterment of the inhabitants of the Township of West Amwell; and,
- (c) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township of West Amwell and will not create an undue financial burden to be placed upon the Township of West Amwell;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Township of West Amwell are hereby authorized to prepare such application and to represent the Township of West Amwell in matters pertaining thereto.

Section 2. The Municipal Clerk of the Township of West Amwell is hereby directed to file a copy of the proposed levy cap waiver with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

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

NEW BUSINESS

Professional Services Contract for Preliminary Basement Work & Resolution –

The mayor, clerk and police lieutenant met with Joe Phillips of George Donovan AIA & Associates to discuss possibilities for the basement. The ideas included bringing the police department over, re-locating the construction department, and a community room that could accommodate election-day activities. Mr. Corboy's position was that the Township needs to invest and work towards utilizing the space since investing further in the current police facility to bring it up to standards would be absurd. The cost is seed money toward a goal to save money. Mr. Molnar questioned where the savings would come from as the Township would still have to maintain the old building. A proposal has been received from the architect, as a result of the initial discussion held with the mayor, police lieutenant and clerk, in the amount of \$4450.

RESOLUTION #140-2009

WHEREAS there exists a need for the hiring of various professionals without competitive bids; and

WHEREAS the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. allows governing bodies to execute agreements without competitive bidding for professional services; and

WHEREAS executed agreements must be available for public inspection; and

WHEREAS sufficient funds are available in the Reserve for Preliminary Expenses for Municipal Building Improvements (Resolution #111-2009)

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, that an agreement be executed with the following professional:

Joseph Phillips of George J. Donovan AIA & Associates

BE IT FURTHER RESOLVED that this agreement is awarded, subject to contract discussions, without competitive bidding as defined under the appropriate section of the Local Public Contracts Law, because above mentioned individual is authorized by law to practice a recognized profession; and

BE IT FURTHER RESOLVED that expenditures are not to exceed \$10,000 for the duration of this contract

BE IT FINALLY RESOLVED that the notice of this action shall be published in the newspaper of general circulation within the Township of West Amwell not more than ten days from the enactment thereof.

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

Resolution Awarding M & R Quote –

RESOLUTION #141-2009

WHEREAS, the Township of West Amwell is in need of Road Maintenance and Repair materials; and

WHEREAS, quotes were solicited by the Road Supervisor as follows:

Description	Quantity	Trap Rock	Flemington Bituminous
#1 1" Blend	1300 tons	\$ 7.00/ton	
#2 I-5 Blacktop	100 tons	\$50.80/ton*	\$47.90/ton*
*(subject to price fluctuation)			

WHEREAS, the quote totals received are under the bid threshold; and

WHEREAS, Trap Rock Industries quote for 1" Blend in the amount of \$9100 and Flemington Bituminous' quote for I-5 Blacktop in the amount of \$4790 represents the lowest overall cost to the Township at a total of \$13,890; and

WHEREAS, Trap Rock Industries and Flemington Bituminous have submitted the required Business Registration Certificate

THEREFORE, BE IT RESOLVED, that the supply of 2009-10 Road Maintenance and Repair material listed in #1 above be awarded to Trap Rock Industries in a amount not to exceed \$91000 and those listed in #2 above be awarded to Flemington Bituminous in an amount not to exceed \$4790 at the unit price quote for pick up at the respective local locations.

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

Chipping & Brush Pile – Mr. Molnar reported on discussion with Road Supervisor Hoagland and Glenn Baran concerning the brush pile and it was relayed that it takes one man 4 hours/week to keep it down. They feel that it is cheaper to bring in a tub grinder every couple of years at approximately \$3000 and that a better mulch product is produced. Concern was expressed that a \$50,000 tub grinder purchase would incur maintenance demands. Mr. Corboy agreed that to tie up a man is not efficient, especially with the mowing demands. Mr. Shapella offered that Lambertville City would consider a joint location as they do not generate the same amount of brush and could possibly co-purchase. He also noted that in order to receive recycling credit for the brush, a special form is required. In response to Mr. Pfeiffer's suggestion that an evaluation be done on the number of people using the mulch vs the expense, Mr. Molnar stated that he has observed considerable activity and that most municipalities give it away as opposed to trying to sell it.

Request for Reimbursement for Damaged Windshield – Lt. Bartzak reported that damage was sustained to Patrolman Kendig's private vehicle while parked at the DPW during this duty shift. A falling tree limb caused damage to the windshield. A request for reimbursement for the repairs in the amount of \$256.80 has been made. The Township insurance company has denied the claim based on the conditions being 'an act of God.' The consensus of the Committee is that the Township is not liable; that patrolman Kendig should seek coverage under his own insurance first; and that the patrolman will be asked about his comprehensive insurance coverage.

Municipal Alliance Renewal Application 2010 – The application sheet for 2010, Statement of Assurances, Fiscal Requirements and budget summary were received. A signature is required on each. Molnar motioned to authorize the Mayor to sign and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

GFOANJ Workshop re: Personal Property Tax at Risk & League Information – Two League advisories (dated July 28 and July 31, 2009 in the correspondence) have been received on this topic as Verizon has interpreted State law to exempt it from submitting the PT-10 forms reporting Business Personal Property Taxes due. In September, 50-60 municipalities will learn that they will not be receiving these tax monies next year, with another 150 municipalities expected to lose this revenue in September 2010. Resident Tom Allibone is one of the speakers at the August 28th workshop and there is concern for West Amwell. Mayor Corboy will attend.

Authorization to Refund Lang Escrow – HELD

League Conference Pre-Registration – Pre-registration must be made before October 1st in order to receive the discounted price. Mr. Molnar requested that he be registered.

OPEN TO THE PUBLIC

Sean Pfeiffer came forward questioning the status of the Police Study. He was informed that there has been no response to the forwarded comments and reviewed the history of the study to date. He stated that a combined force has some advantages in areas such as supervision, growth opportunity, etc., but that the immediate need for West Amwell was to save money. This is something not found in the current document.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #142-2009
EMERGENCY TEMPORARY RESOLUTION
PRIOR TO ADOPTION OF THE BUDGET
August 12, 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 \$1,126,063.00.

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

Presentation of Bills for Approval: Molnar motioned to approve the evening's bills for payment and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Statement of Cash: As of this date there is a cash total of \$5,228,747.18 between the operating and capital accounts. Molnar motioned to accept and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Tax Collector –

RESOLUTION #143-2009

WHEREAS, a payment was made in the amount of \$467.00 and credited to Block 18 Lot 11. This payment should have been sent to the Construction Official for permits.

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 \$467.00 for the refund of the amount paid to wrong office.

Make check payable to: West Amwell Twp Building Dept.

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

The monthly report for July 2009 was received showing receipts in the amount of \$870,194.39

Affidavit of Tax Bill Mailing – This certification is required due to the mailing of estimated tax bills and shows that the mailing was completed on June 24th. The 3rd quarter installment is due by August 1st.

Construction – The July 2009 Permit Fee Log Detail, Monthly Activity Report-Permits, Payment Audit Report, Monthly Activity Report-Certificates and Certificate Log Detail were received for PermitsNJ. A total of 19 permits and 17 certificates were issued

Request for Appointment of Additional Plumbing Subcode Official Inspector: The Construction Official has requested that Victor H. Rose be added to the list as substitute Plumbing Subcode Official/Inspector. He holds a HHS license. The request is due to Phil Izzo's current schedule, availability, and lack of a plumbing sub-code license that is required to sign off on plumbing permits. Attorney Faherty was asked about a possible violation of the personnel policy and found this not to apply. Victor Rose was appointed as a substitute Plumbing Subcode Official/Inspector.

Police – The July 2009 Monthly Report showing 203 incidents, 63 summonses and 4 warnings was received.

Zoning Officer Report -- The July 2009 report of activities was received. Numerous phone calls and interpretations were noted, together with the issuance of 6 permits.

Corboy motioned to accept the Tax Collector, Construction, Police and Zoning reports and Molnar seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

The Committee entered their previously authorized Closed Session at 9:55 p.m., returning to Open Session at 10:40 p.m.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 10:42 p.m. p.m. on motion from Molnar, seconded by Masterson.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk