

# **WEST AMWELL TOWNSHIP COMMITTEE MEETING**

**December 9, 2013 - 7:00 p.m.**

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

The regular meeting of the West Amwell Township Committee was called to order at 7:04 p.m. Present were Mayor Zachary T. Rich, Deputy Mayor George A. Fisher, Committeeman John Dale, Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance were Hal Shute, Tom Molnar, John Fleming, Scott and Kimberly Britton

Mayor Rich announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was included in the Resolution faxed to the Hunterdon County Democrat and Trenton Times on January 2, 2013, was posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

The meeting was recorded via digital recording system.

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

Tom Molnar led the assembled group in the pledge to the nation's flag.

## **AGENDA REVIEW BY TOWNSHIP CLERK**

The following items were added: 9.A. Open Space: marketing plan for Toll S; 11. New Business: Request for speed control; E-mail problems and laptop request from Zoning Board secretary

## **ANNOUNCEMENTS**

The following announcements were made:

- Tom Molnar Day – December 14<sup>th</sup>, 8 a.m. to 12:30 p.m., Municipal Complex
- Municipal Offices Closed for the Christmas Holiday – Dec 25<sup>th</sup> & 26<sup>th</sup>
- Next Regular Township Committee Meetings – December 30<sup>th</sup>
- Municipal Offices Closed New Year's Day – January 1<sup>st</sup>
- Township Committee Reorganization Meeting – January 6<sup>th</sup>, 7 p.m.
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

## **PRESENTATION OF MINUTES**

The following Regular and Special meeting minutes were unanimously approved on motion from Fisher, seconded by Dale.

November 27, 2013 Regular Meeting

December 5, 2013 Special Joint Meeting (Energy Aggregation)

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

No one came forward and this portion of the meeting was unanimously closed.

## **SPECIAL PRESENTATION(S)**

None

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

None

## **STANDING COMMITTEE REPORTS**

### **Open Space**

- *Meeting with Hunter Estate Rep:* Hal Shute reported that a meeting was held with Mr. Etchells concerning the Barry Road property. The short story is that Mr. Etchells has requested that the Township consider purchasing the property. This will be an item for tomorrow evening's meeting.

- *Property Status Updates:* There have been several meetings with the Lambert family.

- *Marketing Plan for Toll South:* A packet of information for a marketing brochure, prepared by Cathy Urbanski, and a tentative schedule leading to the auction were presented for an initial nod of approval of work to date. Advertising costs are projected to run approximately \$2000 with ads in the Democrat, signs, etc. Publication dates for the resolution have to meet the statutory two consecutive weeks with the last publication not more than 7 days prior to the auction date. The first page of the packet is the proposed sign. A PDF version is to be posted to the website. A couple of suggestions were made from the audience, including the use of "auctionzip.com" and contacting a local realtor for a flat fee MLS listing. Mayor Rich offered to obtain the MLS number.

### Ag Advisory

- *Authorization to Post October 3, 2013 Minutes to Website:* Approved

### **UNFINISHED BUSINESS**

**Animal Control for 2014 & Proposed RFP** – Possible options to the shared service were presented. Attorney Faherty was consulted about whether this position would be eligible for a professional services contract and is of the opinion that the position would qualify as it is regulated by the State, requires certification, is termed a profession now and involves continuing education. As to the effect on the current ACO, this would involve a situation similar to what is employed for other professional staff whereby the cost could be provided and a professional services resolution adopted. There would be no requirement to quote as the cost could be negotiated. As for the continuation of the shared service agreement, Mrs. Olsen relayed that she spoke with a committeeman from Delaware Township and they're on board with sharing the health benefits cost. East Amwell has approved this change by resolution at a previous meeting. As far as Lambertville, there's been nothing direct although Mr. Fisher has been in touch with both the city clerk and mayor. The impression however is that they'll go along with whatever is decided here, according to Mr. Rich. Mr. Fisher weighed in for going the professional services route once the packet is pulled together by the ACO. An actual cost was not received from the ACO as there was concern that if the Township were to go out for competitive quotes, the information would put him at a disadvantage. A brief discussion ensued over obtaining the numbers; that a professional services contract would not include the other towns; and, the ACO would have to address that with them. The mayor noted that he told the ACO that if the other towns wanted to run through our professional services agreement, West Amwell would need a 10% processing charge. Mr. Fisher observed that the other towns don't really need us with the scenario under discussion and that having a contract is probably the smart way to go to in order to avoid having to pay all expenses a year or two down the road when there are no partners to share the cost. He would like to bring everybody else on board but that is way down on the list of things to do. The consensus of the Committee was for the professional services avenue and that all information needed should be ready by December 30<sup>th</sup>. The ACO will be so advised so that the contract can be awarded at the Reorganization meeting on January 6<sup>th</sup>. The movement underway for the County to take over animal control functions was mentioned by Mr. Fisher, which is another reason for making this move to professional services best for the Township at this point. The only downside is losing a shared service for the yearly Best Practices checklist. Mr. Dale questioned why this would be affected and the difference was explained. On the upside of the professional services route is that then the company providing the service would be able to bring in another certified officer for coverage when needed. A question from the audience about competition, or if this is the only person in town, was addressed in that the preference is to keep the level of service currently provided. As the consensus of the Committee was to go with a professional services contract for 2014, instead of the shared service, the Clerk was instructed to relay the discussion to Mr. Barsen and to notify the municipalities involved.

**Updates** – 1) Mr. Fisher relayed that the **energy aggregation** bid came in at 8.9 cents or 10% below current cost at JCP&L. The winner was First Energy Solutions, a subsidiary of First Energy of JCP&L. The contract is for 15 months and, if it works well, consideration will be given to doing it again. Letters will be going out to all current JCP&L residential customers to explain the process and the mailing will include a postcard if the decision is to opt-out. There is also a 'green' component available, the price of which will run close to the present JCP&L generating cost. The **PPA** is not working out as well as there is still no lease agreement. A conference call is scheduled for Thursday between SHREC Attorney Blank and reps from Marina to see where this is going. Mr. Fisher noted that there is pressure to sign a lease but nothing will be authorized this evening. It has been suggested that a Letter of Intent be drawn up so that if a PPA is okayed, there will at least be a letter if not an actual lease. As for the PPA contract, the Township is in for two sets of solar panels and the worst case scenario would be to remove them and return the land farming with zero income. The grammar school is still a question but they can continue without the Township's involvement. 2) Harry Heller has advised that the Township has been awarded a \$24,513.65 hazard mitigation grant for a firehouse **generator**. This is a reimbursable grant and West Amwell's share is \$2,723.74. Mr. Heller has also indicated that he will procure the State contract information for generator purchase and will provide same to Mr. Fisher.

Mayor Rich relayed meeting with members of the police, fire and OEM departments as well as Road Supervisor Hoagland concerning equipment and winter issues, noting that the Township is in good shape.

**Fire Department Equipment**  
- *State Purchasing Resolution*

RESOLUTION #184-2013  
Amending RESOLUTION #175-2013

BE IT RESOLVED that RESOLUTION #175-2013 Authorizing Contracts with Certain Approved Stated Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40a:11-12A is hereby amended to provide for additional turn out gear for the Township Fire Company as follows:

<u>Commodity/Service</u>	<u>Referenced State Contract Vendors</u> <u>Vendor</u>	<u>State Contract #</u>
3 pair Thorogood boots #804-6373 Square Toe Leather NFPA Book	Continental Fire & Safety Inc. 2740 Kuser Road Hamilton NJ 08691	A80959

*The Resolution was unanimously approved on motion by Rich, with a second from Fisher.*

- *Purchase Authorization Resolution:*

**RESOLUTION #185-2013**

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

1) 3 pair Thorogood boots  
; and

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

A80959 – Continental Fire & Safety, Inc.; \$837.00  
; and

**WHEREAS**, the maximum amount of the purchase is \$901.20; and

**WHEREAS** the CFO has certified to the Township Clerk that funds are available in the Ordinance 7, 2013; and

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

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

*The Resolution was unanimously approved on motion by Fisher, with a second from Rich.*

**S & W Resolution**

RESOLUTION #186-2013

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2013 Salary and Wage Resolution, adopted May 22, 2013, be amended as follows:

<u>Position</u>	<u>Salary/Compensation</u>
<u>Delete:</u> Substitute WSL Aneskewich	\$10.78/hr
<u>Add:</u> Substitute WSL Burd	\$10.30/hr

*The Resolution was unanimously approved on motion by Fisher, with a second from Dale.*

Mr. Burd will need to be trained on the equipment and will be scheduled as soon as possible.

**NEW BUSINESS**  
**West Amwell Sixth Grade/PTO re: Raffle Application**

- *Resolution:*

RESOLUTION #187-2013

WHEREAS, application has been received by the Township of West Amwell to grant a raffle license, and

WHEREAS, no objections have been received the Clerk of the Township, nor were any objections made at the regular meeting.

NOW, THEREFORE BE IT RESOLVED that the raffle license be granted

TO: PTO West Amwell School  
BENEFIT: 6<sup>th</sup> Grade Class Trip Fund  
DATE: Drawing on February 13, 2014  
TIME: 3:00 p.m.  
LOCATION: West Amwell Elementary School  
1417 Route 179, Lambertville NJ 08530

*The Resolution was unanimously approved on motion by Fishe , with a second from Dale.*

- *Findings & Determination:* This document was presented, reviewed and approved for signature on *motion by Fisher, with a second from Dale.*

**Discussion Concerning Privatizing Coon Path (End of GW Road)** – John Fleming came forward for this discussion and relayed that he has property in the middle of what was Coon Path prior to the change to George Washington Road. He acknowledged that he doesn't know if Coon Path exists anymore but he and the neighbors have been maintaining the road since 1987 with sporadic help from the Township. The road is a necessary item for his son and family to get out during the winter time; that the road is not passable with a two wheel drive vehicle right now as there are extreme ruts; and, it was recently determined that a neighbor down the street was actually sabotaging the road by hauling rocks out of the side of the hill to block the road. The latter has caused major problems and is the most likely reason for the erosion that has taken place. Mr. Fleming continued in great detail the problems encountered due to the actions by the neighbor; the reasons for same; and, the cleanup time and effort that was required after Hurricane Sandy last year when a 300 hundred year old tree took down a telephone pole near Tim Lelie's driveway. Mr. Fleming's main concerns are for egress for his family and for the Township to either pave/maintain the road or turn it into a private road so that they can do so. The Township doesn't do anything unless the neighbors call, beg or steal to get work done, so the current state of limbo just isn't working out. If the Township would maintain the road, it would establish the fact that it's a public road. By vacating it, the maintenance would fall to the neighbors who have the equipment and will to do it, although currently prevented from doing so by the police because of liability issues should someone get hurt. Mr. Fleming detailed the particulars of the road and the old bridge which is still usable but no longer maintained by the County. The whole situation cries for something to be done for any number of reasons and the Township needs to make a decision one way or the other. If the road is vacated, they will put up 'no trespassing' signs, although there would be no problem with folks walking through. If it were paved, there would be no issue as to its status as a public road and would eliminate the sabotage that is taking place to keep folks from using it. Mr. Rich offered that the issue is pretty cut and dry in that the Township is not going to pave the road nor commit \$50,000 for piping and grading and is of the opinion that from certain points the road be called a private lane, especially if the residents along the road are willing to accept the responsibility for it. Discussion ensued over the legality of the proposal and, secondly, what steps would be involved. Attorney Faherty overviewed the latter, including whether any research had been done to determine if the road had been dedicated and noted that in a vacation, one half of the road goes to the neighbors on either side. A survey would probably also be involved, which would be costly. Mr. Fisher voiced concern over how the next owners of the property would feel about having to maintain the road but was informed that this problem would be solved by putting language in the deed. The first step is to establish whether or not this is a real road; if not, it is already owned by the residents. A title searcher would need to be contacted for copies of all property deeds involved. The deeds would then be checked for any reference to a public road. Tax records will also be needed for block/lot information. Attorney Faherty noted that vacating a portion of the road will affect all the property owners from Goat Hill Road down to Lambertville and the affect could be adverse. Mr. Fleming advised that the road from Goat Hill to the park, which is George Washington Road, needs to be improved and maintained, especially as the park is there and access needed. The specific area of concern to him is the gravel portion past that point and would affect four houses. He also requested that, until a conclusion is reached, they be able to use and maintain the road so there is emergency access out of the area.

Additionally, the question was raised as to how soon a response could be expected. Mrs. Britton was asked for input and noted that she is an essential employee and needs options for egress.

A copy of the tax map with block/lot and owner information will be provided to Attorney Faherty for the area of Coon Path so that deeds can be requested and searched for reference to a public road or road dedication.

**Request for Speed Control** – An e-mail was received from Steve Smith who lives on Mt. Airy-Harb. Road requesting that a sign be placed near his property reducing the speed limit. There is a bit of a blind curve and uphill ascent that makes exiting his driveway somewhat dangerous with oncoming traffic. Mr. Smith's concern has been shared with Captain Bartzak who has advised that this is something that would need to go through the County Engineer's Office. A request for a speed survey is normally generated by his office and he is willing to do so. Once the survey is completed, results would be forwarded along with whatever course of action the County will pursue.

**E-mail Problems and Laptop Request from Zoning Board secretary** – Ruth Hall is experiencing problems in syncing her iPhone with her laptop via iCloud due to the installation of Outlook needed for zoning board e-mail. Once all equipment was synced, all of her personal information went into the Outlook account and the co-mingling is not a good thing. She has incurred \$105.93 in expenses at JWS to try to rectify the situation. Mrs. Hall is looking for reimbursement for the out-of-pocket expense and for a separate laptop for zoning board use. The Committee's recommendation was that Mrs. Hall use the online e-mail account instead of Outlook and that she check with the Zoning Board Chair about using money from that budget for the requested purchase. No reimbursement was approved.

#### **OPEN TO THE PUBLIC**

Mr. Shute came forward concerning Coon Path, noting that there have been discussions about maintaining emergency access to Route 29. Mr. Fleming relayed that there is no emergency access due to road width and the load classification of the bridge. A fire truck or police cruiser would get stuck or bottom out if attempting to navigate certain sections. Mr. Shute continued about trails to the Overlook and along the ridge to Valley Road and Bald Pate park, noting that this would be a big project, and that having access from Lambertville to that trail would be desired. Mr. Fleming noted that people already hike the road but it is not maintained for public use.

Mrs. Olsen broached the subject of the still to be addressed changes to the policy manual. The consensus was to get to this after the re-organization meeting.

The \$2 million dollar lawsuit notification was mentioned. The attorney's office was contacted and advised that the location of the accident was in East Amwell. It was also noted that West Amwell is not involved with the operation of the gates at the South County park.

The house on Belvidere currently slated for demolition was briefly discussed. Auctioning this property as-is was deemed to be a good course of action. A public sale notice will be prepared for the next meeting. The Tax Collector will be contacted about the availability of other lots for possible inclusion on the sales list.

#### **ADMINISTRATIVE REPORTS**

**Treasurer –**

RESOLUTION #188-2013  
(See Attached)

*The Resolution was unanimously approved on motion by Rich, with a second from Fisher.*

RESOLUTION #189-2013  
(See Attached)

*The Resolution was unanimously approved on motion by Rich, with a second from Fisher.*

**Tax Collector –**

RESOLUTION #190-2013

WHEREAS, there had been an incorrect address for Block 30, lot 15.01, and Block 30, lot 15.02 both being 34 Woodens Lane; and,

WHEREAS, there had been a payment made in error by Roma Bank for 34 Woodens Lane for Block 30, lot 15.01; and

WHEREAS, this payment should have been for Block 30, lot 15.02, Roma Bank has requested that this overpayment of \$2,913.24 be credited to 1<sup>st</sup> quarter 2014, for Block 30, Lot 15.02.

THEREFORE BE IT RESOLVED that the amount of this payment for Block 30 lot 15.01 be deemed uncollectible and that a credit will be given to Block 30, lot 15.02 for 2014.

*The Resolution was unanimously approved on motion by Fisher, with a second from Rich.*

#### RESOLUTION #191-2013

WHEREAS, there has been a duplicate payment for FOURTH quarter 2013 for Block 35, Lot 1.01, 7 Woodward Lane assessed to George & Kirsten Perehynys in the amount of \$1,672.37 by Quicken Loans; and

WHEREAS, Quicken loans has requested that this overpayment to be returned to them

THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue a check in the amount of \$1,672.37 for disbursement to:

Quicken Loans  
1050 Woodward Ave  
Detroit, Michigan 48226

*The Resolution was unanimously approved on motion by Rich, with a second from Fisher.*

#### RESOLUTION #192-2013

WHEREAS, there has been an overpayment for FOURTH quarter 2013 for Block 19, Lot 17, 135 Mt Airy-Harb Road assessed to Phillip J. Faherty III in the amount of \$357.40; and

WHEREAS, the homeowner has requested that this overpayment to be returned to him

THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue a check in the amount of \$357.40 for disbursement to:

Phillip Faherty III  
135 Mt Airy-Harb Road  
Lambertville NJ 08530

*The Resolution was unanimously approved on motion by Fisher, with a second from Rich.*

**Construction** – The Permit Fee Log details (22), Tax Assessor Report-Permits (22), Monthly Activity Report-Permits, Payment Audit Report (\$7,896.00), Tax Assessor Report-Certificates (41) Monthly Activity Report-Certificates (41), Certificate Log Detail (41) were received for PermitsNJ.

**Website Review** – none

*The Report was unanimously received as presented.*

#### CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

#### ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 8:20 p.m. on motion from Fisher.

Respectfully submitted,

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Lora L. Olsen, RMC  
Township Clerk