

WEST AMWELL TOWNSHIP COMMITTEE MEETING

January 18, 2017 - 7:30 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 7:33 p.m. Present were Mayor John Dale, Deputy Mayor Stephen Bergenfeld, Committeeman James Cally, Gary Hoyer and Zachary T. Rich, Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance were Harry Heller, Dave Beaumont, Gordon Haas, George Fisher, Jeff Ent, Joe Ent, Randy Hoagland, Cathy Urbanski and John Cronce.

Mayor Dale 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, 2017, 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.

FLAG SALUTE

Mayor Dale led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 9.B 3) Emerald Ash Borer; 11.K Lubchansky filing; 11.L Construction/Zoning Office Manager. Deleted were: 13.A Resolutions & Reports; 13.B Redemption resolution.

These additions/deletions were unanimously approved on motion by Bergenfeld, seconded by Rich.

ANNOUNCEMENTS

- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The December 29, 2016 Regular minutes were approved by those eligible on motion by Bergenfeld, seconded by Rich. The December 29, 2016 Closed Session minutes were approved by those eligible on motion by Rich, seconded by Bergenfeld. The January 2, 2017 Re-Organization minutes were unanimously approved on motion by Bergenfeld, seconded by Dale.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Gordon Haas, 50 Weeden Street, came forward to provide an update on his search as to the status of the road as either a paper street or one that was dedicated into the town's road system. A trip to the County Clerk's office provided a map and a description of the road that was originally proposed. However, he found that the County doesn't keep records of road vacation or dedication. These are records only found at the Township level but none are on file in the township per the Township Clerk. Therefore, it's still a paper road according to Mr. Haas and that these, once proposed, stay as paper roads in perpetuity. He then proceeded to review the tax map situation that affects both he and his neighbor stating that the tax map and the surveys of both properties are incorrect. Mr. Haas is looking for the town's help as what looks like a drive is on his road and the neighbor's road is actually the paper road that continues all the way to Goat Hill Road. The road bed in question was dropped off the tax map in 1998. He asked that the tax map be adjusted and updated so as to be correct because his title insurance company is going to do a new survey on the property. A correct tax map is required for this effort. In addition, his title company cannot locate his title but they are calling for a new survey due to the discrepancies.

Attorney Faherty noted that this still doesn't answer the question as to whether or not this paper street was ever dedicated to the township and if ever accepted from anybody who once owned that particular piece of ground. He further advised that the township has two choices. If the dedication is accepted, it means that the township maintains the road or the township does nothing and half of the pieces of ground belong to the property owners on either side. He also relayed that a road cannot be vacated that has never been dedicated.

Mr. Haas stated that he is not asking the township to bring the road into the system and that it's just paperwork that is needed for the maps to be straightened out. However, what this would do is open up the VanMater-Miner property for access to Goat Hill Road. He

quoted from a deed that read "...along the new road are the houses of Jacob Stoneback (now Haas) and Uriah Acres (now VanMater-Miner), concluding that the information is in the description. A lengthy discussion ensued over the various points raised, access of both property owners through the paper road, and correcting the tax map. Attorney Faherty offered that the township engineer should look at the surveys and make a determination if the tax map needs to be adjusted. There was agreement that Assessor Gill be involved in this effort but some disagreement as to which comes first, a new survey or an adjusted tax map. Attorney Faherty commented that the tax map could very well be wrong but that the survey shouldn't be wrong as it has all the information. The deeds are the key and a surveyor should be able to put together a valid survey based upon the deeds for the properties. After that, the tax map comes in for adjustments, if needed. A meeting with the map person at Maser, Assessor Gill and Mr. Haas was the direction given. Mr. Haas will make contact with the Township Clerk concerning the proposed meeting.

SPECIAL PRESENTATION(S)

None

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

Introduction: Ordinance 01, 2017 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

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

**CALENDAR YEAR 2017
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to **0.5%** unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of West Amwell in the County of Hunterdon finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a **3.0%** increase in the budget for said year, amounting to **\$81,930.93** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of West Amwell, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Township of West Amwell shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by **3.5%**, amounting to **\$ 95,586.09**, and that the CY 2017 municipal budget for the Township of West Amwell be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Rich moved to introduce the Ordinance on first reading and Bergenfeld seconded. Motion carried unanimously. The public hearing will be held February 15, 2017.

STANDING COMMITTEE REPORTS

Open Space –

- *Authorization to Post September 14, 2016 Minutes to Website:* Approved
- *Project Status Updates:* John Cronce relayed that he met with the County concerning Holcombe and noted that the State is waiting for payment documents from the County. Attorney Faherty was requested to contact Stephanie Miller of the SADC. A closing at the end of the month is now unlikely.
- *Runkle Appraisal Quotes/Resolution of Award:* Three quotes for this work have been received. The recommendation is for Schaible and Rodriguez.

RESOLUTION #29-2017

WHEREAS quotes have been received for the preparation of appraisals in accordance with SADC guidelines for the purchase of an Agricultural Easement on Block 13 Lots 1 and 1.01 and Block 13 Lot 1.02 Runkle as follows:

	<u>B13 L1 & 1.01</u>	<u>B13 L 1.02</u>	<u>Discount if both</u>
Lawrence V. Melamed (Curini Appraisal Company, Inc)	\$2,450.00	\$2,250.00	\$4,230.00
R. Michael Schaible (Vanguard Appraisal Services)	\$1,500.00	\$1,500.00	\$3,000.00*
	* price contingent on the award of both at same time		
Tom Rodriguez (Tom Rodriguez Associates)	-	-	\$3,800.00

WHEREAS two appraisals are required for this project; and

WHEREAS Tom Rodriguez and R. Michael Schaible have submitted low quotes for the requested work; and

WHEREAS the CFO has certified that funds are available in the Reserve for Preliminary Expenses for this expenditure.

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the quotes for appraisal work on Block 13 Lots 1 & 1.01 and Block 13 Lot 1.02 Runkle be awarded to Tom Rodriguez and R. Michael Schaible

The Resolution was unanimously approved on motion by Bergenfeld, seconded by Cally.

- *Open Space Membership:* Mr. Cronce requested that this item be moved up from its current agenda placement. The question is whether the current open slot has to be filled to conform with the current resolution and by-laws. The slot may be needed in the future, so there is hesitation about eliminating it completely. Attorney Faherty advised that it is okay to leave the vacancy.

Environmental

- *Authorization to Post November 10, 2016 Minutes to Website:* Approved
- *Report of Activities for 2016:* Cathy Urbanski noted that this report is required by statute, although redundant in that there are minutes filed regularly. She requested permission to post this to the website. Approved.
- *Emerald Ash Borer:* Mrs. Urbanski reported that this invasive disease came from China and is taking down Ash trees in 23 states. It has been found on Goat Hill Road and traps are in place. However, there is concern about liability at Hewitt Park. If the Township had a Community Forestry Committee and a plan, the State would accept this liability. However, a CFC is a nightmare, and complicated, in that it entails enlisting a forester, inventorying trees, and conducting continuing education. Mrs. Urbanski stated that only place with liability issues is Hewitt Park and that only Ash trees that are planted in the open get hit by the disease as light is needed. Therefore, the ones close to the road are in danger of falling victim to the borer and the death rate is 90%. To complicate matters more is that the borer starts at the top of the tree and works down. She offered that the Environmental Commission can mark the trees to be taken down come spring or proceed with a community forestry plan. The decision was to go with the former as a first step.

Ag Advisory

- *Authorization to Post November 3, 2016 Minutes to Website:* Approved

UNFINISHED BUSINESS

Appointments – Planning Board: Stephen Bergenfeld will fill the Class III slot as determined by the government body. Mayor Dale appointed Christopher Morgan to the Alt #2 opening. Finance: Hal Shute, Porter Little, Dan Malek, George Fisher, Jim Hamtil, Dave Beaumont, Kyle Osgood, Gary Hoyer (both member and liaison).

The appointments were unanimously approved on motion by Rich, seconded by Bergenfeld.

Updates – 1) Mr. Bergenfeld requested that the **construction clearance** item be retained on the agenda. Dave Beaumont offered his assistance as there are still problems as to work without permits/inspections. 2) A decision concerning the existing well on **Block 23 Lot 12** and a possible property auction that will impact the current user of said well resulted in a request that Attorney Faherty send a certified letter giving the user 60 days to install his own well. 3) The **open space membership** issue was dealt with earlier.

West Amwell Fire Company –

- *Discussion with Fire Chief Ent:* Jeff Ent and Randy Hoagland, Fire Company Chief and President, respectively, came forward to discuss the employee aspect of fire company members and, specifically, the process of approving applicants for membership that involves the Township Committee. Chief Ent explained that the West Amwell Fire Company was officially appointed by ordinance in 1956; people interested in becoming a member complete an application; the applicant is voted on by the Fire Company; and, then the application is forwarded to the Township Committee for approval so that the member is covered under workers compensation insurance. The only thing different now is that background checks are performed, by the Township Police Department, before the fire company vote. As for the employee relationship, firemen are township employees when working under the umbrella of the fire company. Questioned by Mr. Bergenfeld as to provisions should a problem arise with a member of the fire company, Mr. Ent advised that this is not a situation that has ever happened. There are many rules and regulations in place but nothing has occurred under which someone would be dismissed by the Fire Company. Mr. Rich offered that he was under the impression that the firemen were volunteers but recently learned that this was not the case and in fact they are employees, which is a problem for him when violations occur. Mr. Cally inquired about the by-laws and if there are specific items that would result in a dismissal and if these are something that the firemen would be aware of. Mr. Ent advised that the only thing in the by-laws concerning a discipline situation would be something related to fire company activities, e.g., stealing, vandalism. Their rules and regulations would then come into play for such an internal situation. A question was then raised whether it would be incumbent upon Mr. Ent to bring such a matter to the attention of the Township Committee, given the employee designation, as then said person would be guided by the Township's employee handbook. Mr. Ent advised that he's never heard of another fire company being dictated to by a township committee. It was agreed that this is uncharted territory for both parties. Mr. Bergenfeld inquired as to how the designation of employee was conferred. Attorney Faherty advised that this came from the State for worker's compensation purposes. However, this is a gray area that needs to be investigated as although considered employees, the township has no authority to deal with discipline matters. But, as volunteers, they are entitled to municipal workers compensation. Mr. Hoagland noted that the fireman are still volunteers, even if classified employees, and could all leave at once, leaving the township with either no fire department or one that has to be provided at an astronomical cost. As to a question by Mr. Bergenfeld as to whom the firemen serve, Attorney Faherty advised that the volunteer firemen serve at the will of the Chief. The Township is only responsible in terms of workers compensation, which is what the State intended when providing for it, as otherwise there would be no way for them to collect; therefore, for that reason alone, they are considered employees. There does not appear to be any other connection.

Mr. Rich inquired about the LOSAP program and was given an overview of the program, how points are acquired, and that it is basically an insurance death benefit for the volunteers. Last year, all the volunteers put in 4092.54 man hours through meetings, drills, training activities and fire calls. This program was put into place several years ago by ordinance. This is another State initiative for the volunteers who go out and risk their lives for the community. Mr. Ent continued with the history of the fire company, which was established as the official fire company in West Amwell by the township fathers on May 18, 1956 and noted that townships are required to have a fire company. Concern was expressed by Mr. Bergenfeld and Mr. Rich about the approval process required of the Township Committee and what recourse would be

available to revoke a previously approved member. Mr. Cally referenced the by-laws that every firefighter has to follow and wondered if there is something in them that would give the Township Committee any kind of jurisdiction. In response, Mr. Ent relayed that there's nothing in their by-laws that dictate something of this nature but also noted that there are a lot of things that have to be looked into before any dismissal and cited the Volunteer Act in particular. Again, Attorney Faherty advised that more information is needed to answer the questions being raised.

A question concerning the difference between a fire district and how this fire company is established was posed. It was explained that a fire district charges residents on a tax rate for fire service, which would be a separate line item on the tax bill, like the school tax. A vote on this tax is held in February in a separate election. Mr. Ent advised that there are currently three districts in Hunterdon County and gave an estimate of their yearly cost. He stated that fire districts are more expensive than what is currently in place.

The conversation turned to the number of volunteers, which stands at 32 plus two juniors. Mr. Ent advised that every member they can get is needed and relayed that there's not been one person from either of the two developments that have joined the fire company. He also noted that not all members come to every call. There are day time and night time availability and they work around with what they have...perhaps averaging 15-16 guys per call. Every volunteer that is lost, hurts the fire company. Mr. Ent also relayed the results of a study that he did if a paid force was implemented. The numbers came in at an average of \$77,000 per fire fighter per year to man a fire engine. This would include base salary, benefits, uniforms, and back-up personnel. His assessment is that versus that cost, the current fire company is cheap. Mr. Rich hastened to offer that the fire company creates value and that there's no doubt that more value is created than charged. Mr. Ent provided information from their last PEOSHA inspection, noting that there were no problems. The ISO rating is 4/4y, which is down from the 2003 level of 9, and, is very good for a rural community with no hydrants. Although there are 15 hydrants in the Calton development, everywhere else they have to make things happen in another way.

Mr. Dale inquired about the junior members and whether they too are on workers compensation. Mr. Ent advised that the State approves the junior fireman program for those 16 to 18 years of age. Although the State has guidelines for this, the fire company has their own as well. These guidelines include not working after 10 p.m., only so many hours can be worked per week, etc. A particular grade average has to be maintained in school and there are strict limits as to what they can and cannot do. The fire company has had junior members since the 1980's and several of today's members started out as juniors. A suggestion to delay new member approval pending receipt of additional information on the workers compensation question was met with concern about the three months that have already passed. Mr. Ent stated that these members are needed now and that whatever agreement is worked out to solve the Committee's concerns doesn't apply to this situation. A brief discussion ensued about various items on the junior member application as well as relationships going forward and getting some type of protocol in place. There was no opposition to having a discussion to work out an agreement that suits all sides and looks at legalities involved. In addition to other matters discussed, Mr. Ent relayed that there are very few things that can be done to keep a person out of an organization. That is one reason that background checks were instituted 4-5 years ago. It was felt that this would insure that there are good people coming on board that will be under Township insurance. The police department performs these checks and issues a letter. However, once again, this is uncharted waters as there's never been anyone come back with a negative. A meeting to discuss the foregoing issues was set for January 30th at 7:30 with Mr. Dale, Mr. Bergenfeld and Mr. Ent.

- *Junior Membership Application & New Firefighter Membership Application:* These membership applications were unanimously approved on motion by Rich, seconded by Bergenfeld.

Route 29 Rockfall Mitigation re: Request for Letter as to Non-Support. Community Relations Manager, Meredith Hammon, contacted the Clerk because NJDOT was not finding anything in their file from West Amwell for this project. Ms. Hammon was advised that the reason for this was that there was not support for it. Something in writing was requested.

RESOLUTION #30-2017
NON SUPPORT OF STATE ROUTE 29 ROCKFALL MITIGATION

WHEREAS, the New Jersey Department of Transportation (NJDOT) is currently undertaking a rockfall mitigation project on State Route 29 in West Amwell Township; and

WHEREAS, this project is purported to reduce the frequency and severity of rockfall events in the proposed project area, from MP 17.00 to 18.25; and,

WHEREAS, the Township Committee is not convinced that there has been sufficient problems in the area under consideration to fund this particular segment and has further concern over the loss of character that the project bring; and

NOW, THEREFORE BE IT RESOLVED by the governing body of West Amwell Township, County of Hunterdon and State of New Jersey that it does not support the design phase of the rockfall mitigation project on State Route 29 in West Amwell Township, as recommended by the NJDOT

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to NJDOT as requested.

The Resolution was unanimously approved on motion by Bergenfeld, seconded by Cally.

NEW BUSINESS

E-mail Accounts – The Township's e-mail account was disconnected recently due to overages. That there was a limit on the Qscend server was an unknown until this happened. The top offenders were notified, including Mr. Rich, who noted for the minutes that he was the only one that listened to the Clerk on this. Although service has been re-established, once the problem was determined with Qscend, a way needs to be found to bring everything off of their server onto individual computers, a thumb drive, a CD or whatever, keeping in mind the retention requirements. Qscend advised against putting the e-mails on the cloud as then there would need to be an administrator involved to be able to delete anything. The recommendation was to remove to the Township side. As for paying for additional space, that information was not offered. The easiest way to resolve this is for everyone to keep on top of their e-mail situation and delete according to the retention schedules as then the problem goes away. Various scenarios were discussed on how to proceed, including purchasing a 2 terabyte drive to pass around for downloads. Dave Beaumont offered to contact Qscend to see how they handle things for other municipalities and Harry Heller will look into a shared service with the County on their server. Mr. Heller noted that his recollection was that Qscend said that there would be no problem whatsoever with this sort of thing, which was the reason we went to them originally. Mrs. Olsen relayed that Qscend was expecting us to take e-mails off their server and onto our individual computers. Mr. Heller stated that that's one of the worst things to do because computers crash. The offers made by Mr. Beaumont and Mr. Heller to work on this were most appreciated.

South Hunterdon Regional Band Parents Associations re: Raffle Application

- *Findings & Determination:* The form was reviewed by the Township Committee for concurrence. Approved.

- *Resolution:*

RESOLUTION #31-2017

WHEREAS, application has been received 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: South Hunterdon Regional Band Parents Association
BENEFIT: Marching Band Camp Fees
DATE: March 11, 2017
TIME: 5:30 – 11:00 p.m.
LOCATION: South Hunterdon Regional High School
301 Mt. Airy-Harb. Road, Lambertville NJ 08530

The Resolution was unanimously approved on motion by Cally, seconded by Bergenfeld.

Resolution Urging State Legislature Approval of A-1834/S-178 – Mayor Dale urged approval of the resolution as this is something truly needed by the Hunterdon Medical Center.

RESOLUTION #32-2017

Resolution Urging the State Legislature to approve A-1834/S-178 which requires the Department of Health to license additional angioplasty facilities, with at least one in each county

WHEREAS, heart disease remains the number one cause of death in Hunterdon County; and

WHEREAS, Hunterdon Medical Center is the sole hospital in Hunterdon County providing healthcare services to 26 municipalities and surrounding communities in Mercer, Somerset, and Warren Counties; and

WHEREAS, Hunterdon Medical Center has expert Cardiologists and state-of-the-art facilities where non-elective emergency angioplasty procedures are performed with great success and excellent outcomes; and

WHEREAS, Hunterdon Medical Center does not have state approval to conduct elective angioplasty, a scheduled treatment to open narrowed arteries of the heart, therefore exposing cardiac patients to severe risk; and

WHEREAS, Although national studies have concluded that performing elective angioplasty at facilities without surgical back-up is safe, Hunterdon Medical Center cardiac patients must go to alternate and out of state facilities when the procedure can be conducted successfully at the medical center; and

WHEREAS, New Jersey is one of only a small number of states nationally without regulations allowing for the safe conduction of elective angioplasty at qualified facilities without on-site cardiac surgery; and

WHEREAS, New Jersey has a responsibility to provide comprehensive, preventive cardiac healthcare resources with equal access to all of the state's citizens and

WHEREAS, Assemblymen Herbert Conaway and Jack Ciattarelli and Senators Christopher Bateman and Jeff Van Drew have introduced A-1834/S-178, which requires the Department of Health to license additional angioplasty facilities, with at least one facility in each county;

NOW, THEREFORE, BE IT RESOLVED, that the West Amwell Township Committee urges the legislature to approve A-1834/S-178 as swiftly as possible, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Commissioner of the Department of Health, the Lieutenant Governor and the Governor of State of New Jersey.

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

Salary & Wage Amendment Resolution – This is to correct an error made in the proposed, agreed upon, salary increase for Mr. Rosso per a memorandum received from the Construction Office Manager.

RESOLUTION #33-2017

Amending Resolution #26-2017; #95-2016

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2016 Salary and Wage Resolution, adopted July 20, 2016 be amended as follows:

Position	Salary/Compensation
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Delete:

Building Sub-Code Official Rosso	\$25,000.00
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Add:

Building Sub-Code Official Rosso	\$25,400.00
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The Resolution was unanimously approved on motion by Bergenfeld, seconded by Rich.

Request from Lambertville Concerning a Cost Split for ACO Class – The new ACO has advised concerning an upcoming animal cruelty class and has requested Lambertville and West Amwell consider providing the funding. The cost split would be \$439.50 per municipality and would be paid from the animal trust account. The request was conditionally approved dependent on whether or not Lambertville approved the request at their meeting last evening.

Discussion re: FCC Seeks Comment on Wireless Facility Siting in the Right of Way – Mr. Cally offered initial insight into a proposal to expand the wireless network. The purpose is to provide better service but unlike cell towers where the company pays for space, placement would be in the right of way. As wireless facilities are considered a utility, there's no payment to the municipality. There are some municipalities that are trying to prevent this from happening, and there are companies that will actually go in, set it up, and then lease it out to the wireless provider. This makes the former a secondary entity although the federal trade commission, or FCC, wants the utility to do this themselves. Although the wireless providers should be doing this, Mr. Cally commented that it looks like everything depends on what a municipality's regulations are concerning the ROW and how they can get away with it. He mentioned that one municipality in the article was trying to be proactive in terms of protecting home rule and gave an example of an ordinance which might be worth reviewing. Mr. Cally commented that he thought that this is something that the Township Committee should be aware of because of the municipality's rural nature. The extent of impact by this is unknown but the companies are going to continue to expand these things. It's coming to our community; it'll be in the ROW; and, the extent as to look, height, and impact is unknown.

Reminiscent of the cell tower controversy some 15 years ago, whereby the State finally stepped in and deemed them a utility, Mr. Cally relayed that these too are being classified as such. Certain protections will be afforded and because the government wants to expand the wireless network, this is coming to West Amwell sometime soon. Therefore, it's a matter of deciding how to move forward while protecting whatever oversight is available to the Township.

Mr. Dale offered that these comments are interesting in that Verizon has just provided the Township with literature concerning this subject together with pictures of what is being called mini nodules. Basically, this is something that is put on top of the phone pole to increase their coverage area. However, he also noted that it is Verizon now but there's also T-mobile and Sprint to come and expressed concern about what the end product would look like.

Mr. Cally continued that he brought this up because of the proposed expansion and the importance of being aware as these things will be cropping up everywhere given the direction that this type of utility needs to go in order to afford people with better access.

Harry Heller was invited to comment and added that this reinforces what's been thought for a while now as Verizon has been abandoning their copper. Now they're pushing for a pole top unit whereby there will no longer be a wire coming into a house. Instead there will be a box that will communicate with the pole top units but when the power goes out, there may not be the ability to call 911. Verizon has done this at the shore and a lot of municipalities, specifically those hit by the hurricane, are to the point of posting Verizon complaint forms on their websites because of all the problems they've had with the units. Now that Verizon wants to put the units in the ROW, he urged the Committee to do whatever possible to understand what is being proposed and whether there's an ability to tax them or something. Because once this is done, the wired lines will disappear.

Discussion continued over what multiple nodules would look like, whose poles would be involved, and the side deals for space. All Township Committee members were urged to read the information that has been provided as Verizon will be on the agenda soon. Mr. Cally noted that as this is getting a push from the federal government, and the companies are going along with it, that the best interests of the community need to be considered.

Department Head Updates – Mr. Rich proposed that all department heads provide a status update to the Township Committee once a month to relay problems, needs, upcoming/current projects, etc. A five minute slot would be provided early in whatever meeting is chosen. An e-mail to this effect is to be sent to all department heads.

2017 Municipal Aid Grant –

Township of West Amwell
Resolution No. 34-2017

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Rocktown-Lambertville Road - Phase 3 project.

NOW, THEREFORE, BE IT RESOLVED that Council of West Amwell Township formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Municipal Engineer and Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Rocktown-Lambertville Road - Phase 3 - 00487 to the New Jersey Department of Transportation on behalf of West Amwell Township.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of West Amwell Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council
On this 18th day of January, 2017

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

(Clerk)

(Presiding Officer)

The Resolution was unanimously approved on motion by Cally, seconded by Bergenfeld.

2017 Hell of Hunterdon Bicycle Ride, March 25th – This is an annual event by the group. A course map was provided with the route basically the same as last year. The ride merely passes through the Township, although an aid station will be located at the Wheelfine Bicycle Shop on CR518 at Hunter Road. Permission is sought to use temporary signs to mark the course. A Certification of Insurance will be provided. No objections were offered by the governing body and the group will be so notified.

Course Reimbursement Request from DPW Supervisor Rollero – Mr. Rollero recently completed a workshop course to maintain credits for his asphalt/pavement certification. This is an accreditation that was earned prior to his employment here; is something that he intends to maintain going forward; and, feels that it is a benefit to the township for him to do so. The cost of the workshop was \$70.00. A Committee determination as to a reimbursement was requested. The request was approved.

Lubchansky Filing – This discussion was deemed best for a Closed Session. Held.

Construction/Zoning Office Manager – Mayor Dale relayed a change of title to the referenced one and an increase of \$5.00/hr (\$27.44/hr) for the position. An ordinance will be prepared for the next meeting.

OPEN TO THE PUBLIC

Mr. Bergenfeld inquired about the status of the Connaught Hill lots. Attorney Faherty advised that the cost of the title insurance needs to be received and added to the bill.

Dave Beaumont relayed that the requested STOP signs are being made. He proceeded to welcome the two new members of the Committee. Also noted was the raised condition of the sidewalk at the corner of building. This will be brought to the attention of the DPW. Also mentioned was the current ruling by the NJ Supreme Court on the affordable housing 'gap' issue as it relates to community responsibilities and legal obligation.

Jeff Ent relayed that he recently learned that there's been no generator at the firehouse for two weeks. Mr. Bergenfeld advised that access to the CT cabinet was needed and that this should be resolved either tomorrow or Friday. The need for a backup plan was noted.

Mr. Rich inquired about receiving meeting packets as a PDF via e-mail. Suggestion held due to logistical issues involved.

Attorney Faherty corrected some information relayed earlier concerning the Fire Company. Apparently Township Committee oversight could have been included in the 1956 ordinance. However, all that was done was to establish a fire company. This could be changed through an amendment to the ordinance. According to the statute "In any municipality not having a paid or part-paid fire department and force, the governing body, by ordinance, may contract with a volunteer fire company or companies in such municipality, for purposes of extinguishing fires, upon such terms and conditions as shall be deemed proper. The members of any such company shall be under the supervision and control of said municipality and in performing fire duty shall be deemed to be exercising a governmental function." The importance of hammering out a contract as discussed earlier was noted.

ADMINISTRATIVE REPORTS

Treasurer –

Presentation of Bills for Approval:

RESOLUTION #35-2017

BE IT RESOLVED by the Township Committee of the Township of West Amwell that the vouchers listed on the Bill List, in the amount of \$1,714,209.814, dated January 18, 2017, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

Rich motioned to approve the evening's bills for payment, seconded by Bergenfeld, and carried unanimously.

Tax Collector – The monthly report for December 2016 was received showing receipts in the amount of \$191,285.11. The 2016 Annual Report advised that \$11,420,029.84 was collected over all categories. (*Copy attached to the original minutes*)

Construction – The Permit Fee Log Summary for December 2016 reflect the issuance of 23 permits/updates for a total of \$6,720.00 for West Amwell. Two (2) CO's and eighteen (18) CA's were processed per the Certificate Log Summary. The Permit Fee Log Summary for East Amwell reported 26 permits/updates issued and \$5,794.00 collected. One (1) CO and nineteen (19) CA's were processed according to the Certificate Log Summary.

Court – The December 2016 monthly report was received showing a ticket total of 181 (112 local) and the receipt of \$5,994.54.

Police – The December 2016 Monthly Report showing 809 incidents, 127 summonses/special complaints and 0 warnings was received. Thirty five (35) summonses were issued in conjunction with the shared service with East Amwell.

Website Review – Not addressed.

The reports were accepted as received without comment.

Closed Session –

RESOLUTION #36-2017

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/PUBLIC SAFETY

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

4. This Resolution shall take effect immediately.

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

The Closed Session was entered at 9:56 p.m., with a return to Open Session at 10:35 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 10:36 p.m. on motion from Bergenfeld.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: February 1, 2017