

**WEST AMWELL TOWNSHIP COMMITTEE MEETING**  
**July 27, 2011**

**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 Molnar, Deputy Mayor George Fisher, Committeeman Zachary Rich and Attorney Philip J. Faherty III. Also in attendance were Justin Holohan, Sean Pfeiffer, Mike Aneskewich, Rob Fulper, Dave Beaumont, Joanne Speranza, Cathy Urbanski, Howard Hope and reporters Renee Kiriluk-Hill (Democrat) and John Tredrea (Beacon).

Mayor Molnar 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 1, 2011, 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**

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

**AGENDA REVIEW BY TOWNSHIP CLERK**

The following items were added: 9.B Unfinished Business – SHREC/Utility Agreement & Resolution; 10.O New Business - Shared Services Questionnaire; 12.C Administrative - Clerk/Human Resource/Jones Resolution.

**ANNOUNCEMENTS**

The following announcements were made:

- Senator Doherty Town Hall Meeting, Municipal Building Sept 15<sup>th</sup>, 7:30 pm
- PSE&G Power Line Work, Various Lines, Begins Sept 2011 into 2012
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

**PRESENTATION OF MINUTES**

The following minutes were unanimously approved on motion from Fisher, seconded by Rich. June 22, 2011 Regular; June 22, 2011 Closed Session; July 21, 2011 Special.

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

Joanne Speranza, 98 Rocktown-Lamb. Road, read a letter (copy attached) into the record concerning the continuing problem of the extremely noxious and vile odors arising from the delivery and/or distribution of food by-products provided by Johanna Farms to the Fulper farms for use as crop fertilizer. Also outlined were her efforts and contemplated next steps if the situation is not remediated. A brief exchange then took place between Ms. Speranza and Rob Fulper over problems experienced with the former's pool since Memorial Day.

Rob Fulper came forward in response and noted that the family has been working with Johanna Foods on this by-product for quite a few years. He relayed that the biggest disadvantage of this product is the odor, a fact that has never been denied, but he has made efforts to mitigate the problem as well as to avoid weekend and holiday spreading. However, sometimes the odor comes back, especially if it rains. Mr. Fulper explained that what is spread is a by-product of food/juice processing which has been aerobically digested and turned into sludge in the lagoon. The sludge, which unfortunately has a negative connotation, is made up of bacteria that have died; then separated off; squeezed; and, delivered to his farm. The remaining liquid in the lagoon is piped to the Raritan Water Authority and is crystal clear. Johanna has done this part of the operation very well but has struggled with the sludge side, especially if the bugs in the lagoon get upset and the product isn't properly digested. Mr. Fulper acknowledged that they have had an issue with where the product is kept on their site and also if it sits too long in extremely hot weather it goes anaerobic, which results in an odor problem. Due to the terrible heat, they have stopped spreading for now. Mr. Fulper noted that with all the talk about renewable energy, recycling, etc., this food by-product is one of the best things that they have done for their soils and the crops show it. The product is a soil amendment/organic fertilizer; is organic matter; has some phosphorus; and, nitrogen. It replaces the necessity of buying synthetic fertilizers, which contain heavy metals. This product is controlled by DEP and undergoes rigorous testing and sampling, which is why he believes it to be safe, and one that is the right thing to do for the soils, although the odor has been a big challenge. The latter is

something that he is attempting to be most conscious of and is also something that Johanna Foods is very concerned about because they have an image to protect; do not want to be a bad neighbor; and, are therefore taking some major steps in their lagoon process in order to have a better product. Mr. Fulper continued that there are lots of struggles and challenges encountered with keeping a farm in New Jersey but this product is a good thing—a fertilizer product that's recycled; saves fertilizer cost; is available locally from the plant; is the greatest thing to put on the soil; and, an important part of their operation. He would like to try to keep working with the product; wants to be considerate of the neighbors; doesn't want to have to come here; and, appreciates it when people call him directly as he is willing to work with them. As for the pool thing mentioned earlier, Mr. Fulper admitted that he doesn't know enough about it although he finds it really hard to believe. If it were surface water running off from the fields, this would definitely be a problem but air borne is highly unlikely.

An extended exchange between members of the committee and Mr. Fulper ensued over items such as the amount spread, the nutrient management plan, the method of application, the composition of the product and how it is spread, the issue of smell, when/how it is stored and past practices that did not work well. Other items mentioned were that Johanna is reportedly in the process of major change or re-construction as efforts to work within the confines of their existing system are not solving the problem. Mr. Fulper also relayed that if the product is not distributed as fertilizer, it goes to an incinerator and burned which, in his opinion, is a waste. In addition, the Dept of Ag encourages the use of such products as they can be good for the farmer. The product is safe; it's a food by-product; bio-degradable detergents are used when the machines are cleaned; and, everything is monitored as DEP takes frequent samples of both the liquid and the cake. It's a very controlled product, otherwise he wouldn't be interested in using it.

Attorney Faherty was requested to speak to the issue; relayed that this situation has directly affected him for many years; expressed a bit of disappointment with Johanna as his letters in 2008/09 requesting information never received a response or even a phone call acknowledging receipt of same; and, queried how the purported quality of life issue raised is balanced against the right to farm and a taxpayer's right to live.

Ms. Speranza added that she has always commended Mr. Fulper on his farming ability/greenness; proceeded to present a copy of the permit with detailed application parameters; and, noted that while the product is giving something back to the earth, which is what DEP wants, they also publish an odor fact sheet that explains what is and is not acceptable. The latter shows that DEP is aware that some of these things can cause lack of quality of life and was put in place by the air pollution control act whereby complaints can be filed with them and ultimately sent to the Board of Health. She continued that the quality of life is definitely affected throughout the area; that while she understands that the product is good for the earth, she is not willing to sacrifice her quality of life for it; that during the summer months her backyard is her oasis; that this enjoyment is not limited to special events; it was not like this when she purchased her home several years ago; and, the odor is not a healthy one. She also questioned why it has taken until now for Mr. Fulper to become more involved in trying to rectify a problem that has brought people to their breaking point.

That Johanna has been working on the problem and thought it was under control was reiterated by Mr. Fulper and noted that the microbiology issue is complicated. He believes that taking more moisture out of the cake would help but doesn't know whether this would be feasible given the energy balancing act. Although this is a challenge, it is not his business in that Johanna Foods holds the permit and he works with them. His interaction with DEP is limited as is his interaction with the management of the Johanna facility. He knows what he has to do; where the product needs to go; and, that it needs to be spread quickly but weather impacts and dictates farming operations.

Mr. Molnar expressed appreciation to Ms. Speranza and Mr. Fulper for their attendance and information and hopes that there will be some word from Johanna Farms on the issue.

Dave Beaumont reported on the Regional Feasibility Study being undertaken by South Hunterdon on behalf of all sending districts. The issue was on the ballot to spend up to \$50,000 on a study and a committee was formed of members from each of the school boards, some community members and the administration from the schools are acting in an advisory role. A RFP resulted in the selection of Porzio Bromberg & Newman and South, on behalf of all the schools, voted to go with them. Their bid was on the high bid side but the maximum amount would be \$50,000, depending on various items selected. Porzio came back and said they

would top out at about \$44,000, giving a little leeway in case there's some additional work needed. The vendor is working on the contract and the expectation is that they would start collecting data in the August-September time frame with a preliminary draft in November/December and maybe a question on the ballot in April, although the outcome of the study is unknown. One of the good things about Porizo is that they have actually done the most feasibility studies in the state albeit in the reverse. They understand; know the reasons against regionalization; and, have the right kind of experience.

On a different topic, Mr. Beaumont noted that the website group will be meeting Wednesday and suggested that it might be good if one of the Committee members could attend or provide some feedback about the requirements for the website; its look; and, noted that it should serve the community's needs as well as those of the Township. He also inquired whether this would be an ad hoc group or something longer term to provide oversight.

Justin Holohan, 120 Rock Road West, inquired about the solar farm proposed for property on 518 as he's been hearing a lot in the community; thought he'd come directly to the Committee for answers; and, was glad that Mrs. Urbanski and Mr. Fulper were in attendance to possibly share some information. Specially he was interested in knowing if there be any tax property relief with this installation (no); will residents receive free energy or see reduced energy costs with this installation (no); how traffic patterns would change on 518; if there would be a new entrance; whether there would be any hazardous materials brought onto the construction site or used on the solar farm; and, what this solar farm would do for West Amwell winters and snow removal. Mr. Fulper indicated that he could not discuss the matter as it is still in the hearing process. Mr. Holohan was also advised that the Zoning Board is an autonomous, quasi-judicial body; has their own attorney; and, works independently of the Township Committee.

*This portion of the meeting was closed at 7:46 p.m.*

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

**Public Hearing:** Ordinance 11, 2011 AN ORDINANCE TO AMEND AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY.

Proof of publication in the June 30, 2011 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the June 22, 2011 Township Committee meeting. Mr. Molnar read the Ordinance by title and opened the public hearing. It was explained that this Ordinance permits payment to the Zoning Board secretary for special meetings. Hearing no comments, the public hearing was unanimously closed.

*Fisher moved for adoption of the Ordinance and Rich seconded. Roll Call: Rich-aye, Fisher-aye, Molnar-aye*

## **SPECIAL AND/OR STANDING COMMITTEE REPORTS**

### **Open Space**

- *Discussion Concerning Potential New Project* – Mr. Pfeiffer relayed that he was approached by a representative of the Elks Clubs regarding their property on 179 and whether the Township would have any interest in purchasing it. The property is located at the intersection of Rt. 179 & Mt. Airy Village Road and borders Mill Road and the hypothetical Mt. Airy by-pass. The original purchase price 10 years ago was \$138,000. The property is currently for sale and the group would probably be willing to accept less than that. The number of acres varies between the tax map and the tax book—7 areas on the former; 6 on the latter. A property of this nature would not normally be considered for purchase due to its size but given its central location in the northern part of the Township and road access from different areas, it may be desirable for a future municipal park. No developments rights would be retired, other than the one house allowed, but there is a fairly large approved septic design (no reserve) for the lot as the original intent was to build a lodge. In response to a question about whether this is a commercial lot, it was noted that the current zoning is residential RR5 but that the Elks had received a variance from the Zoning Board several years ago and that at one time the commercial zoning extended further up 179. Mr. Pfeiffer further relayed that John Dupuis and the Parks & Recreation committee always talk about the need for a future park facility, which is another reason this was being brought before the Committee. If the Township were to purchase the property in fee, an appraisal would be needed. If active recreation is contemplated, soil

tests to prove that toxic levels of pesticides are not present and, due to previous farming activity, an environmental assessment would have to be done. An appraisal typically runs about \$2500; an environmental assessment depends on the size the property but would probably be a couple of thousand; and, \$1500 for the base report with additional soil testing running another thousand or two more. Once an agreement is reached on price, there would be costs associated with legal, survey, and title issues, although the possibility of getting 50% of the cost paid for with Green Acres grant funds was mentioned. If purchased, the idea would be to hold it indefinitely for a future municipal part site, the benefits of which would include road frontage and parking. A brief discussion ensued over the need for more preserved acres; the proposed County park on Gulick Road; and, the acreage in Calton. The problem with the latter is that only people in the development would be using it and parking and impervious coverage issues have precluded development discussions. In Mr. Pfeiffer opinion, if open space trust money were to be expended on a park, it should be something that's generally available to everybody in the township not just one side of the township or one development. The general consensus was to sit tight on this, so Mr. Pfeiffer will relay to the Elks that the Township is not interested for now.

- *Project Status Updates* – Work has begun on updating the open space plan and permission to start involving the planner's office and updating the maps is sought. Mr. Pfeiffer noted that this activity was budgeted for in the open space trust fund hearing and approved earlier this year and that the two maps include 1) preserved properties for the Master Plan that was last updated five years ago and is missing around 1600 acres and 2) public access areas suggested by Mr. Fisher. The budgeted \$6000 was to cover the planner's review of the Master Plan, which should be minimal, with the rest going for the GIS mapping. The cost issue sparked a discussion over the need to spend the money; the purpose of each map; the need to complete the Master Plan; what is involved with the map update process; that the conservation plan/farmland preservation plan are both elements of the Master Plan, which the Township adopted in order to get State funding; and, periodic updates to the maps is required. Mr. Pfeiffer relayed that the Township does not have the software to do the mapping updates in-house and what is available on the ARC view map is not something that can be given to the State or County as an electronic version for updating planning documents for grant funding. An updated open space plan and map are also needed to get Sustainable Jersey certification. The fact that the Township is suppose to update the Master Plan every six years, although legislation is pending to change this to 10 years, the clock on the current six year period is running out. The second map mentioned earlier, and the need for which was agreed with by other open space committee members, was the one for trails. Similar comments have been heard from the public and that money is in this year's budget for it has been relayed to those who have asked. This map would involve not only State properties, which are already on the open space map, but all Township public access easements. Mr. Pfeiffer proposed moving forward with the master plan/GIS map first and see how much money remains. This direction received Committee approval.

### **Environmental**

- *Authorization to Post June 9, 2011 Minutes to Website* – Approved for posting.

- *Alexauken Creek Implementation Project* – Cathy Urbanski relayed that she met with Stephen Sousa on July 18<sup>th</sup> about the proposed \$500,000 DEP grant money available to the Township for a project. She indicated that the number one project proposed is for the Kiriluk property as he has complained that the Orleans development caused serious erosion and flooding to his property. The fish are gone and now there's algae growing. The proposal, and others will be coming, is to re-do the detention basin at Orleans because it was constructed prior to State stormwater regulations and the Township's stormwater ordinance. Mrs. Urbanski explained that what is currently in place at Orleans is just a concrete pipe from all the storm drains that dumps right into the Alexauken, which is totally inefficient, and the proposal would involve a bio retention basin. Other ideas include keeping the cows out the creek to improve water quality and stabilizing the stream bank to prevent the erosion that is causing the loss of about a foot of ground per year. These projects would run about \$300,000, which would leave another \$200,000. Questions about fees involved; cost to the Township; who is doing the ranking/choosing; and, what DEP is looking for were raised and will be investigated further. Mrs. Urbanski noted that the alert was provided by the DEP 319 grant agent to Dr. Sousa because of his connection with the earlier watershed grant work. There are apparently only twenty municipalities in the State that have an approved watershed protection plan, so if the Township can show case a good project, the DEP will pay out a lot of money for it. Mrs. Urbanski will continue to meet with Dr. Sousa about available projects and will report back with the ones that seem best-- with the understanding that the Committee is still looking and doesn't wish to be stuck with any costs.

- *Citizens Stormwater Advisory Committee Report* – This newly organized group has met and come up with point projects to satisfy the requirements of the program. These include: 1 point for the posting of stormwater materials on the website, which should be done hopefully by the end of the year; 2 points for the stormwater display that was available at the Country Fair; 2 points for the formation and meeting of the CSAC; and, 3 points for the mailing going out with the tax bill. If other points are needed next year, little blips on a local radio show hosted by Joan Van der Veen and Bruce Gage would count as 2 points for each blip. There is also stormwater training for elected municipal officials for which information has been provided to Mrs. Olsen and disseminated to the Township Committee. It was suggested that the stormwater regulations in the ordinance book and the plan itself be reviewed. Mrs. Urbanski explained that the explanation in the materials provided should be sufficient and that this can be documented on the day that the training is received. All of this provides for eleven points and compliance with the requirements for Tier B.

## **UNFINISHED BUSINESS**

**2011 Appointments** – none at this time

**Updates** – 1) A utility agreement was received from the County for the **SHREC** solar project. Attorney Faherty explained that this gives Swan Creek Energy LLC access to install electricity through the easement to the site. An application to the NJDEP for a general permit to place utility poles in a wetland buffer area has been received and is on file.

### **RESOLUTION #106-2011**

BE IT RESOLVED, that the governing body of the Township of West Amwell, County of Hunterdon does hereby approve the Utility Easement for Block 11 Lot 15 located in the Township at the South County Garage site as approved by the Hunterdon County Freeholders for the South Hunterdon Renewable Energy Cooperative (SHREC) project.

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

2) Mr. Rich overviewed the new deer management program for **Hunting** as a cross between managing the deer within the Township and giving Township residents access to hunting. Two types of permits will be offered—fall bow and shot gun/muzzle loader. A lottery will be held with Township residents having first right to the 36 permits that will be available across the different zones and different seasons. Any permits left over will be on first come first serve basis—Township resident or not. Permits are \$150.00 each and the program is expected to generate \$5400, if all permits are sold. The properties are: Titus Meadows, 15 acres, two bow and two shot gun/muzzle loader permits; Laravan-O’Boyle, 23 acres, two bow permits (no gun/muzzle loader permits due to the narrow configuration); municipal property, 20 acres, two bow and two shotgun/muzzle loader permits; Music Mountain (behind Calton), 75 acres with access off of 202, 5 bow and 5 shotgun/muzzleloader permits; and, Township Toll on Rt. 179, 130 acres, 8 bow and 8 shotgun/muzzleloader permits. The lottery will be held August 19<sup>th</sup> at 2 p.m. and applications can be made between August 1<sup>st</sup> and noon on August 19<sup>th</sup> at the Clerk’s office. Proof of residency, State hunting licenses and proof of insurance, either personal or through the NRA are required. ATVs or motorized vehicles are not allowed and only portable tree stands are permitted. Mr. Rich stated that there’s a lot of excitement in the community over having an opportunity that was not available before. He is optimistic that the program is going to work out for the Township. As to a question about whether all hunting clubs were contacted for input and are happy, Mr. Rich relayed that this is something that could have been done better; the program wasn’t fine tuned until a couple days ago; and, that the reaction is mixed due to some of hunting club members not being township residents.

Mike Aneskewich indicated that although he understands why this is being done, his concern is that he grew up on this farm but will not have an opportunity to apply for a permit. He is hopeful that there will not be enough interested Township residents. He then questioned whether someone will be allowed to bring in other people’s application or if everyone has to apply in person. This concern is based on how the State runs it for their properties and one guy will show up with twenty applications for others, which he does not think is fair. Mr. Aneskewich also inquired whether a resident can only put in for one permit during the lottery. He was advised that application can be made for any amount but once selected for a particular type of permit, there’s no ability to be selected for other properties unless there are leftovers. However, application can be made for both shotgun and bow and be picked for both but not for two shotgun on the same property. Discussion ensued over the ability to transfer permits and resulted in a decision to permit transfer among lottery winners only. State guidelines for the

number of deer that can be taken will be followed as the Township is only allowing access to a particular zone for hunting purposes.

Mr. Pfeiffer inquired about hunting on the Green Acres parcels and if Attorney Faherty ever received anything in writing from Kevin Appleget as information he received from Pam Their was that hunting couldn't be limited to Township residents, although the official response was deferred to Mr. Appleget. His concern was that Township not get into trouble with the State, receive a fine or risk grant funding. Attorney Faherty indicated that there would not be a problem but would double check. Mr. Pfeiffer also asked, with respect to the properties on the ROSI, if there would be any liability issues; if there would be coverage under the Township's insurance policy; and, expressed concern over advertised areas for general public access. He was advised that each hunter must have their own insurance and that there is an indemnification clause in the regulations. His final question concerned the Toll property and the offer that was made by one of the clubs to replace the bridge in return for hunting rights. The response was that the offer was unfair to the other hunting clubs.

Mr. Rich concluded that there will be a 10% discount for Senior Citizens, veterans, and youth. The latter classification will follow State dictates and there will be no double discounts. Mrs. Urbanski presented maps prepared by the Finance committee for the various hunting parcels that will help hunters see just where the properties are located. These will be available in the Clerk's office.

#### RESOLUTION #107-2011

WHEREAS, the Township of West Amwell is the owner of certain properties known as **Block 4, Lot 1.01** (Titus Meadows), **Block 2, Lots 3 and 5.01** (Laravan/O'Boyle), **Block 11, Lot 18** (Municipal Building property), **Block 3, Lot 20.01** (Music Mountain open space) and **Block 8, Lots 20 and 36** (Toll); and

WHEREAS, the Township has received numerous requests for permission to hunt on these properties; and

WHEREAS, said hunting rights would assist in maintaining control of the Township's deer population; and

WHEREAS, the Township has, in the past, allowed hunting on certain of its properties

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of West Amwell adopt the West Amwell Deer Management Program and application for hunting permit attached hereto for the years 2011-2012.

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

3) Mr. Fisher relayed that after spending days on the **Census Challenge**, he's has been unable to get information from them as to who signed up and where. He has also called Sue Dziemara at the County for assistance and is waiting for her to get back to him.

4) It was decided that the Township Engineer be given the green light to proceed with the final **inspections at Calton** to protect the township's interests and get the project closed out. Continued work on the required DEP dam inspection report was also approved.

5) The Court Administrator's request to be placed on the police department's Verizon Wireless account was held for the actual cost involved.

**Resolution for Liquor License** – The Attorney General has issued the special ruling for the pocket license. This means that the application can be considered for renewal.

#### RESOLUTION #108 -2011

WHEREAS, the notice of intention to apply for a renewal of a Plenary Retail Consumption License was duly received by the Clerk of the Township of West Amwell in accordance with the rules and regulations as set forth by the Division of Alcoholic Beverage Control

BE IT RESOLVED by the Township Committee of the Township of West Amwell pursuant to an act entitled "An Act Concerning Alcoholic Beverages" passed December 6, 1933 and amendments thereof and supplements thereto is hereby authorized to issue a license for the sale of alcoholic beverages in the Township of West Amwell, subject to the conditions prescribed in an Ordinance of the Township of West Amwell dated March 1, 1963, amended

February 21, 1969, October 5, 1978, April 2, 1981, February 3, 1983, August 18, 1999, April 18, 2001, April 3, 2002, October 19, 2005, July 19, 2006 and further amended on March 7, 2007.

BE IT FURTHER RESOLVED that, subject to the aforesaid conditions, the following Plenary Retail Consumption License be granted, the fee being \$2500.00 per year, effective date being July 1, 2011, Vinesse Corp. of 19 Pine Hill Road, Stockton, NJ 08559 license #1026-33-001-006. Governing Body of the said Township be and is hereby authorized to sign said license

*Fisher motioned to approve the Resolution, and Rich seconded. Roll Call: Rich-aye, Fisher-aye, Molnar-aye.*

**Purchase of Computers** – Mr. Pfeiffer presented the results of his research and the options for four new basic computers were reviewed and discussed. The decision was to go with HP, upgraded to Windows 7 Professional with flat monitors and Word/Excel software. It was suggested that a discount be requested due to ordering multiples or an office upgrade. The total cost is expected to be under \$2000.

**Discussion Concerning Possible Clean-up Day** – This was not a part of the budget but there is some money in Clean Communities. The general consensus was that this is something desired as it has not been offered in several years. Mr. Molnar will work on ordinance for possible introduction at the August meeting.

**Held Reimbursement Check** – Further information was requested as to any split of expenses between the municipalities involved.

**Award of Bond Anticipation Notes** – The results of the recent bond sale were submitted as follows by CFO Carro. The Township received a very good rate on these BANs.

## **TOWNSHIP OF WEST AMWELL AWARD OF BOND ANTICIPATION NOTES**

**TOTAL PRINCIPAL \$ 735,800.00  
CLOSING DATE JUNE 30, 2011**

**TERM: 6/30/11 – 6/29/12  
AWARDED TO TD BANK  
INTEREST RATE = 1.25%**

**PURPOSE OF SALE:  
REFINANCE OLD NOTES AND NEW MONEY  
FOR A 2010 BOND ORDINANCE**

**Resolution to Enter Closed Session** – Not needed.

### **NEW BUSINESS**

**Resolutions for Tax Appeal Settlements** – Two taxpayers filed State Tax Court appeals on their properties. Resolutions approving the settlement need Township Committee action.

#### **RESOLUTION #109-2011**

**WHEREAS**, the taxpayer, Kari Drive Associates., (“Taxpayer”) has appealed the real estate tax assessment on its properties located at 1 Kari Drive, also known as Block 8, Lot 23.04, Qualifiers C0001, C0002, C0003, C0005, C00006, C0007, C0008, C0009, C0010, C0011, C0012, C0013, C0014, C0015 for the tax year 2010, in the Tax Court of the State of New Jersey, Docket No. 012170-2010; and

**WHEREAS**, the taxpayer agreed to settle the tax appeals in accordance with the attached Condominium schedule; and

**WHEREAS**, the parties agreed that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the 2011 tax assessment and no Freeze Act year shall be the basis for application of the Freeze Act for any subsequent year; and

**WHEREAS**, the Township Assessor, David Gill, recommended the settlement be approved because of his opinion that the Township was not able to defend the existing assessments, and therefore, this proposed settlement is reasonable and reflects the correct market values for the property in the year under appeal; and

**WHEREAS**, the Stipulation of Settlement is annexed hereto and incorporated herein by this reference and has been reviewed and approved by the Township Committee; and

**WHEREAS**, as to all properties that are subject to this appeal other than Block 8, 23.04, Qual. C0007, the taxpayer agrees to accept credits in lieu of refunds at the discretion of the Township Tax Collector; and

**WHEREAS**, the taxpayer agrees to waive statutory interest pursuant to N.J.S.A. 54:3-27.2 and no such interest shall be paid on any refund due for Block 8, Lot 23.04, Qual. C007 provided that such refund is paid within sixty days of the date of entry of the Tax Court Judgment; and

**WHEREAS**, the Township Tax Assessor and Attorney have reviewed and recommend the settlement to the Township Committee; and

**WHEREAS**, the aforesaid reductions in assessment have no general application to other properties within the Township of West Amwell as a result of the aforesaid specific fact situation; and

**WHEREAS**, the Township Committee leaves the allocation between land and improvements of the aforesaid tax assessment reductions to the Township's Assessor's discretion with the direction that the same be set so as to be most beneficial to the Township; and

**WHEREAS**, the Township Committee makes this settlement with the taxpayer without prejudice to its dealings with any other Township taxpayers' request for tax assessment reduction.

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

1. The Township Tax Assessor is hereby directed to establish allocation between land and improvements of total tax assessment reductions as stipulated on the attached Condominium schedule for the 2010 tax year for Block 8, Lot 23.04, Qualifiers C0001 through C00015 which are most beneficial to the Township and advise the Township Special Tax Attorney, Martin Allen, of that allocation.
2. The Township Special Tax Attorney is hereby authorized to execute Stipulations of Settlement, copies of which are annexed hereto, relative to the tax appeal of Kari Drive Associates, vs. Township of West Amwell, Docket No. 012170-2010; and which further provides that as to all properties that are the subject of this appeal other than Block 8, Lot 23.04, Qualifier 0007, the taxpayer agrees to accept credits in lieu of refunds at the discretion of the Township Tax Collector; and which further provides that the Taxpayer agrees to waive statutory interest pursuant to N.J.S.A. 54:3-27.2 and no such interest shall be paid in connection with any refund due as to Block 8, Lot 23.04, Qualifier 0007.
3. The allocation between the land and improvements as established by the Township Tax Assessor shall be set forth in said Stipulations of Settlement.
4. The settlement outlined above shall be without prejudice to the Township of West Amwell's dealings with any other Township taxpayers' request for tax assessment reductions.

*Fisher motioned to approve the Resolution and Rich seconded. Roll Call: Rich-aye, Fisher-aye, Molnar-aye.*

#### **RESOLUTION #110-2011**

**WHEREAS**, the taxpayer, Costello, Bernard, ("Taxpayer") has appealed the real estate tax assessment on its property located at 424 Route 31 North, also known as Block 21, Lot 13, for the tax years 2010 and 2011, in the Tax Court of the State of New Jersey, Docket Nos. 002434-2010 and 000494-2011; and

**WHEREAS**, the taxpayer agreed to settle the tax appeals by affirming the 2010 assessment and agreeing to accept a reduction of the 2011 assessment from \$1,050,000 to a total tax assessment of \$900,000; and

**WHEREAS**, the Township Assessor, David Gill, recommended the settlement be approved because in his opinion the Township was not able to defend the existing assessments, and therefore, this proposed settlement is reasonable and reflects the correct market values for the property in the years under appeal; and

**WHEREAS**, the Stipulation of Settlement is annexed hereto and incorporated herein by this reference and has been reviewed and approved by the Township Committee; and

**WHEREAS**, the Taxpayer agreed to waive statutory interest pursuant to N.J.S.A. 54:3-27.2 and no such interest shall be paid on any refund due provided that such refund is paid within sixty days of the date of entry of the Tax Court Judgment; and

**WHEREAS**, all tax overpayments shall be by refund check made jointly payable to "Costello, Bernard, Plaintiff and the Irwin Law Firm, P.A. as attorneys for Costello, Bernard"; and

**WHEREAS**, the Township Tax Assessor and Attorney have reviewed and recommend the settlement to the Township Committee; and

**WHEREAS**, the aforesaid reductions in assessment have no general application to other properties within the Township of West Amwell as a result of the aforesaid specific fact situation; and

**WHEREAS**, the Township Committee leaves the allocation between land and improvements of the aforesaid tax assessment reductions to the Township's Assessor's discretion with the direction that the same be set so as to be most beneficial to the Township; and

**WHEREAS**, the Township Committee makes this settlement with the taxpayer without prejudice to its dealings with any other Township taxpayers' request for tax assessment reduction.

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

4. The Township Tax Assessor is hereby directed to establish allocation between land and improvements of total tax assessment reduction of \$150,000 for the 2011 tax year for Block 21, Lot 13 which are most beneficial to the Township and advise the Township Special Tax Attorney, Martin Allen, of that allocation.
5. The Township Special Tax Attorney is hereby authorized to execute a Stipulation of Settlement, a copy of which is annexed hereto, relative to the tax appeal, Costello, Bernard, vs. Township of West Amwell, Docket Nos. 002434-2010 and 000494-2011; which further provides that the Taxpayer agrees to waive statutory interest pursuant to N.J.S.A. 54:3-27.2 and no such interest shall be paid in connection with any refund due, provided said refund is paid within sixty days of the date of the Tax Court Judgment; and which further provides all tax overpayments shall be by refund check made jointly payable to Costello, Bernard, Plaintiff and/or the Irwin Law Firm, P.A. as attorneys for Costello, Bernard, Plaintiff.
6. The allocation between the land and improvements as established by the Township Tax Assessor shall be set forth in said Stipulations of Settlement.
4. The settlement outlined above shall be without prejudice to the Township of West Amwell's dealings with any other Township taxpayers' request for tax assessment reductions.

*Rich motioned to approve the Resolution and Fisher seconded. Roll Call: Rich-aye, Fisher-aye, Molnar-aye.*

#### **Resolutions of Award**

- *Tub Grinding* – Mr. Rich offered that he thinks that Britton Industries will come and haul the pile away for grinding at their mulching facility at no charge. He suggested that a call be placed

to the office and that he will call the salesman. Item held.

- DPW Car/Truck Lift

RESOLUTION # 111-2011

WHEREAS, there is a need for a Mohawk Sys-1, 10,000 lb. capacity car/truck lift for DPW operations; and

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

Specialty Automotive Equipment Company	\$7,000 delivered/installed
Autoquip Sales, Inc	\$7,700 plus freight/installation

WHEREAS, the quotes are under the bid threshold; and

WHEREAS, the apparent low quote was provided by Specialty Automotive Equipment Company and a Certificate of Insurance will be required prior to the start of any work; and

WHEREAS, a Business Registration Certification has been received

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the quote for a Mohawk Sys-1, 10,000 lb. capacity lift the DPW be awarded to Specialty Automotive Equipment Company.

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

- M & R Materials

RESOLUTION #112-2011

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 Bitumionous	New Hope Quarry
#1 1" Blend	1200 tons	\$ 8.00		no quote
#2 I-5 Blacktop	125 tons	\$63.30*	\$61.08*	
		*(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 \$9,600.00 and Flemington Bituminous' quote for I-5 Blacktop in the amount of \$7,635.00 represents the lowest overall cost to the Township; and

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

THEREFORE, BE IT RESOLVED, that the supply of 2011-12 Road Maintenance and Repair material listed in #1 above be awarded to Trap Rock Industries in a amount not to exceed \$9,600.00 and those listed in #2 above be awarded to Flemington Bituminous in an amount not to exceed \$7,635.00 at the unit price quote for pick up at the respective local locations.

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

- A/C for Police Dept. – This item could not be awarded but Mr. Fisher reviewed the situation, relaying that what he thought was covered in the grant for the firehouse in the way of a/c units was not the case. Only the middle air conditioner that is hooked up to the heater above the kitchen is slated for replacement. He has a call into the administrator. One of the overhead gas units in the fire engine bay has also been dropped as being too close to structure and against code. They're not changing it unless we move the locker where fire company gear is kept. This is something that will be checked with Randy Hoagland. All in all, Mr. Fisher expressed disappointment in the scheduled a/c work as he assumed that there was to be one three ton unit to replace the three existing ones. The contractor will not touch the Sanyo unit because it's not American made. Therefore, in order to get the cops back in operation, the

existing units will have to be replaced at Township expense. Mr. Fisher continued that perhaps the Finance committee should be charged with looking to replace the whole building. There was concurrence on this proposal and brief discussion concerning the state of both the police and road department offices ensued. Returning to the issue of police department air conditioning, a consistent set of specs for whatever work is decided upon will be needed so that all contractors quote on the same thing.

**Discussion on Various Road Issues –**

- *Rock Road West Drainage*: This particular problem is not an easy fix, according to information received from Road Supervisor Hoagland. In addition, it should not be at taxpayer expense. The area floods and a pipe is needed but this would involve design work by the Township Engineer.

- *Rock Road East*: A letter was received from Albert Draina concerning a drainage ditch at the end of his driveway.

- *Speed Bumps for Alexauken Creek*: Mr. Molnar relayed that Lt. Bartzak thinks this would be an excellent item. However, the Road Supervisor is not in favor due to concerns with snow plowing. A previous estimate from the Township Engineer for these traffic calming items was between \$2000-\$4000 each.

- *Road Tour*: A road inventory prepared in 1992 by the Township Engineer was provided.

***There was no action on the previous items as there is no money available to do the work.***

- *Old York Road Section 1 & Rocktown Hill Road Section 2*: A letter was received from NJDOT announcing the acceptance of applications for municipal aid for road projects. The Clerk was requested to inquire of the Township Engineer whether there would be a cost involved with submitting an application. If not, he should proceed with a submittal.

**Request from MS for Annual Bike Ride on Sept 18<sup>th</sup>** – Approved. A letter will be sent advising of same.

**Municipal Alliance Renewal** – An application for calendar year 2012 was received and action requested.

RESOLUTION #113-2011

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

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

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

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

1. The Township Committee does hereby support the submission of an application for the South Hunterdon Municipal Alliance grant for calendar year 2012 in the amount of \$14,700.00.
2. As Lead Municipality for the South Hunterdon Cluster, the Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the reporting of programs within its cluster area.

*Resolution unanimously approved on motion by Fisher, seconded by Molnar.*

The mayor executed the application papers.

**State Purchasing Resolutions** – The following resolutions were presented for Committee action:

- *Resolution Authorizing Contracts with Certain Approved Stated Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40a:11-12A*

RESOLUTION #114-2011

**WHEREAS**, the Township of West Amwell, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C.

5:34-7.20(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of West Amwell has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Township of West Amwell intends to enter into contracts with the attached Referenced State Contract Vendor(s) through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Township of West Amwell authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Township of West Amwell pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED, that the duration of the contract(s) between the Township of West Amwell and the Referenced State Contract Vendor(s) shall be from July 27, 2011 to December 31, 2011.

<u>Commodity/Service</u>	<u>Referenced State Contract Vendors</u>	
	<u>Vendor</u>	<u>State Contract #</u>
2011 Chevrolet Tahoe (2)/Police	Mall Chevrolet	A-73848
Paratech Maxiforce Air Bags/Fire	Continental Fire Safety, Inc	A-76103

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

*- SUVs for Police Department*

**RESOLUTION #115-2011**

**WHEREAS**, there is a need to purchase SUVs for the Township of West Amwell, in the County of Hunterdon, State of New Jersey; and

**WHEREAS**, this can be purchased through State Contract #A-78763; and

**WHEREAS**, the maximum amount of the purchase is \$80,000.00; and

**WHEREAS** the CFO has certified to the Township Clerk that funds are available in the Ordinance 10, 2011; 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 a Purchase Requisition to Mall Chevrolet for the purchase of two 2011 Chevrolet Tahoes as described in the quotation received.

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

- *Police Radar Units* – Deleted for State contract determination.

- *Air Bags for Fire Company*

**RESOLUTION #116-2011**

**WHEREAS**, there is a need to purchase Maxiforce Air bags for the Township of West Amwell, in the County of Hunterdon, State of New Jersey; and

**WHEREAS**, this can be purchased through State Contract #A76130; and

**WHEREAS**, the maximum amount of the purchase is \$8,600.00; and

**WHEREAS** the CFO has certified to the Township Clerk that funds are available in the Ordinance 10, 2011; 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 a Purchase Requisition to Continental Fire Safety Inc. for the purchase of Maxiforce Air bags as described in the quotation received.

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

**2010 Audit** – A copy of the Audit was distributed to the Township Committee on July 12<sup>th</sup> for review. There is a 45 day response time.

**RESOLUTION #117-2011**

**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 2010 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.

*Fisher motion to approve the Resolution and Rich seconded. Roll Call: Rich-aye, Fisher-aye, Molnar-aye.*

- Affidavit by Committee  
STATE OF NEW JERSEY  
COUNTY OF HUNTERDON

We, members of the governing body of the Township of West Amwell, in the County of Hunterdon, being duly sworn according to law, upon our oath depose and say:

7. We are duly elected members of the Township Committee of the Township of West Amwell in the county of Hunterdon;
8. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2009);
9. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.) <i>Thomas J. Molnar</i>	(L.S.)
(L.S.) <i>George A. Fisher</i>	(L.S.)
(L.S.) <i>Zachary T. Rich</i>	(L.S.)
(L.S.)	(L.S.)
(L.S.)	(L.S.)

The Affidavit was solemnized, signed by the Township Committee and notarized by the attorney.

- Corrective Action Plan – The following corrective action plan was provided by the CFO and was unanimously approved on motion by Fisher, seconded by Rich.

**WEST AMWELL TOWNSHIP  
CORRECTIVE ACTION PLAN  
FOR AUDIT YEAR ENDED 12/31/2010  
July 27, 2011**

**ANIMAL CONTROL TRUST - STATEMENT OF CONDITION 2010-1**

- 1. Finding:**  
**Deposits to the Animal Control Trust Fund were not made within 48 hours as required by N.J.S. 40A:5-15, nor were the late fees properly charged.**

**Corrective Action:** Township residents will be required to submit all checks for 2011 Dog Licenses to the Township Clerk's office. This will insure that deposits are made

within the required 48 hours per N.J.S. 40A:5-15. The Dog License Registrar will no longer be responsible for making the deposits. Township deposits are currently picked up by an armored car service on Monday, Wednesday and Friday. The Licensing Official has been made aware that late charges per Township ordinance should be charged consistently and uniformly to all delinquent residents.

**Municipal Best Practices Inventory** – Responses to the 2011 inventory are due September 1<sup>st</sup>. A percentage of the final State aid payment could be withheld depending on the number of affirmative responses are given. The CFO has to certify and the completed form must be an agenda item for discussion at a governing body meeting. The Clerk must certify that such a discussion occurred. Another copy of the Inventory will be disseminated to the Committee.

**Personnel Policy/Benefits Discussion & New Health Benefits Requirements** – A chart of current employee benefits—contract and non-contract—was presented but held for further review. Changes to the health benefits contributions were mentioned and that Chapter 78 requires that all local government employers participate in an IRC Section 125 plan. The latter is under investigation with the payroll service.

**Garbage Flyer for Tax Bills** – A flyer encouraging the use of municipal collection was approved for distribution in the tax bills. Kudos were extended to Deputy Clerk Haberle for the nice flyer. Tax bills are scheduled to go out by the end of the week.

**Consideration of Police “Over the Limit, Under Arrest” Resolution** –

RESOLUTION #118-2011

*Supporting the “Over the Limit Under Arrest 2011 Statewide Crackdown”*

**WHEREAS**, impaired drivers on our nation’s roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

**WHEREAS**, 25% of motor vehicle fatalities in New Jersey are alcohol-related; and

**WHEREAS**, an enforcement crackdown is planned to combat impaired driving; and

**WHEREAS**, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

**WHEREAS**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Over the Limit Under Arrest 2011 Statewide Crackdown*; and

**WHEREAS**, the project will involve increased impaired driving enforcement from August 19 through September 5, 2011; and

**WHEREAS**, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways

**THEREFORE BE IT RESOLVED**, that West Amwell Township declares its support for the *Over the Limit Under Arrest 2011 Statewide Crackdown* from August 19 through September 5, 2011 and pledges to increase awareness of the dangers of drinking and driving.

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

**Retirement Resolution** – A long-time patrolman in West Amwell is retiring August 1<sup>st</sup>. The following was presented and unanimously approved on motion by Rich, seconded by Fisher.

RESOLUTION #119-2011

**WHEREAS**, Dennis Kelly Kendig became a West Amwell Township patrolman on July 2, 1995; and

**WHEREAS**, Kelly patrolled the roads, lanes and by-ways of the Township for over 16 years in the ongoing effort to keep the community safe and protected; and

WHEREAS, Kelly has served as the Department's DARE officer for the local schools for several years in an effort to keep kids off of harmful drugs and involved in positive activities; and

WHEREAS, during his time with the Township police department, Kelly received several letters of appreciation for his service and assistance to the public at large; and

WHEREAS, Patrolman First Class Dennis Kelly Kendig will reach the New Jersey mandatory retirement age for all Police Officers and will retire from Township service on August 1, 2011

NOW THEREFORE BE IT RESOLVED that the West Amwell Township Committee extends appreciation to Dennis Kelly Kendig on behalf of all Township residents for his work on their behalf

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Dennis Kelly Kendig; and

BE IT FURTHER RESOLVED that this resolution be entered into the official minutes of West Amwell Township in acknowledgement of his service and dedication to the community

*Thomas J. Molnar*

*George A. Fisher*

*Zach Rich*

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Thomas J. Molnar  
Mayor

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George A. Fisher  
Deputy Mayor

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Zachary T. Rich  
Committeeman

**Garden State Suit** – The Township received notice that it is being sued for approximately \$1200 plus interest and other costs by Schwartz Simon Edelstein Celso & Zitonmer LLC on behalf of Garden State Electrical Inspectors, a company that went bankrupt in 2005. A reply is due by August 22<sup>nd</sup>. Attorney Faherty will contact the attorney involved for proof that the inspections were actually done and to hopefully short circuit the suit. Our insurance company has also been contacted, but as usual there's no coverage.

**Opening of Buddies Restaurant** – There's been a lot of activity at this establishment of late and a food license application has been received, albeit not complete as \$200.00 is still owed, and they have yet to finish their construction permits for a CO. As soon as all permits are completed and the County signs off, a license will be issued. The owners anticipate opening sometime next week.

**Shared Service Questionnaires/Hunterdon County** – A completed questionnaire for Tax Assessor and Animal Control Officer was presented for review. Items approved for forwarding to Freeholder Walton.

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

Attorney Faherty relayed that there's a way for the Township to keep more of the money collected in fines by the adoption of a particular ordinance. It's something that can be used to amend a more serious charge, if it's a factual situation that fits, to something called interference with a police officer. It allows for the substitution for the more serious charge; keeps someone from getting a record if it is not really deserved and, most importantly, all the money stays in the Township. He'll put one together and send it around for consideration. He noted that a lot of people are willing to pay up to \$1200 and not have a criminal record.

Howard Hope inquired about the hunting regulations and was advised that they will be posted on the website.

Dave Beaumont relayed that the high school now has Community Service requirements for graduation. He suggested that ideas be solicited from the community via the website with the high school being a clearing house for consideration of the ideas presented. He would work out the details with the high school and report back. The concept was received favorably.

Mr. Rich offered that a group of representatives is needed to get public relations in order with the high school, nothing that this one of the most important things that they could do. Mr. Beaumont relayed that PR was one of the goals and objectives at last year's annual retreat—something that never been done before due to other pressing issues, such as time and building projects. This is now a recognized need and Mr. Beaumont made two recommendations to address the situation: 1) get to the community—people who don't have any relationship/connection with the school by perhaps opening up the auditorium to non school

related functions; and, 2) assemble a communicators group made up of key individuals from the community that are not specifically connected to the school to facilitate the sharing of information. He believes that this would be a great way to win a relationship and is of the opinion that the school definitely wants help. Mr. Beaumont also stated that the budget is owned by the Board, not the superintendent, so it is their responsibility to sell it to the residents. Mr. Rich requested that Mr. Beaumont relay that there's no hard feelings on his end from the past budget discussions and that he wants to help see that their budget gets passed.

Mrs. Olsen noted that one item on the Best Practices list mentioned earlier is if there's been a meeting with the Board to go over what their needs are.

## **ADMINISTRATIVE REPORTS**

### **Treasurer –**

#### **RESOLUTION #120-2011**

WHEREAS, The State of New Jersey has passed the following legislation-Chapter 54, P.L. 1995-Developer Escrow Statute Amendments, effective September 13, 1995; and

WHEREAS, to comply with N.J.S.A. 40:55D-53.2 the Municipality must adopt a schedule of the fees and charges of all professionals whose services might be charged to developers;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell that the following fees and charges of professionals are:

Zoning Board of Adjustment Engineer

Van Cleef Engineering Associates - \$133.00

Planning Board Engineer

Van Cleef Engineering Associates- \$ 146.00

Heritage Engineering Associates-\$168.00

Zoning Board of Adjustment Attorney

Stewart Palilonis -\$150.00 per hour

Zoning Board Planning Consultant

Anthony Mercantante - \$126.00

Planning Board Attorney

Felter, Cain & Shurts, Esq - \$150.00 per hour plus  
reimbursement of out of pocket expenses

Planning Board Planning Consultant

Clarke Caton Hintz - \$150.00

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

Presentation of Bills for Approval: Several items were questioned and addressed. However, a follow up on the \$1000 bill for police badges will be made by Mr. Molnar.

#### **RESOLUTION #121-2011**

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 \$1,784,219.47 dated July 27, 2011, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

Fisher motioned to approve the evening's bills for payment, seconded by Molnar. Motion carried unanimously.

Statement of Cash: As of this date there is a cash total of \$5,682,017.73 between the operating and capital accounts.

**Tax Collector** – The monthly report for June 2011 was received showing receipts in the amount of \$78,394.60.

**Clerk/Human Resources** – The Construction letters were held for the next meeting. The ad for the part-time building custodian position was approved. Lt. Bartzak has requested that a resolution of hire be adopted for Patrolman Jones

RESOLUTION #122-2011

WHEREAS, the West Amwell Township Police Department has need of part-time patrolmen; and,

WHEREAS, there is provision in 2011 budget for part-time officers; and

WHEREAS, Jeffrey S. Jones submitted an application and letter of interest the position of part-time patrolman and was interviewed by the Township Committee; and

WHEREAS the Township Committee is in agreement with Lt. Bartzak that Jeffrey S. Jones would be a good addition to the department

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that Jeffrey S. Jones be hired as part-time patrolman effective May 6, 2011

BE IT FURTHER RESOLVED that an hourly rate of \$20.50/hour be paid in accordance with the Salary & Wage Ordinance adopted January 1, 2011

*Resolution unanimously approved on motion by Fisher, seconded by Molnar.*

**Construction** – The Permit Fee Log details, Monthly Activity Report-Permits (18), Payment Audit Report, Monthly Activity Report-Certificates (12), Certificate Log Detail were received for PermitsNJ.

**Police** – The June 2011 Monthly Report showing 178 incidents, 85 summonses and 4 warnings was received.

**Roads** – The May 2011 report of activities was received. Equipment repairs, mowing, ditch/pipe work and garbage/recycle runs were specifically noted.

**Zoning Officer Report** -- The June 2011 report of activities was received. Numerous phone calls, e-mail correspondence, office meetings and interpretations were noted. Five permits were issued.

Motion by Fisher, seconded by Rich to accept the reports as filed carried unanimously.

**CORRESPONDENCE**

The correspondence as listed on the Agenda was ordered filed.

**ADJOURNMENT**

There being no further business, the meeting was unanimously adjourned at 11:35 p.m. on motion from Fisher, seconded by Molnar.

Respectfully submitted,

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Lora L. Olsen, RMC  
Township Clerk