

WEST AMWELL TOWNSHIP COMMITTEE MEETING
June 22, 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 7:00 p.m. Present were Mayor Molnar, Deputy Mayor George Fisher, Committeeman Zachary Rich and Attorney Philip J. Faherty III. Also in attendance were Bob Fulper, John Cronce, Hal Shute, Bob Aneskavich, Mike Aneskewich, Cathy Urbanski, Sean Pfeiffer, Al Draina, Betty Jane Hunt, Mr. & Mrs. Tim Lelie and daughters, Howard Hope, and Beacon reporter John Tredrea

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 and a copy of the CD is on file in the Office of the Municipal Clerk.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mike Aneskewich led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 10. New Business: Consideration of Resolutions A-3285 and S-2762/A-4084. Deleted: 10.E Liquor License

ANNOUNCEMENTS

The following announcements were made:

- Municipal Offices Closed Monday, July 4th for Independence Day
- Hazardous Waste Collection, July 9th, 9 am-1 pm, Rt 12 Cty Complex
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The minutes of the May 25, 2011 Regular and June 13, 2011 Special meetings were unanimously approved on motion by Fisher, seconded by Rich.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

No one came forward.

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

Public Hearing: Ordinance 10, 2011

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$816,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$775,770 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Proof of publication in the June 2, 2011 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the May 25, 2011 Township Committee meeting. Mr. Molnar read the Ordinance by title and opened the public hearing.

Sean Pfeiffer came forward to inquire whether the plan was to issue this amount of debt or if this was only a formality. Mr. Pfeiffer was assured that care would be exercised; limited to what is needed; that with the economy the Township should get more bang for the buck, which would be an advantage; and, that grant money will be sought. If the latter doesn't materialize, the Committee will sit tight.

Hearing no further comments, the public hearing was closed on motion from Fisher, seconded by Rich and carried unanimously.

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

Introduction: Ordinance 11, 2011

It was explained that the purpose of ordinance was to effectuate payment to the Zoning Board secretary for special meetings as approved in a recent Chapter 109 amendment. The following ordinance was read by title and introduced on first reading:

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.

SECTION 1

The compensation of the officials and employees shall be amended to read as follows:

Board of Adjustment Secretary	\$4,680.00 - \$5,720.00
Plus \$200.00 each for special meetings	

SECTION II

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

SECTION III

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

Rich moved to introduce the Ordinance on first reading and Fisher seconded. Motion carried unanimously. The public hearing will be held July 27th.

Introduction: Ordinance 12, 2011. Held

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Project Status Updates:* Sean Pfeiffer relayed that the job of easement monitoring previously handled by Glenn Baran has been transferred to John Cronce. However, as a knowledge transfer has not occurred, it would be helpful if these two men could get together for about an hour for this purpose. Committee permission for this meeting to occur during work hours was sought and approved. The Road Supervisor will be advised. Mr. Pfeiffer noted that although he was able to relay some basic information on procedures to Mr. Cronce, it was Mr. Baran who did the field work and would have the most knowledge on that front.

Mr. Pfeiffer questioned whether some of the trees on Toll were slated for replacement use at Calton as farmland assessment papers have to be filed by the end of next month. If there's a plan for using the trees or selling any off this year, that information would be helpful. Mr. Rich relayed that the two projects will stay separate as the Calton contractors are handling the replacement. Mr. Pfeiffer continued that there will be maintenance issues with the farm, especially with the bridge, and that there needs to be a plan in case of fire, although the Road Supervisor has indicated that he will make the necessary repairs. The SADC will be doing field monitoring and the Township will be responsible for correcting any erosion issues. Contact has been made with the NRCS concerning the free soil conservation plan that was offered. The Township is still on the list but there's a back log across the whole state. The letter from Bryce Thompson was not addressed at the last meeting and Mr. Pfeiffer questioned whether there was a plan to invite Mr. Thompson to another meeting. As he was the high bidder; seemed interested in the property; and, indicated that there may be some flexibility on price, the decision was to extend another invitation to attend a future meeting.

Mr. Cronce returned the discussion to the issue of farmland assessment and questioned whether the Committee would like a local farmer to take hay from certain areas on Toll, noting that there are some areas with ample room for this activity. Also mentioned was that something needs to be done to maintain the farmland assessment, e.g., the nursery stock, if it's not going to be pulled out. Mr. Molnar questioned whether this was a concern due to 'township' status although he would have no problem with the farming suggestion made. It was explained that the contract with the SADC requires farmland assessment be maintained and that the property cannot be sold as preserved without it. Whatever is done must be satisfactory to the tax assessor, although there may be some flexibility on Mr. Gill's part, but that the property is still being farmed must be demonstrated as that the trees just can't grow up indefinitely. Mr. Cronce commented that Open Space was just trying to find a way to be pro-active. Assessor Gill will be contacted about the farmland assessment issue and it was noted that having more than one use on the property would look good on the farmland assessment papers for when the property is sold. Mr. Fisher offered that the fields could probably be fallow for a year or two as long as they are mowed but deferred to Mr. Gill as the expert. Also noted was that discussions at the Open Space meeting have revolved around the length of time the property would continue to be held

by the Township; if there's something else that could be done in the meantime; that a plan is needed; and, that the options discussed be presented to the Township Committee for discussion. Continuing with his report, Mr. Pfeiffer stated that a letter has been received from the SADC that the Township's grant application has been approved which means there are funds for moving forward on the targeted farms. Also noted was that Gulick III is scheduled to close with the County on June 24th. The CFO will wire the required funds to cover the Township's 20% cost share. The transaction will be included on the July bill list.

Environmental

- *Authorization to Post April & May 2011 Minutes to Website:* Approved

- *Appointment of a Citizens Stormwater Advisory Committee:* Cathy Urbanski reported that a subcommittee of the Environmental Commission has been formed. This action is worth two points on the annual Stormwater report. However, what is actually expected of the advisory committee is unclear and guidance is needed as to what it means to identify, coordinate and implement stormwater-related programs. A brief discussion ensued over the 10 points required by the State; what would happen if this is not met; and, noted that an attempt is being made to be compliant going forward. The latter would include posting information on the website as well as possibly having a program at the school, municipal official training, etc. Effort will be made to keep it simple but acquire the necessary points. Mr. Fisher commented that, in his opinion, this is basically something to waste everyone's time but offered to make some calls.

UNFINISHED BUSINESS

2011 Appointments – none

Updates – 1) Swan Creek made a presentation on the **SHREC** project at last night's Planning Board meeting. The design phase is underway to pinpoint the location and acquire an easement from the County to run the overhead lines to the high school. Mr. Fisher noted that progress is being made—slow, but moving. A display board showing a possible layout of the arrays is available in the municipal building. An e-mail was received from the Lambertville City Clerk relaying that the application was approved by the West Amwell Planning Board and that Steve Lawrence of Constellation Energy will attend the next SHREC meeting to discuss third party purchase agreements for electric services. Mr. Fisher explained that this is to facilitate group purchase for the Co-op whereby electricity would be purchased in bulk from suppliers to see if this is a viable option for saving money. With the six entities in SHREC spending around a half million dollars on electricity every year, a 10% reduction would be a nice savings. 2) Mrs. Urbanski has reviewed municipally-owned properties for **hunting** opportunities and relayed that the only ones useful for this activity, in addition to the municipal property, are a) Titus Meadows (21 acres)—a long, thin property with a depth of 387 feet; deed restricted due to Green Acres funding; and, although hunting is okay but it cannot be exclusionary, which means no clubs. This was brought up in 2005 by Hal Shute when a fishing club was under consideration and this exclusionary principle noted. Her recommendation was to utilize a lottery or permit system similar to the one used at Goat Hill and at the County. The County does Fall bow, special bow, winter bow, etc. Shot gun would not be recommended for this property. b) There is no deed restriction on the Lavan/O'Boyle (5 and 17 acres, respectively) properties along the Alexauken Creek. A map of the properties was shared with the Committee. The same suggestion concerning bow hunting and lottery was made for these properties for consistency. The County charges per Fall, Winter and special seasons, so there could be a charge for each of those, if desired, on a first come-first serve basis. Mr. Fisher questioned how this would not be considered exclusionary and it was explained that the only property required to be opened up to the public was Titus Meadows. A brief exchange over whether Titus Meadows could be legally restricted only to West Amwell residents ensued due to Green Acres rules. Mrs. Urbanski relayed that the County opens their permit to County residents the first day and out of County residents the next day. Her research has also indicated that a 28 acre parcel could be hunted by two hunters but this is not firm. Although the County has a lot of information available, it wasn't pursued due to uncertainty about what the Committee was looking for. Mr. Rich reviewed that there are four viable properties—Titus Meadows (lottery system) details to be worked out; Toll, Lavan and O'Boyle which could be leased to a club. The draw back to the Alexauken Creek properties is that although they are beautiful hunting properties, they are only 400' wide. John Cronic of Lambertville Rod & Gun and Mike Aneskewich of Amwell Outdoors joined the conversation. Mr. Aneskewich noted that initially he understood that the properties were going to be rotated between the three clubs, which is why he submitted a letter. The subject of a lease agreement with fees would also be brought up. He confirmed that the property on Goat Hill is open to everybody; expressed concern that no locals heard about it as it went to Mercer County/Trenton area/Pennsylvania residents; and, that the State uses a first come, first serve process when issuing permits to hunt. Mr. Rich relayed that the Committee

wants to keep this in-house as well as to make some money but, is being told that it has to be an open bid process. Attorney Faherty explained that if there's a lease involved, it needs to be done by ordinance; however, permits would be different and permissible. John Cronce questioned whether opening to the public would be feasible for the Township given all the paperwork involved. Although he understands the goal but the down side would mean outside people coming in and a loss of control. In the past, it was given to the clubs and rotated between the ones involved, which worked out for everybody. With additional land being brought in, it might be feasible to divide it up among the three clubs—if no money is involved. Mr. Rich questioned if the two Alexauken Creek properties were of interest and received an affirmative response from both Mr. Cronce and Mr. Aneskewich. A question by Mr. Fisher whether permits could be sold to just West Amwell residents, Attorney Faherty advised that the Green Acres property would have to be open to the public but, subject to further research, could be limited by a process similar to the one utilized by the County. As to an inquiry by Mr. Rich about what the properties would be worth to the clubs, Mr. Cronce asked whether the municipal property would be limited to just bow because of the two solar panel arrays and the discussion last evening about shifting location due to the Hunt Preserve concern over the panels being considered a structure with no hunting within 450 ft. Bow hunting would shorten the distance to 150 ft. and, with the houses, it would be safer, although mention was made that insurance would provide coverage should there be a problem. Mr. Aneskewich agreed that the liability is reduced with bow; would have to actually look at the properties in question; and, inquired whether the arrays would be fenced in. The latter was answered in the affirmative. Returning to the Toll property, Mr. Rich reviewed that this would be open to shot gun and bow with the rest being bow only. Mr. Cronce then put forward a proposal concerning the bridge situation on Toll for consideration as he monitors the Toll property weekly. As the culvert is washed out, making access for big rigs impossible, his club, Lambertville Rod & Gun, would repair it with concrete pipe in exchange for the use of the land for two years prior to rotation and estimated that there would be \$7,000-\$10,000 worth of work involved in the repair. Mr. Aneskewich commented that his club could not afford to do that; that there is different value involved in bow vs gun; and, was in agreement with the issue of compensation to the Township. Equality for the clubs is envisioned by Mr. Rich with interest expressed in how a permit system would work. A brief discussion ensued over how to proceed; the need to speak with all three clubs; and, clarification as to where hunting can take place on municipal property. Mr. Pfeiffer noted that bridge repairs may involve DEP permitting; commented on Green Acres hunting as it cannot be exclusionary; and, inquired whether the County's permit process would be compliant. Also mentioned was the fact that there is no parking access for Titus. There was some money available to make parking for two vehicles but, as the Alexauken is a C1 stream, a DEP permit would be required, which is a lengthy process with no guarantee of approval. As a decision is needed by the next meeting, Mr. Rich will be the point of contact for the three clubs and will sit down with representatives of each separately and jointly to come up with an equitable arrangement. **3)** Initial investigations by Hal Shute and Cathy Urbanski for the **website** were relayed. Assessor Gill has offered a template for free as a community service with development taking place in approximately a month; current information would be transferred; he would serve as webmaster; and, would provide for in-house training. The cost to the Township would be \$500 in Adobe software. As for website hosting, Mr. Gill has recommended myweb.com or go daddy and Dream Weaver software which runs around \$250. Mr. Shute noted that the person he spoke with has not done a municipal website; has a \$1200 base price; and, software may also be needed. Although the proposal was rather sparse, it would probably run \$1500-2000 plus monthly maintenance fees. Mr. Rich suggested that the information be assembled in chart form; that Mr. Shute get a proposal from his contact; and that he will contact Mr. Gill for a time/ cost number; and, will lead the website effort. **4)** The question was raised as to whether the Committee will be pursuing a challenge to the **Census** count. Mr. Fisher will check the website and report back at the July meeting. **5)** The idea of reducing the annual \$150.00 fee for **Garbage Cards** has been floated. A chart was presented showing costs to date; however, factors such as repairs, maintenance, tires, etc. are unknowns. After a brief discussion and some calculations, the decision was to not reduce the current fee. Also noted was that residents have been asking about a clean up day. Although this was not budgeted, there is some Clean Communities grant money. If this is to be considered, some thought needs to be given on how to handle it and parameters developed for receiving quotes. Mr. Molnar will follow up. **6)** Discussion continued over **Calton** and other inspection work by the Township Engineer; the process by which the developer is no longer responsible for inspection costs; and, which inspections need to be made by the Township Engineer vs those which could be accomplished by the Construction Office. Attorney Faherty will check the Developer's Agreement but noted that the Township is in the position of having no choice and must get the project closed out. It was agreed to go with Van Cleef if the Construction Office can't manage the required inspections. The Clerk was requested to re-send the Committee the punch list for the work to be accomplished.

Auction Results –

RESOLUTION #95-2011

WHEREAS, the West Amwell Township Committee authorized the auction sale of certain equipment; and

WHEREAS, the notice of auction was advertised in the Hunterdon County Democrat and the Times of Trenton on June 2, 2011 and June 9, 2011 with affidavits on file of same; and

WHEREAS, the auction of advertised equipment was held on June 21, 2011 in the municipal building with the following results

EQUIPMENT	BIDDER	BID
Water Buffalo #1	Jersey One	\$250.00 (not minimum bid)
Water Buffalo #2	Jersey One	\$250.00 (not minimum bid)
2003 Crown Vic	Dan Dames	\$910.00

WHEREAS, a deposit of 10% of the highest bid for each item was received by the Township Clerk

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the bids received from Jersey One for Water Buffalos #1 and #2 are hereby rejected as not meeting advertised minimum bid amount; and,

BE IT FURTHER RESOLVED that the bid received from Dan Dames for 2003 Crown Vic is hereby accepted

BE IT FURTHER RESOLVED that the remaining payment due for the item sold must be submitted to the Township Clerk no later than 30 days from the date of this resolution.

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

NEW BUSINESS

Consideration of Resolution for Fair Distribution of State Aid for Education –

**TOWNSHIP OF WEST AMWELL
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION #96-2011
RESOLUTION FOR FAIR DISTRIBUTION OF
STATE AID FOR EDUCATION**

WHEREAS, the Township of West Amwell, County of Hunterdon believes that every child should have equal resources of state aid distributed by the legislature for an education in the State of New Jersey by utilizing a fair school funding mechanism; and

WHEREAS, the current distribution of state aid for education to the schools has not been distributed in a fair and equitable manner to provide property tax relief to all the citizens of the State of New Jersey; and

WHEREAS, Article III., Paragraph 1, of the New Jersey State Constitution states, “The powers of government shall be divided among three distinct branches, the legislative, executive, and judicial. No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution;” and

WHEREAS, Article VIII, Section IV, Paragraph 1, of the New Jersey State Constitution states, “the Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen year;” and

WHEREAS, Article VIII, Section IV, Paragraph 2, of the New Jersey State Constitution states, “the fund for the support of free public schools . . . shall be annually appropriated to the support of free public schools, and for the equal benefit of all the people of this State;” and

WHEREAS, Article VIII, Section I, Paragraph 7.a. of the New Jersey State Constitution states, the income tax is to be “annually appropriated . . . exclusively for the purpose of reducing or offsetting property taxes;” and

WHEREAS, this body can no longer bear the burden of the continued diversion of its fair share of state school aid for the students between the ages of five and eighteen years of age who reside within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of West Amwell, County of Hunterdon do hereby call upon the Legislature of the State of New Jersey to fulfill its constitutionally assigned duty to distribute the state aid for education to the school districts in this state in a fair manner that is for the equal benefit of all the people of the state and not by means that are prejudiced by the actions of special interests that may have been presented before the Court or other venue.

BE IT FURTHER RESOLVED, that the Clerk of this entity is hereby directed to forward a copy of this resolution to Governor Chris Christie, Senate President Stephen Sweeney, Senate Minority Leader Thomas Kean Jr., Assembly Speaker Sheila Oliver and Assembly Minority Leader Alex DeCroce.

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

Senator Doherty's recent letter was referenced with Mr. Shute noting that this would be an opportunity for the Senator to visit his districts. A town hall meeting will be scheduled for either September 29th or September 15th. Mr. Shute will help coordinate.

Salary & Wage Resolution –

RESOLUTION #97-2011

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2011 Salary and Wage Resolution, adopted January 1, 2011, with subsequent amendments, be amended as follows:

<u>Position</u>	<u>Salary Resolution</u>
Mayor Molnar	\$ 3391.00
Township Committee members: Rich, Fisher	\$ 2844.00/each
Township Clerk Olsen	\$ 55,201.00
Registrar Olsen	\$ 2,652.00
Deputy Township Clerk Haberle	\$ 25,459.00
Director of Public Assistance Kuhl	\$ 1,413.00
Tax Assessor Gill	\$ 30,477.00
Tax Collector Hyland	\$ 15,300.00
CFO/Treasurer Carro	\$ 30,600.00
Assistant Treasurer Haberle	\$ 9,547.00
Payroll Clerk Haberle	\$ 2,623.00
Planning Board Secretary Andrews	\$ 13,260.00
Board of Adjustment Secretary Hall	\$ 5,304.00
Board of Health Secretary Olsen	\$ 2,538.00
Dog Warden Hoagland	\$ 5,461.00
Judge Barson	\$ 11,647.00
Court Administrator Hoagland	\$ 39,127.00
Construction Official Rose	\$ 9,410.00
Plumbing Sub Code Official Rose	\$ 4,911.00
Electrical Sub Code Official Janoski	\$ 6,630.00
Building Sub Code Official Rosso	\$ 7,650.00
Fire Sub Code Official Donnerstag	\$ 4,590.00
Fire Official Fretz	\$ 5,538.00
Zoning Officer Baldino	\$ 6,506.00
Police Administrative Secretary Griffiths	\$ 26,401.00
Municipal Housing Liaison/AA Walsh	\$ 25.50/hour
Buildings/Grounds & Waste Security Officer Hoagland	\$ 14.56/hour
Assistant Waste Security Officer Gordon	\$ 11.81/hour
Waste Security Laborer Coleman	\$ 10.71/hour

Building Custodian (Admin & Police)	\$ 10.71/hour
Deputy Court Administrator Ahren	\$ 13.79/hour (up to 30 hrs/month)
Substitute Construction Official Baldino	\$ 32.83/hour
Substitute Plumbing Official & Inspector V. Rose	\$ 32.83/hour
Technical Assistant to Construction Taylor	\$ 18.03/hour
Substitute Technical Assistant McDaniel	\$ 18.03/hour
Road Supervisor Hoagland	\$ 30.46/hour
Road Foreman DeFazio	\$ 23.16/hour
Road Class B Pearson	\$ 17.53/hour
Road Class C Baran	\$ 16.44/hour
Part-time Officers Pantuso & Jones	\$ 20.91/hour
Police Matron Griffiths & Hoagland (min. 4 hrs pay if call out between 9 p.m. & 6 a.m.)	\$ 16.66/hour/each

BE IT FURTHER RESOLVED that this Resolution shall be retro-active to January 1, 2011.

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

Resolution to Hire Patrolman –

RESOLUTION #98-2011

WHEREAS the Township Committee made provision for the hiring of Police Officers in the 2011 budget; and

WHEREAS a decision has been made by the Township Committee to hire a new officer at this time; and

WHEREAS Jonathan Sellner, submitted an application for employment in the Police Department and has been interviewed by the Township Committee; and

WHEREAS the Township Committee is in agreement with Lt. Bartzak that Jonathan Sellner be hired as Patrolman 3rd Class and will be probationary employee for one year

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that Jonathan Sellner be appointed to the position of Patrolman 3rd Class effective July 11, 2011

BE IT FURTHER RESOLVED that a pro-rated salary of \$55,492 be paid for this position in accordance with the police contract

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

Request by Hunterdon Medical Center Foundation for Brief Presentation – A request to make a brief presentation to the governing body at a regular meeting some time after Labor Day was received from Robert P. Wise, President & CEO of the Hunterdon Healthcare System. The purpose is to provide information about expansion initiatives underway; how these will benefit the residents; and, ways to participate in the fund raising effort. The September meeting was suggested.

Request for Blackberry Device for Court Administrator – Mrs. Hoagland has relayed that no Blackberry purchase would be necessary as she has an old one that can be used for this purpose. Her request has been amended to being added to the Police cell phone account. Mr. Molnar will check further.

Special Emergency Resolution for Reassessment – A Township-wide re-assessment was discussed with Assessor Gill during budget meetings. This is driven by the number of appeals being received due to the down turn in the economy.

**TOWNSHIP OF WEST AMWELL
SPECIAL EMERGENCY APPROPRIATION
REASSESSMENT OF THE TOWNSHIP OF WEST AMWELL**

RESOLUTION #99-2011

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, by Reassessment of the Township of West Amwell and,

WHEREAS, NJSA 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one fifth of the amount authorized pursuant to this act.

NOW, THEREFORE BE IT RESOLVED, by not less than two-thirds of all governing body members affirmatively concurring that in accordance with the provisions of NJS 40A: 4-55:

1. An emergency appropriation is hereby made for Reassessment of the Township of West Amwell in the total amount of \$24,000.00
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by inclusion of not less than \$4,800.00.
3. That an “emergency note” not in excess of the amount authorized pursuant to law be provided.
4. That such note be executed by Thomas J Carro, Chief Financial Officer and Lora Olsen, Township Clerk.
5. That said note shall be dated June 22, 2011 may be renewed from time to time provided that such note and any renewals shall mature and be paid in the amount of not less than one fifth of the total amount appropriated by this resolution in each year after the authorization.
6. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.
7. That two certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

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

Purchase of Lap Top Computers – Four basic laptop computers with regular office software and internet connection were proposed, primarily due to space considerations, for the Court, DPW and the Construction/Zoning office. Two of the four would be replacements for the 2003 computers that have expired. A discussion ensued concerning use, cost vs a desk top machine and the possibility of theft. The operating system of the laptops quoted was also questioned. Mr. Pfeiffer will assist with obtaining quotes on desk top units.

2011 Assistance to Firefighters Grants Workshop with FEMA & USDA Rural Development

The Clerk has been advised by Jeff Ent that there will be representation from the Fire Company at the June 27th workshop. Mr. Ent had originally intended to attend but, as the date was changed, he was unavailable. Most likely attendees will be Randy Hoagland and Bob Hayes.

League Convention – Committee members were encouraged to attend this event. All Committeemen indicated their interest and will be pre-registered when the time comes.

Resolution to Enter Closed Session

RESOLUTION #100-2011

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:

PURCHASE, LEASE OR ACQUISITION OF REAL PROPERTY

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 Fisher, seconded by Rich.

Consideration of Resolutions from the League –

RESOLUTION #101-2011

Resolution Opposing the Passage of A-3285

WHEREAS, A-3285 would require that certain public contract bid advertisements include certified cost estimates or estimate ranges of projected contract cost and it would amend the grounds for rejection of all bids; and

WHEREAS, advocates for A-3285 argue that the best interests of taxpayers are served by the provisions of A-3285, because it promotes, they claim, openness and broad dissemination of information; and

WHEREAS, we agree that taxpayers are best served by openness and board dissemination of information, however, A-3285, would, in fact, limit a competitive process that is the foundation of the Local Public Contracts Law and would not best serve the public interest; and

WHEREAS, A-3285 would require a municipality to include in the public advertisement its cost estimates or cost estimate ranges for construction projects in excess of \$500,000; and

WHEREAS, A-3285 also amends the provision to reject all bids; and

WHEREAS, one of the amendments would permit a municipality to reject all bids only if the lowest bid substantially exceeds the municipality's cost estimates or cost estimate ranges for the goods or services as published and attested; and

WHEREAS, as a result of this amendment, **all contracts, including goods and services**, over the contracting unit's bid threshold will now require the public advertisement for bids to include cost estimates or cost estimates ranges; and

WHEREAS, municipal engineers and other design professionals will typically prepare the projects cost estimates based on the current industry cost and bids received for similar projects in different municipalities; and

WHEREAS, these estimates tend to be in the middle of the current industry cost; and

WHEREAS, we are concerned that A-3285 will create the "floor" as opposed to a "ceiling" for bid pricing, removing the incentive for competitiveness and prohibit a municipality from receiving the best possible price for the project; and

WHEREAS, requiring the advertisement of the cost will lead to unfair pricing and increased cost for already strained taxpayers; and

WHEREAS, A-3285 also has the potential to expose municipalities to protracted disputes and litigation; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of West Amwell Township strongly opposes the passage of A-3285 as it will delay construction projects, lead to increased costs, limit the rejection of bids and expose municipalities to protracted disputes and litigation; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker

Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

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

RESOLUTION #102-2011

Resolution Urging the Swift Passage of S-2762/A-4084

WHEREAS, Senator Buono and Assemblyman Coutinho have introduced S-2762 and A-4084, respectively, which permits a municipality to pay commercial and industrial property tax refunds for tax year 2010 and 2011 over subsequent three local budget years; and

WHEREAS, municipalities do rely and encourage business development in their community for economic growth; and

WHEREAS, unlike a residential tax appeals, commercial and industrial property owners must submit an income statement when filing their appeal as net income generated by property has a direct bearing on the ability to market the property and therefore it is value; and

WHEREAS, successful tax appeals shifts the burden of the appeal to the rest of the taxpayers within the community; and

WHEREAS, S-2762 and A-4084 will provide municipalities with a temporary tool to assist in planning and controlling their financial budgets during this influx of appeals; and

WHEREAS, the governing body of West Amwell Township supports the need for the legislation to address property tax refunds for commercial and industrial properties and firmly believes that by allowing phased refunds on successful commercial and industrial property appeals, these bills will provide substantial relief for many residential taxpayers; and

WHEREAS, the League of Municipalities recently conducted a survey that measured the extent to which property owners filed and won tax appeals in 2010, in which 150 municipalities, representing a cross section of the state, participated; and

WHEREAS, those participating in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

WHEREAS, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

WHEREAS, while a municipality will often experience an increase in tax appeals because they have conducted a revaluation, only 5 of the 150 municipalities, which participated in our survey, indicated that their 2010 appeals resulted from revaluations compared to the 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

WHEREAS, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of property owners, all around our Garden State; and

WHEREAS, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011 and beyond, since the reductions, which were granted by the County Tax Boards will have a multiplier effect; and

WHEREAS, while New Jersey and this nation struggle to recover from one of the worst economic crisis since the Great Depression, municipalities must be given the tools to prevent increasing property taxes on already strained tax payers; and

WHEREAS, successful tax appeals impact fund balances and place additional pressures on the local budget;

NOW, THEREFORE, BE IT RESOLVED, by the governing body of West Amwell Township urge for the swift passage of S-2762 and A-4084 to provide municipalities with an additional tool to prevent increasing property taxes on already strained taxpayers; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

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

OPEN TO THE PUBLIC

Resident Tim Lelie inquired about plans for George Washington Road, noting that this is his third time before the Committee, and inquired if there was a roads priority list. He has been in contact with affected residents and has developed a petition. Mr. Lelie stressed that something has to be done as the road is worse than a dirt one. In response to this line of questioning, Mr. Lelie was informed that a grant was applied for; not received; but, that the Committee will continue to try. Mr. Lelie continued about signage, noting the following: move the George Washington Road sign as it is not at the intersection but across the street; install a sign at the 90 degree bend for delivery folks; and place a 'dead end' sign past the Flemming home to stop individuals from attempting to drive through. He also inquired whether stone could be placed below the Flemming residence. Mr. Lelie noted that use of the road has increased exponentially with the Goat Hill Overlook and fears that someone will flip in the ditch due to the road conditions. He also expressed concern about water that runs off the road into his garage. Grading has been tried but a culvert at the top of the driveway may be required. Mr. Molnar will speak with the Road Supervisor concerning signs and grading.

Mr. Pfeiffer offered a technology comment concerning the website as Mrs. Urbanski mentioned that with some of the options, a change in e-mail service provider would be needed. This would require e-mail system specs in addition to the web design perspective. There are State regulations concerning data retention for e-mail as to what happens when a message is deleted. Is it gone or is there a way to recover it and is there an archive in place. If service providers are going to change, it'll be more than just the website that has to be looked at but the whole package.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #103-2011

WHEREAS, there exists on the Current Fund Balance Sheet an amount of \$1.10 for prepaid regional high school tax and has existed for several years; and

WHEREAS, the Township of West Amwell wishes to cancel said amount as minor and unnecessary and hereby authorizes the Chief Financial Officer to cancel to 2011 budget operations

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell that the prepaid regional high school tax of \$1.10 be canceled.

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

Presentation of Bills for Approval: Several items were questioned and the issues raised resolved. Police OT was also briefly discussed and the existing situation. Mr. Rich questions whether it was in the Township Committee's jurisdiction to require sick time to be used within the year. Mr. Molnar cautioned against that as situations occur where someone might be out for three months and have no sick leave. Discussion ensued over limiting sick or vacation time, as well as carry over allowances, for new employees where it would be 'use it or lose' it. Attorney Faherty offered that with the exception of the Police Department, as there's a contract, limits can be set. Concern over payment for unused sick/vacation upon retirement was also mentioned. Mr. Rich emphasized that this proposal would not affect current employees, just any new hires going forward, would set a policy for future contract negotiations and set precedent as to how the Township runs its business. It would also let residents know that the Township is operating within reason as they are at their jobs. Mrs. Olsen relayed that there are bills pending in the toolbox at the State about sick time limits and suggested that Mr. Rich put his ideas into writing. Agenda item for next month.

RESOLUTION #104-2011

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 \$166,325.71 dated June 22, 2011, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

The Resolution to approve the evening's bills for payment was unanimously approved on motion by Fisher, seconded by Rich.

Treasurer Report and Statement of Cash: Appropriations through June 22, 2011 were provided and reviewed, noting that 47.8% of the budget has been expended. As of May 31st, there was a cash total of \$5,019,412.81 between the operating and capital accounts.

Tax Collector –

RESOLUTION #105-2011

WHEREAS the certified 2011 tax rate may be delayed from the Tax Board of Hunterdon County, and

WHEREAS this amount is needed for the property tax bills to be printed, and

WHEREAS there must be twenty-five days from the date of mailing for the return of the quarterly payment before interest is charged,

THEREFORE BE IT RESOLVED that pursuant to N.J.S.A. 54:4-66 et seq., the payment without interest for third quarter 2011 taxes will be extended to at least twenty-five days from mailing of the tax bills, after which time all receipts for the third quarter shall be deemed delinquent with interest accruing from August 1, 2011.

The Resolution was unanimously approved on motion by Fisher, seconded by Rich

The Monthly Report for May 2011 was received showing receipts in the amount of \$1,797,919.24.

Construction – The Permit Fee Log details, Tax Assessor Report-Permits (14), Monthly Activity Report-Permits (13), Payment Audit Report, Tax Assessor Report-Certificates (10), Monthly Activity Report-Certificates (10) were received for PermitsNJ; for UCCARS (2). Permit deposits for May 2011 were \$12,411.00 plus \$2,929.50 for COAH.

Police – The April 2011 & May 2011 Monthly Reports showing 179/199 incidents, 88/73 summonses and 00/00 warnings were received. That tickets are down was noted.

Zoning Officer Report -- The May 2011 report of activities was received. Numerous phone calls, e-mail correspondence, office meetings and interpretations were noted. Six permits were issued. May 2011 deposits totaled \$575.00.

The reports as filed were unanimously accepted on motion by Molnar, seconded by Rich.

The Committee entered their previously approved Closed Session, returning from same at 10:30 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 10:31 p.m. on motion from Rich, seconded by Fisher.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk