

WEST AMWELL TOWNSHIP COMMITTEE MEETING

March 27, 2013 - 7:00 p.m.

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

The regular meeting of the West Amwell Township Committee was called to order at 7:00 p.m. Present were Mayor Zachary T. Rich, Deputy Mayor Thomas J. Molnar, Committeeman George A. Fisher, Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance were Marcia Karrow, Cindy Yard, Leonard Lance and aides, Rob Tomenchok, Hal Shute, Cathy Urbanski, Sean Pfeiffer, Betty Jane Hunt, John Cronic, Jim & Nella Hamtil, Barbara Nunn, Rob Fulper, RJ Fulper plus a few unidentified individuals.

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

The meeting was recorded via digital recording system.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Rob Tomenchok led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

Nothing was added or deleted.

ANNOUNCEMENTS

The following announcements were made:

- Municipal Offices Closed March 29th for Good Friday
- Electronics Recycling, April 6th & 20th – 8:00-12:30 p.m. Municipal Complex
- Primary Election Candidate Petitions Due April 1st, 4:00 p.m.
- Party Declaration for Party Affiliation Change/June Primary Due April 10th
- Fire Company Auxiliary Roast Beef Dinner – April 13th, 4:00 – 7:00 p.m.
- County Computer/Electronics Collection – April 13th, 9 a.m.-1 p.m. Rt 12 Complex
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The following Regular, Special and Closed Session minutes were unanimously approved on motion from Molnar, seconded by Fisher after the deletion of "and wing plow" on page 5 of the March 11, 2012 regular minutes.

March 11, 2013 Regular

March 11, 2013 Closed Session (Personnel)

March 16, 2013 Special

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

SPECIAL PRESENTATION(S)

300th Anniversary – Marcia Karrow and Cindy Yard expressed appreciation for the opportunity to address the Committee and proceeded to overview the upcoming Tri-Centennial of Hunterdon County. Ms. Karrow, who is Chair of the group, relayed that although this started out under the auspices of the Freeholders, the decision was made to form a non-profit as it is easier to raise and spend money. The goal is to raise \$250,000 for a large party with an educational focus. Other members of the non-profit include Cathy McVicker (vp), Frank Fuzo, Mary Melfi (secretary), Guy DeSapio (attorney), Matt Holt and Cindy Yard—a fiscally responsible and conservative board. A public audit will be completed at the end of the project and there will be no money spent until funds are encumbered. The committee is comprised of over 100 volunteers, a subset of whom meet twice per week, and use the Choir School as their headquarters. Items that are/will be available for sale as part of their fund raising effort include a car magnet, lapel pin, blanket, tee shirts, and note cards. A calendar is planned and items for inclusion need to be submitted by October 1st. Twenty-five thousand copies will be made for free distribution through the library, municipalities, and local stores. A website, Hunterdon300th.org, has also been developed. The plan is to have 120 – 150 activities in 2014, with one major event per month, which will include lectures, events, tours, and a parade on March 14th complete with a birthday cake and hot chocolate. Ms. Karrow is looking for an

official liaison from each municipality to attend meetings scheduled for the 2nd Wednesday (7-9 p.m.) and the 4th Saturday (9-11 a.m.). This person is needed ASAP due to the school involvement aspect of the endeavor.

Mrs. Yard spoke about period costumes for the Freeholders, floats needed for the 9 parades, the school outreach through the Historic Society and Cultural and Heritage Commission. A time line is to be developed by the students with Freeholder visitations. In addition, 300 fun facts about Hunterdon County is being developed. The new County directory was presented showing all 26 municipalities and when they became part of Hunterdon.

Ms. Karrow continued that each municipality is to have a presence in the celebration. A chili cook off is scheduled for September 28th of this year and 300 bowls, complete with County seal, will be sold. A commemorative book "Hunterdon in My Heart" will be available for Christmas giving; a mural is anticipated for the library; special musical compositions; and, poems and poetry readings are envisioned. A special print, with limited copies made, signed and numbered, will also be available for \$195 or \$395 framed. The number 26 is reserved for West Amwell, should the decision be to purchase a copy. **The charge to the Committee was to identify a liaison, come up with an official event, and develop a float.**

Washington, D.C. – Congressman Leonard Lance was introduced by the mayor. Mr. Lance spoke about the sequestration; budget and debt issues; and, noted the concern over nuclear weapon technology by Iran, North Korea and Yeman. He serves on the Energy Commission (the only Republican); requested that folks contact him with particular issues; and, expressed appreciation for hosting him this evening. The budget in Washington differs from those of the Township-State-County in that the one in DC is not an appropriation of funds but two competing blueprints and is not reconciled in a conference committee. Congressman Lance noted that the Ryan budget brings balance in 10 years and expressed the need for fiscal responsibility given that the deficit is more than a trillion dollars. He relayed that appropriations are dealt with separately for the 12 accounts/departments. The meeting was opened for questions.

Rob Tomenchok questioned the government's acquisition of ammunition, stating that this amounts to 6 rounds for every man, woman and child in the country. The congressman noted that he's been a lead in asking the Department of Homeland Security about the hollow point bullets and alleged motives for same. Janet Napolitano has been requested to come to Congress and explain why this particular type of bullet is being acquired as these are not used by the military, although they are used by the police.

Ms. Karrow offered that Congressman Lance is her representative and expressed appreciation for his assistance in getting their non-profit through the IRS. Mr. Lance took the opportunity to introduce Witt Hance of Tewksbury and Dick Botson of Raritan Township as members of his staff.

Sean Pfeiffer inquired about North Korea and missile proliferation. The Congressman noted that there is much concern about this; that departments of Defense and State are working on it; that China (Beijing) has to take the lead in stemming the ambitions of North Korea; that the U.S. does not have oversight of North Korea; that the country is alienated from the world; and, there is a threat of missiles to the west coast.

Hal Shute questioned why the Ryan plan has the deficit dropping for the first 3 years but stopping after that. The response given was that this coincides with the retirement of baby boomers and the subsequent affect on Social Security, Medicare and Medicaid. Although the 10 year balance plan proposed by the House is draconian, Congressman Lance indicated that this is needed sooner than later.

Tom Molnar asked about Obamacare exemptions and what can be done. The congressman noted that they are not exempt from Obamacare and may have to go into the exchange. The House has also overridden salary increases and relayed that their pension system is modest. With expressions of appreciation for his attendance this evening, Congressman Lance left the meeting.

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

Public Hearing: Ordinance 3, 2013 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Proof of publication in the March 14, 2013 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the March 11, 2013 Township Committee meeting. Mr. Rich read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was unanimously closed.

Fisher moved for adoption of the Ordinance and Molnar seconded. Motion carried unanimously.

STANDING COMMITTEE REPORTS

Open Space

- *Authorization to Post February 12, 2013 Minutes to Website:* Approved
- *Recommendation on Nunn Property:* John Cronic relayed that the committee's recommendation was not to fund this property for preservation. A letter to this effect was also received.
- *Letter to Home Owners with Conservation Easements:* Approved
- *Project Status Updates:* Toll North is moving quickly and is in the hands of the lawyers.

Barbara Nunn came forward asking that her statement be included in the minutes. See attached.

Mr. Pfeiffer overviewed the Nunn project that began in 2006/07 noting that discussions with the Township Committee at the time, Gary Bleacher, Ron Shapella, Bill Corboy, were that they were okay with it. Application was made in 2007; the project should have been completed years ago; the Nunn's have signed option agreements twice; that the farmland preservation plan took 5 years due to State comments; and, that the State wanted Open Space out of the process in favor of Ag Advisory. Negotiations by the Township that Open Space move the paper for Ag Advisory, as the former was limited to 5 members, was later approved. Mr. Pfeiffer continued that the Township's plan was approved and that State regulations are specific concerning soils. The Nunn property was also rated higher than the Hanover and Fozman properties in the areas of boundary and buffers. The Nunn's have been cooperative and patient throughout the process and in the interest of fairness they should not be penalized.

Attorney Faherty offered that the only document that he has reviewed was between Nunn and the County as the latter would get an easement. There are no other agreements or contracts and relayed that an application is not an agreement between the landowner and the Township. Mr. Cronic relayed that he went to the County as Open Space liaison and mentioned to their staff about not funding the property in question and was informed that this type of thing is done every day; that there's an option not to fund; and, the matter was discussed.

That the goal is not to punish the landowner was stressed by Mr. Rich. However, he stated that the maps show a C1 stream, which would stop/prevent development, so he is in agreement with the Open Space recommendation.

Mr. Fisher noted that the job of the Township Committee is to determine how to spend municipal funds wisely. He has looked at the project and stated that the property can't be developed due to the 300 foot buffers and road frontage of over 300 feet. With 5 acres to go with the house, there is no access to the property. The objective of farmland preservation and Green Acres is to control growth and provide open space for all. This project cannot be seen from the road and is basically preserved by the existing conditions.

The sentiment of the Township Committee via an informal poll was unfavorable to the purchase.

Environmental

- *Authorization to Post January 10, 2013 Minutes to Website:* Approved
- *Update on SJ Conservation Easement Grant:* Mrs. Urbanski relayed that her work on this project is under budget. Also, as the consultant can provide mapping for around \$56 each, there is no need to invest in GIS software for the replacement computer. The kickoff for the project is April.
- *Alexauken Implementation Project:* The mayor was unanimously authorized to execute the **contract** on motion by Molnar, seconded by Fisher. The **Professional Services** resolution was presented as follows:

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR & OPEN CONTRACT FOR ENVIRONMENTAL ENGINEER

RESOLUTION #62-2013

WHEREAS, the Township of West Amwell has a need to acquire services of an environmental engineer to provide consulting services *to Prepare Stormwater Management and Stream Restoration Strategies to Address Thermal Impacts and Reduce Nutrient, Pathogen and Sediment Loading* for a NJDEP SFY2012 Section 391(h) grant as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

WHEREAS, the Treasurer has determined and certified in writing that the value of the acquisition will or may exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year and may be extended as approved by this governing body; and

WHEREAS, *Stephen J. Souza of Princeton Hydro, LLC* has submitted a proposal indicating they will provide the designated services to the Township for an estimated cost of \$156,300.00; and

WHEREAS, a Political Contribution Disclosure form has been received from Stephen J. Souza of Princeton Hydro, LLC and is on file; and

WHEREAS, Stephen J. Souza of Princeton Hydro, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Princeton Hydro, LLC has not made any reportable contributions to a political or candidate committee in the Township of West Amwell in the previous one year, and that the contract will prohibit Princeton Hydro, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, sufficient funds are available in the Grant Account

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of West Amwell authorizes the Mayor to enter into a contract with Stephen J. Souza of Princeton Hydro, LLC as described herein; and,

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution; and

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

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

The **Agreement** was executed by Mayor Rich.

Ag Advisory

- *Authorization to Post February 7, 2013 Minutes to Website:* Approved

The Agenda order was changed to move the Municipal Farm contract to this section.

Rob and RJ Fulper came forward and the matter of deer control to protect the crops versus Township hunting rights was discussed at length. It was noted that the Fulpers had depravation rights in the past when farming the property; that there was support for it at the time; and, offered that the hunters can come onto their permit. Mayor Rich stressed that the Township Committee has commitments with the hunting clubs that need to be honored. Mr. Cronic, who is a member of one of the hunting clubs, stated emphatically that the hunters don't want the mass killing, although the deer problem under discussion is understood. His suggestion was that if the Fulpers are not happy with the arrangement under consideration, perhaps they shouldn't farm the land and the Township Committee should get someone else. Mr. Fulper relayed that they anticipate a problem with the deer but the deal was made with both parties signing the two year agreement.

Finance Advisory

- *Draft Hunter Survey:* The purpose of the survey is to ascertain the number of deer taken. Mr. Shute noted that an eye needs to be kept on the herds to maintain control. Approved for mailing.

- *Signs for Posting on Hunting Properties:* Semi-permanent signs for lamination will cost around \$500 and are expected to last 10 years. The hunters of the various properties will be responsible for the posting of same. Mr. Shute also stated that the sign will be run past Fish & Wildlife. In addition, the need for an actual budget line was advanced. The hunting regulations will be tweaked as to the addition of members to the filed roster.

UNFINISHED BUSINESS

Possible Appointments – None

Updates – 1) An e-mail received from Dave Beaumont concerning **Internet Equipment Upgrade** recommended that the Township proceed with option 1 on the JWS proposal. The Zoning Official has reported printer and computer blue screen problems. Approval was given for obtaining assistance from JWS; 2) The **farm contract** was moved to earlier in the meeting; 3) Quotes for two types of **stone** were received for the park. Mr. Molnar and Mr. Hoagland are

to make the determination; 4) The decision was affirmed to use the County facility for **gasoline and diesel fuel**. The letter was approved for the mayor's signature once all vehicles needing a key have been identified; 5) The Township is locked in with PAIC for **insurance** until next year. Mr. Rich stated that the market won't quote; that he is disappointed with how the bids were handled last time; and, that this will be addressed next year.

Community Forestry Plan – Mr. Alpaugh has requested direction on how to proceed; what is to be included in the plan; and, needs a meeting to accomplish same. Item held.

Activities List for DPW – A list has been developed by Mr. Molnar for discussion with the Road Supervisor.

Dog Licensing Late Fees/Letter – There have been late renewals coming in where the \$25.00 late fee was ignored. A letter prepared by the ACO and Dog Registrar was presented for review. Attorney Faherty suggested that additional information be included. With that proviso, the letter was approved for mailing.

Approval for Purchase of Additional File Cabinet/Construction – Approved

Closed Session (Purchase, Lease or Acquisition of Real Property) – Held

NEW BUSINESS

Resolution to Renew SHREC Cooperative Pricing System - Held

DEP Request for Block 17 Lot 5 Information for Possible Acquisition – This is vacant land under consideration for possible acquisition in fee or easement purchase by Green Acres. The letter has been distributed to Open Space, Environmental, Zoning, Construction and Assessment for information as to past use such as landfills, etc. The only notation received was that the property is not located on 518. The answer to all questions is "no." The Clerk will complete, sign and return the requested questionnaire.

Salary & Wage Resolution Amendment –

RESOLUTION #63-2013

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2013 Salary and Wage Resolution, adopted January 2, 2013 be amended as follows:

Position	Salary/Compensation
<u>Add:</u> Waste Security Laborer Sutch	\$10.50/hr
<u>Delete:</u> Waste Security Laborer Coleman	\$10.92/hr

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

Relay for Life of Hunterdon Proclamation

RESOLUTION #64-2013

RELAY FOR LIFE OF HUNTERDON PROCLAMATION

WHEREAS, Relay For Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to come together to recognize and fight back against cancer; and

WHEREAS, the funds raised during Relay For Life of Hunterdon supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays – by helping our citizens stay well, by helping our citizens receive the best treatment for cancer, by supporting the search for cures for cancer; and

WHEREAS, Relay For Life helped fund more than \$150 million in cancer research last year;

NOW, THEREFORE, BE IT RESOLVED, that I, Zach Rich, Mayor of West Amwell Township do hereby proclaim June 14th and 15th of 2013 as,

"RELAY FOR LIFE OF HUNTERDON COUNTY DAYS"

in our community and hereby encourage our citizens to participate in the Relay For Life event at Hunterdon Central High School on June 14th to 15th, 2013.

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

Certified Recycling Coordinator Authorization – The annual tonnage report must be submitted by a Certified Recycling Coordinator. Alan Dilley of Franklin Township did this for the Township last year and has advised of his willingness to do so again.

RESOLUTION # 65-2013

WHEREAS, the submission of the annual recycling tonnage report requires that this be accomplished by a Certified Recycling Coordinator; and

WHEREAS, Alan Dilley of Franklin Township is a licensed CRC and is willing to submit the tonnage report on behalf of West Amwell Township, at no charge

THEREFORE, BE IT RESOLVED by the West Amwell Township Committee that Alan Dilley be authorized to submit the 2012 tonnage report

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

United Water Reassessment – The initial reaction was that the \$7500 price was high. Item held. The mayor will investigate further.

OPEN TO THE PUBLIC

Betty Jane Hunt inquired as to when the budget would be introduced. Mr. Rich advised that he anticipates this to occur at the end of April.

Closed Session (Purchase, Lease or Acquisition of Real Property)

RESOLUTION #66-2013

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.

Motion by Molnar to approve the Resolution, seconded by Fisher, and carried unanimously.

Returning the Open Session, the following result was indicated: A deed for 83 Belvidere will be accepted from Wilma Johnson for lot 077.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #67-2013

WHEREAS, it has been determined that the following applicant's escrow fees are in excess of what was needed to cover their charges; and

WHEREAS, the West Amwell Township Committee has approved a refund of the following amounts

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of West Amwell that the Treasurer is hereby authorized to refund the following amounts to the applicant:

Applicant	Amount Refunded
Orleans Corp (Perf Bond - B11.01 L2)	\$2,000.00
Orleans Corp (Perf Bond – concrete walkway)	\$1,500.00
Orleans Corp (special escrow)	\$1,000.00
Orleans Corp (special escrow)	\$2,744.80
Orleans Corp (inspection fees)	\$1,133.73

The Resolution was approved on motion by Molnar, seconded by Fisher. Roll Call: Fisher-aye, Molnar-aye, Rich-abstain.

RESOLUTION #68-2013

WHEREAS, it has been determined by the Township Committee of West Amwell Township that the following applicant's posted cash bond for tree replacement can be released; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell that the Treasurer is hereby authorized to refund the following amount to the applicants:

Applicant	Amount Refunded
Orleans Homes	\$ 1095.00

The Resolution was approved on motion by Molnar, seconded by Fisher. Roll Call: Fisher-aye, Molnar-aye, Rich-abstain.

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

Presentation of Bills for Approval: Assistant Treasurer Haberle provided a note concerning an addition of an item for the Municipal Alliance. It does not affect the municipal budget. Questions were raised on several items listed and clarification provided.

RESOLUTION #69-2013

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 \$312,650.56 dated March 27, 2013, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

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

Treasurer Report: Appropriations through March 27, 2013 were provided and reviewed.

Tax Collector – The monthly report for February 2013 was received showing receipts in the amount of \$1,972,251.15.

Police – The February 2013 Monthly Report showing 154 incidents, 228 summonses and 0 warnings was received.

The reports were accepted as filed.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 9:25 p.m. on motion from Fisher.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk