

WEST AMWELL TOWNSHIP COMMITTEE MEETING
April 25, 2012

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 7:08 p.m. Present were Mayor George A. Fisher, Deputy Mayor Zachary T. Rich, Committeeman Thomas J. Molnar and Attorney Philip J. Faherty III. Also in attendance were Pam Mount, Bradley Campbell, Dave Beaumont, Barbara & John Hencheck, Hal Shute, Sean Pfeiffer, Cathy Urbanski, Art Neufeld, Barbara Walsh, John Cronic, Karen Rissmiller and Keith Hamilton.

Mayor Fisher 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 3, 2012, 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

Attorney Faherty led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 9.F Dam Report for Signature; 12.E Court Report for February and March. A change in order between 7.M and 7.L were noted. Deleted were: 7.E FFA and 12.F Police.

ANNOUNCEMENTS

The following announcements were made:

- 2012 Dog Licenses are Overdue – Late Fees Apply
- Municipal Offices Closed May 28, 2012 for Memorial Day
- Hunterdon County Hazardous Waste Collection – July 14th
- Hunterdon County Electronics Collections – October 13th
- PSE&G ROW Easement Trimming Along Branchburg & Roseland Lines to Commence July 1st and Continue Thru 2013 (map in Clerk's office)
- 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 Rich.

March 28, 2012 Special Meeting	March 31, 2012 Special Meeting
March 28, 2012 Regular Meeting	April 9, 2012 Special Meeting
March 28, 2012 Closed Session	

The April 18, 2012 Special Meeting minutes (Budget Workshop) were approved on motion by Molnar, seconded by Fisher, with Rich abstaining.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

No one came forward.

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

Sustainable Jersey: Pam Mount, Chair of the Sustainable Jersey Board of Trustees, extended, with congratulations, the bronze level certification plaque to Green Team members Cathy Urbanski and Art Neufeld. She explained that Sustainable Jersey is a municipal certification program; that this particular effort was 1 ½ years in the making; noted that it was the Township Committee's resolve to work on actions to make the Township sustainable, greener and more livable; and, that 120 towns have registered with the program. One thousand points are required to reach the top and just getting to the bronze level takes a lot of work. The certification is good for three years and she looks forward to West Amwell reaching gold. Mr. Fisher commented that Mrs. Urbanski and Mr. Neufeld worked very hard on this in order to whip the Township into place. An appropriate spot to hang the plaque will be found.

Solar Project Update: Brad Campbell relayed that the good news is that the program is fully permitted and the ROW has been purchased from the County. The current delay revolves around the financing end, due to the market, but that a re-financing effort is underway with a

new entity. This is proceeding slowly but with due diligence. He hopes for a summer start date, most likely July. A brief exchange ensued over the permit process snags, government and energy program standards and whether the process reaches a point on the timetable that the project doesn't happen. The latter was noted as hard to predict due to the market and legislators.

Road to Monmouth Battlefield/Bridge Restoration: John and Barbara Hencheck spoke about the historic significance of Rock Road, once referred to as the 'road along the rocks.' The specific segment referenced has been closed off as a public cart way since the 1870's and is a time capsule of an early walled road used by both sides in the American Revolution. Of particular interest is the small stone arch bridge which needs remedial conservation work due to recent storms and heavy rains. Mr. Hencheck relayed that the County department of roads and bridges would do the work utilizing money collected through the open space tax for historic preservation. Members of the department have visited the site and are enthusiastic about the project. Also, tying this to the upcoming 300 year celebration would open another category of funding. As this is an official road, albeit a paper one, on the Township's tax map, the first step in securing the necessary funds is for the West Amwell to make a request to the Freeholders for the needed restoration work and funding. If there is agreement at that level, the County's engineering department can move to secure necessary approvals from the DEP, Parks, and the State Historic Preservation office for the work. The Henchecks also spoke about the 10 foot long, dressed, stone wall at the site and gave a history lesson on the area; the early use of the road for transporting goods (from Coryell's Ferry to Providence Line Road); its builders and overseers; and, the notable men—Washington and Monroe—that likely walked it. That this segment is the only untouched portion from the time of the Revolution, sets West Amwell apart in history. It's an exciting find; a relic of the past; and, something to be proud of. The consensus of the Committee was to help preserve the history. Mr. Fisher will contact John Glynn concerning the project.

Municipal Alliance: Mr. Fuhr was not in attendance.

Regionalization Study: Dave Beaumont reported that the group met on April 16th and letters/resolutions were sent to the Executive County Superintendent, Jeff Scott. The group is moving into phase two of their charter, which is the public question. They have agreed to present, as well as promote, the regionalization effort. The various suggestions floating around and causing some angst in residents are not part of the study and would be considered by the single board, if the regionalization is approved. The next meeting will be held on either June 11th or 12th.

Technology Committee: Mr. Beaumont prepared a draft charter for this group, together with suggested members—Rob Tomenchok, Harry Heller, Zach Rich, Lora Olsen, himself. A social technology person would also be needed. Members would have to be appointed in order to schedule a meeting whereby a framework and punch list of things to address would be addressed. Mr. Fisher will make appointments.

Public Hearing: Ordinance 6, 2012 AN ORDINANCE TO AMEND ORDINANCE 1, 2012 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 April 5, 2012 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the March 28, 2012 Township Committee meeting. Mr. Fisher read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was closed.

The Ordinance was unanimously approved on motion by Molnar with a second by Rich.

Public Hearing: Ordinance 7, 2012 AN ORDINANCE TO AMEND ORDINANCE 3, 2011 AMENDING CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL (Renewable Energy Facilities)

No action was taken and the public hearing continued.

Public Hearing: Ordinance 8, 2012 AN ORDINANCE TO AMEND CHAPTER 75 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL (Dogs and Other Animals)

Proof of publication in the April 12, 2012 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the March 28, 2012 Township Committee meeting. Mr. Fisher read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was closed.

The Ordinance was unanimously approved on motion by Molnar, seconded by Rich.

Introduction: Ordinance 9, 2012

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

AN ORDINANCE TO AMEND CHAPTER 109 OF THE CODE OF THE
TOWNSHIP OF WEST AMWELL – Right to Farm

BE IT ORDAINED by the Township Committee of the Township of West Amwell, Hunterdon County, State of New Jersey, that Part 4, Article XI, Section 64 of Chapter 109 be amended as follows:

Section 1. 109-64. Right to farm

B. The purpose of these rights is to produce agricultural products, e.g., vegetables, grains, hay fruits, fibers, wood, trees, plants, shrubs, flowers, seeds, livestock and poultry.

C. (5) Farm fields are private property. Trespassing while on foot, on horseback, on bicycle or in a motorized vehicle is strictly forbidden.

Section 2:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3:

This Ordinance shall take effect immediately upon final passage and publication as provided by law, and upon filing a copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

Molnar moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held on May 23, 2012.

Introduction: 2012 Budget

RESOLUTION #84-2012
MUNICIPAL BUDGET NOTICE

Municipal Budget of the Township of West Amwell, County of Hunterdon for the Fiscal Year 2012

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2012;

Be It Further Resolved, that said Budget be published in the Hunterdon County Democrat in the issue of May 3, 2012

The Governing Body of the Township of West Amwell does hereby approve the following as the Budget for the year 2012:

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building, on the June 6, 2012 at 7:00 p.m. at which time and place objections to said Budget and Tax Resolution for the 2012 may be presented by taxpayers or other interested persons.

SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET

General Appropriations For:

1. Appropriations within "CAPS"	
(a) Municipal Purposes	\$2,308,049.00
2. Appropriations excluded from "CAPS"	
(a) Municipal Purposes	\$ 730,152.00
Total General Appropriations excluded from "CAPS"	\$ 730,152.00
3. Reserve for Uncollected Taxes	\$ 215,000.00
4. Total General Appropriations	\$3,253,201.00
5. Less: Anticipated Revenues Other Than Current Property Tax	\$2,050,638.87
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget	
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	\$1,202,562.13

Molnar motion to introduce the 2012 budget on first reading and Fisher seconded. Roll Call: Molnar-aye, Rich-no, Fisher-aye. The public hearing will be held at a special meeting on June 6, 2012 at 7 p.m.

Introduction: Ordinance 10, 2012 A CAPITAL ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, AUTHORIZING VARIOUS PURCHASES LISTED BELOW AND APPROPRIATING \$100,000 FROM THE CAPITAL IMPROVEMENT FUND

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

A CAPITAL ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, AUTHORIZING VARIOUS PURCHASES LISTED BELOW AND APPROPRIATING \$100,000.00 FROM THE CAPITAL IMPROVEMENT FUND.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON AS FOLLOWS:

SECTION 1: There is hereby approved as capital projects within the Township of West Amwell not to exceed the costs as noted below:

<u>Project/Purpose</u>	<u>Cost</u>
Police Vehicle	\$35,000.00
Gas Boy Fuel Management System	12,000.00
Sound System Upgrades, WiFi, projector computers/networking	13,000.00
Fire Turnout Gear	15,000.00
Police Building Air Conditioning	5,000.00
Roll offs – Recycling	10,000.00
Firehouse Roof Improvements	<u>10,000.00</u>
<u>Total</u>	<u>\$100,000.00</u>

SECTION 2: There is hereby appropriated from the Township of West Amwell Capital Improvement Fund the sum of \$ 100,000.00 to cover the cost of the capital projects as described in Section 1 hereof.

SECTION 3: This ordinance shall take effect upon final adoption and publication according to law.

SECTION 4: The capital budget of the Township of West Amwell is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Molnar moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held on May 23, 2012

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Toll Trees*: Mr. Cronce relayed that the bid process has been delayed as he's been too busy to develop the required specs. As there has been interest expressed in the property, with the trees, the bid process was put on hold.

- *Nunn*: A 'green light' to proceed was received from the SADC to move forward with appraisals, which was the result of monthly meetings at the County, according to Mr. Shute. Mr. Cronce referenced several items found at the back of the letter concerning soils, wetlands, seasonal high water table, etc., and noted that two appraisals would have to be done to establish value. Mr. Rich offered that a couple hundred dollars for an engineer review would be warranted before spending money for appraisals. Mr. Fisher will reach out to Engineer Roseberry for confirmation of development potential and the creek/stream issue.

- *Toll North*: Mr. Shute relayed that he and Kyle Kilmer went to the County's monthly meeting for an update and the commercial frontage was briefly discussed. He noted that there may be more options than what was discussed at the Planning Board and that Bill Millett is to contact Toll's attorney. Mr. Shute thinks that the Township should be involved in that conversation due to the commercial frontage trade off. If this were not the case, there would probably be an option agreement in place at this point and the deal starting to move forward. This position received concurrence by the Committee, so either Mr. Shute or Mr. Cronce will speak with Mr. Millett. Mr. Cronce then polled the Committee as to their stance on the commercial piece. Both Mr. Rich and Mr. Molnar were in agreement with Mr. Fisher stating that he still doesn't know enough about what that would do for the town. For the record, Mr. Cronce relayed that he was against separating out the commercial piece and that he had had a lengthy discussion with Hal and Kyle before the County meeting about it. His position is that this would take the aesthetics away from what is a great farm and makes the farm a commercial establishment. However, if something along the line of a farm-type business, e.g., a farm stand, were to be there, it would be great. Mr. Shute offered that there still might have to be an exception area created as without one, the majority of what is sold has to be produced on site; that although it's a big farm, in order to run a retail operation a lot would have to be brought in; and continued by commenting that he's starting to see the wisdom in Mr. Cronce's line of thinking as the Township has something of an agricultural area there with a lot of preserved farms along 179...some of which are pretty big. Mr. Cronce obviously agreed with this direction, adding that something would be taken from the area should something like the old bowling alley complex be allowed as it would ruin the whole feeling of a preserved farm. Although the general consensus says that commercial is located on the highway with houses in the back, there won't be houses if the property is preserved. To think that the Township would be saved, or helped out of their money issues, with the proposal is wrong; that the Committee would be turning the Route 179 corridor into a strip mall akin to what is seen in Flemington; that talking this way plants a seed that starts to grow and blossom; that it is his position that it is wrong, other than keeping the piece commercial for agricultural use; and, as it is being plowed and planted as a farm, why take that away. As a decision cannot be made until both sides are fully researched, and that there may be more involved in Mr. Shute's proposition than currently realized, Mr. Fisher stated that this is all the more reason to be involved real time in the conversation with Toll. Mr. Rich inquired about next steps and basically, other than the frontage question, it involves having Toll sign the option agreement but they have to be on board for this to happen. Mr. Shute commented that when he's wearing his planning hat, it makes all the sense in the world to save that commercial frontage and utilize it; however, when serving on the open space committee, it doesn't make so much sense. A lengthy discussion continued on such topics as the commercial area for West Amwell is really Lambertville; the amount of commercial already in this particular area; the presence of the school; what truck/delivery traffic would be like 20 years out; the estimated time frame for getting a deal in place; trying to work the funding issue whereby Toll South is sold to cover the purchase of Toll North with the overall deal resulting in 300+ acres at \$1000/acre; calling these two properties by their previous names—Coleman/Berkawitz (S) and Stout (N); and, finding a way to have the commercial area promote some kind of agriculture-related retail establishment. The consensus was to move forward with Toll per the conversation.

Environmental

- *Authorization to Post March 8, 2012 Minutes on Website*: Approved

Affordable Housing:

- *Continued Discussion Concerning Options*: Housing Official Barbara Walsh overviewed the options, starting with the **HMFA/DHS/DCA** Partnership Program which would involve a resolution, a memorandum of understanding and the transfer of trust fund money to the State program. The State would then arrange to purchase a group home in the Township to provide

housing for currently institutionalized folks. The usual commitment is \$250,000, although less is do-able, but there would also be a 20% obligation for the cost of re-hab. Therefore, the total commitment is unknown. The State picks up 80% of the cost, including acquisition and re-hab and also selects the property and provider.

The second option is to contract with **SERV** without any State involvement. There is \$95,000 left in the trust fund with \$72,000 set aside for affordable assistance per the settlement. These funds need to be committed or the State will take them. Ms. Walsh suggests that the remaining \$4000 be moved out to cover administrative costs, i.e., her salary. She also noted that the Township has a large obligation and had planned on spending \$50,000 per bedroom for a group home but now has the ability to fund this at \$30,000 per bedroom through SERV. Community Options has increased its per bedroom cost to \$60,000. Keith Hamilton, Vice President of Community Relations at SERV, was introduced. Mr. Hamilton relayed that SERV is a provider as well as a developer; has a property and management component; operates 62 group homes plus 9 apartments; and, is a NJ organization with a presence in 12 counties. He assured the Committee that the Township would have no responsibility with the actual running of the group home and that their only obligation would be to provide the funding. Mr. Hamilton also relayed that COAH may give double credits. A lengthy discussion ensued over the selection process used to find the house under consideration; the target population; their negotiation process with the home owner; that SERV will not pay over appraisal value because they are mindful of the public funds; issues such well and septic that impact the purchase; and, whether an expanded deal involving two homes could be made. The latter item could not be considered as COAH needs a specific location and the other properties presented by the Realtor did not make the cut. The properties and management person finds the deals where less money is needed for upgrades. Mr. Hamilton noted that a PILOT arrangement with the town will need to be discussed; that the home will have 24/7 staffing with wait staff on 3rd shift; a van for transportation purposes will be assigned to the home; and, that he would like to move forward with the house under consideration. Mrs. Walsh relayed that she would prefer not to go through the Partnership program, as the clients would come from institutions, not the DHS list used by SERV; that SERV is less complicated; and, that a specific place has been identified. Mr. Fisher offered that until something changes, the Township has to move and indicated that SERV appears to be a painless way to go; that he is comfortable with the parameters set; but, was concerned about the community's reaction once the purchase is announced. Mr. Hamilton noted that they've been in this situation before and, once the acquisition has been made, they will deal with any inquiries made to the Township. This is no different than having a family with a handicapped child move in. In response to questions from Mr. Rich concerning a couple lower priced homes in the area, Mr. Hamilton relayed that there's proximity issues in locating group homes in that they cannot be within a mile radius as well as concerns surrounding lower cost housing, e.g., expensive septic systems. The Committee was reminded that time is moving quickly and the money has to be contract committed or the funds will be forfeited. If two group homes are desired, and the Committee is willing to fund another one, there is money available in a \$200,000 bond ordinance.

Given the time frame and the need to commit on a site specific property in order to apply to COAH, the following resolution was presented for consideration:

RESOLUTION #85-2012
Authorizing Contribution from Affordable Housing Trust Fund

WHEREAS, the West Amwell Township Committee has an opportunity to partner with SERV to provide a group home for persons with special needs; and

WHEREAS, a promising site has been identified with an interested owner; and

WHEREAS, SERV requires \$30,000 per bedroom for a total of a \$90,000 contribution from the Township

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, that \$90,000 is hereby authorized from Township's Affordable Housing Trust Fund as a contribution to SERV for the purpose of creating a group home within West Amwell Township.

The Resolution was approved on motion by Molnar, seconded by Fisher. Roll Call: Molnar-aye, Rich-no, Fisher-aye

Mr. Hamilton expressed appreciation to the Committee for their consideration and the Resolution. He assured them that SERV will continue to be good neighbors; that he will be in touch concerning a PILOT; and, will be available to discuss any issues.

- *Possible Resolution to Revise Spending Plan to Include Group Home: TBD*
- *Resolution Authorizing Consultant Bishop to Apply for a Spending Amendment:*

RESOLUTION #86-2012

WHEREAS, the West Amwell Township Committee desires to amend their previously approved COAH spending plan to include a group home

THEREFORE BE IT RESOLVED, that Shirley M. Bishop is hereby authorized to apply for said amendment to the current spending plan.

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

- *Resolution to Withdraw Trust Fund Money for Administrative Expenses:*

RESOLUTION #87-2012

WHEREAS, West Amwell Township is permitted to use Affordable Housing Trust Fund money for administrative expenses, including salaries

THEREFORE, BE IT RESOLVED, by the West Amwell Township Committee, that the sum of \$4,026.28 be transferred from the Affordable Housing Trust Fund to cover permitted administrative expenses to date.

Molnar motioned to approve the Resolution and Fisher seconded. Roll Call: Molnar-aye, Rich-no, Fisher-aye

- *Resolution to Enter into Contract for WAT Rehabilitation Program:* Mrs. Walsh wants something in writing from the State that the NJ 1st law does/does not include consultants. Attorney Faherty concurred in order to protect the Township and noted that an e-mail had been sent to the Attorney General's office concerning the matter. Mrs. Walsh also relayed that there's an opportunity to leverage funds for re-hab work by making an application to DCA for a 25% match. There is no need for quick movement on this particular item until good advice can be obtained from the consultant and an application obtained in order to move ahead. She also noted that there is a resident with a leaking furnace that she would like to find funds for but an answer to the NJ 1st issue has to be dealt with first in order to make a decision on the re-hab consultant. After that application for Community Block Grant money for program implementation can be made albeit subject to HUD regulations.

- *Re-hab Consultant:* Held
- *Resolution Approving Escrow Agreement for Housing Trust Fund:*

RESOLUTION #88-2012

Escrow Agreement for Housing Trust Fund
(see attached)

The Agreement was unanimously approved on motion by Molnar, seconded by Rich.

Aq Advisory

- *Authorization to Post March 1, 2012 Minutes on Website:* Approved

Finance Advisory

- *Authorization to Post February 29, 2012 Minutes on Website:* Approved

Recycling

It was noted that the recent electronic recycling effort brought in 10,950 lbs. towards 2012 totals. The 2011 recycling report was presented showing 3,176.27 tons collected

- *Appointment of Certified Recycling Coordinator:* Alan Dilly of Franklin Township was appointed and unanimously approved to serve in this capacity.
- *Tonnage Grant and Tonnage Tax Resolutions:*

RESOLUTION #89-2012
TONNAGE GRANT APPLICATION RESOLUTION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2011 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the West Amwell Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Committee of West Amwell Township that West Amwell Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Alan Dilley to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

RESOLUTION #90-2012
TAX IDENTIFICATION STATEMENT

WHEREAS, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of

recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the TOWNSHIP OF WEST AMWELL that TOWNSHIP OF WEST AMWELL hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2011 in the amount of \$1,466.88. Documentation supporting this submission is available at OFFICE OF THE CLERK, WEST AMWELL TOWNSHIP MUNICIPAL OFFICES, 150 ROCKTOWN-LAMBERTVILLE ROAD, LAMBERTVILLE, NEW JERSEY 08530 and shall be maintained for no less than five years from this date.

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

Parks & Recreation

- *Special Account*: Mr. Molnar requested that a special account be set up for Parks & Recreation. He noted that in Lambertville successful fund raisers have been held for Ely Field. Mrs. Olsen relayed that the listing of 'dedicated by rider' accounts has a *Recreation Trust Fund* that was approved in 2009. The parameters will be checked with the CFO.

As there is no longer a gate closing off the park, and there have been several instances of vandalism, the Road Supervisor will be asked to set up a chain and lock for the entrance and have several keys made.

A spot for the Gary Bleach bench has been located. Mr. Shute is working on the purchase.

Sourland Alliance

- *Authorization to Post Shared Information from Montgomery*: Approved

UNFINISHED BUSINESS

Appointments – The recent Zoning Board appointment was re-visited. Mr. Bordon will be Alternate #2 with John Hoff moving to Alternate #1 and John Ashton moving to the unexpired 4-year slot. There were no objections to this change.

Updates - 1) **List Serve**, held. 2) The report from Dome-Tech was received concerning the **Energy Audit**. Nothing particularly earth-shattering was revealed but there would be an 18 year pay back if all recommendations were implemented. Mr. Fisher will place a call to the consultant. 3) A letter is still needed concerning the **2010 Census/Contested Numbers** but Representative Lance will back us. 4) Information on the cost of a **Dog Census** was received from East Amwell and Delaware. A notice will be placed on the website that the Township is looking for someone to conduct the census and East Amwell will be contacted for the name of the person that has been doing theirs to see if there would be interest here as well. The rate to be offered is \$500 per district plus \$325 per district for mileage. 5) The response from our legislators on the resolutions on restoration of the **Energy Tax Receipts** was 'lacking' in that they basically blew us off. Senator Turner will be sent a letter requesting her attendance at the May meeting. Mr. Shute offered to make sure the room would be filled if the senator agrees to attend. 6) There's been no recent word from Anna Lustenberg about a meeting with **Verizon** engineers. The Clerk will make contact. Whether the Township should move to Comcast will be run past Tom Allibone for advice. 7) Mr. Shute stated that the CFO is okay with funding the **Bleacher Memorial** bench with Open Space trust money as it is a park improvement and \$1200 was donated two years ago. There are two possible vendors under consideration for the 4 foot long granite bench. With the engraving, the cost will be approximately \$1450 with \$150 in delivery charges. Permission to proceed, but not to exceed \$1600, was granted. This will need to be made part of the Open Space Trust fund hearing. Mr. Shute would also like to post a copy of the resolution prepared by the Clerk to the side of the bench. The location of the bench will be between the pavilion and right field. 8) How the **South Tax Rate** was arrived at is a mystery. Mr. Fisher noted a cordial meeting with the business administrator but there is no County tax administrator to assist. The State has a budget program that the school uses but the underlying calculations are unknown. Numbers are just inserted into the program. However, the numbers in the recent newsletter are not the numbers that will be seen on the tax bill; they are only estimates. However, Mr. Rich offered that the budget would have been voted down based on the article. 9) Engineer Roseberry has advised that Orleans was astounded at the number of problems remaining for the **Maintenance Bond**. He will try to get things worked out.

Resolution Awarding Firehouse Roof Bid –

RESOLUTION # 91-2012

WHEREAS, the Township of West Amwell advertised and subsequently received bids for a project entitled *Roof Replacement for Portions of Police/Fire/OEM Building*; and

WHEREAS, five bid were received as follows:

<u>Contractor</u>	<u>Bid Amount</u>
RVT Construction	\$35,257.00
Strober Wright	35,800.00
Arista Builders & Designers	49,300.00
Central Jersey Roofing	44,800.00
BMV	35,000.00

WHEREAS, Philip J. Faherty, III, Township Attorney, has reviewed the submitted bids and determined that BMV submitted the lowest bid for the work requested and has submitted the appropriate paperwork.

WHEREAS, the Township of West Amwell has sufficient funds to award the Contract per the Certification provided by the CFO

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of West Amwell that the Contract for the project entitled *Roof Replacement for Portions of Police/Fire/OEM Building* is hereby awarded to BMV for \$35,000.00.

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

Resolution Awarding Police Station A/C Unit –

RESOLUTION #92-2012

WHEREAS, wall mounted, ductless air condition unit in the police department patrol room has ceased to operate; and

WHEREAS, it has been determined that, due to the age of the unit, the best course of action is replace same; and

WHEREAS, quotes for a new wall mounted, ductless a/c unit were solicited with the following results:

Stellitano Heating & Air Conditioning, Inc.	\$ 3675.00
Ronald Tillett & Sons, Inc	\$ 3970.43 (13.1 seer unit)
	\$4,427.30 (16 seer unit)
Custom Cooling Services, Inc	\$3,649.00 (19 seer)
All Seasons Heating & Cooling	\$3,729.00

WHEREAS, the apparent low bidder is Custom Cooling and a Certificate of Insurance will be required prior to the start of any work; and

WHEREAS, a Business Registration Certification has been received; and

WHEREAS, the CFO has certified that sufficient money is available for this purchase

THEREFORE BE IT RESOLVED that the quote for a new wall mounted, ductless a/c Unit for the Police department is hereby awarded to Custom Cooling Services, Inc., subject to the submission of a Certificate of Insurance.

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

South County Library – According nj.com, this facility is moving into West Amwell.

Calton Dam Inspection Report – Engineer Roseberry has completed the report and is mailing it in for the mayor's signature, as required by DEP. Authorization to sign was unanimously approved on motion by Molnar, seconded by Rich.

NEW BUSINESS.

Approval of Music Mountain Tax Appeal Settlement – The 2012 tax appeal was withdrawn in view of the reduction made. To resolve the impending 2011 appeal, consideration of a reduced assessment was proposed, to which Assessor Gill agreed, as the settlement is the new 2012 value. However, the Stipulation needs Township Committee approval. Approved.

Resolutions for Consideration:

- Supporting A-2717 Extending Time Period to Commit/Expend Development Fees

RESOLUTION #93-2012

RESOLUTION SUPPORTING A-2717

Extending the time period for municipalities to commit to expend collected development fees and payments-in-lieu of constructing affordable units

WHEREAS, P.L. 2008, c. 46 established a four year timetable for municipal housing trust dollars to be “committed for expenditure, or risk forfeiture to the State;” and

WHEREAS, the 2008 Act did not define the term “committed for expenditure” and deferred to the Council on Affordable Housing (COAH) to promulgate regulations as to the requirements to be met for “committed” as well as a timetable for expenditures; and

WHEREAS, neither COAH nor the Department of Community Affairs has adopted, nor proposed, the regulations pursuant PL 2008, c. 46; and

WHEREAS, hundreds of municipalities submitted spending plans to COAH, of which only a fraction of these plans were reviewed by the agency, and most of these municipalities have not been provided any guidance on their spending plans; and

WHEREAS, at the time of 2008 Act, COAH was prepared to adopt its “3rd round regulations” establishing municipal obligations under the “Fair Housing Act”; and

WHEREAS, COAH’s 3rd round regulations were highly controversial and fundamentally flawed, and subsequently set aside by the Appellate Division, and the appeal of that decision now awaits consideration by the State Supreme Court; and

WHEREAS, eight years of litigation over COAH’s methodology has had a chilling effect not only on the development of affordable housing, but on the ability of local governments to commit trust fund dollars without knowledge of their respective obligations, and certainty that such commitment would count towards its housing obligation; and

WHEREAS, forfeiture of trust fund dollars starting in July 2012 would be fundamentally unfair, inequitable and indefensible since neither COAH nor DCA has provided the required guidance or certainty; and

WHEREAS, these trust fund dollars should be used as intended: to subsidize the costs for municipalities in meeting their affordable housing obligations while assuring that these costs do not fall to local taxpayers; and

WHEREAS, forfeiture of these dollars, estimated by some to be as much as \$200 million, would displace this financial obligation to the taxpayers in these communities; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of West Awmell Township urges our State Legislators to **support and approve A-2717**, which will provide a four-year extension for municipalities to commit the municipal housing trust fund dollars; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the sponsor of A-2717, Assemblyman Anthony Bucco, Senator Shirley Turner, Assemblyman Reed Gusciora, and Assemblywoman Bonnie Watson Coleman, members of the Assembly Housing and Local Government Committee, the New Jersey State League of Municipalities and the Office of the Governor.

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

- Municipal Enlistment in the Military Initiative:

RESOLUTION #94-2012
Resolution of NJLM for Municipal Enlistment in the Military Initiative

WHEREAS, on Tuesday, January 24, the Commander-in-Chief of our Armed Forces reminded all Americans that, "Above all, our freedom endures because of the men and women in uniform who defend it," and that "... this generation of heroes has made the United States safer and more respected around the world."; and

WHEREAS, the President, further, promised, "As they come home, we must serve them as well as they've served us. That includes giving them the care and the benefits they have earned ... And it means enlisting our veterans in the work of rebuilding our nation."; and

WHEREAS, National Guard and Reserve forces today total over 1 million service members and represent 48 percent of our total military force; while every day around the globe, thousands of men and women in uniform, including dedicated members of the National Guard and Reserves, risk their lives and make great sacrifices to defend our national interests, serving extended tours away from their homes, families and jobs; and

WHEREAS, at the same time, we are now seeing unprecedented levels of unemployment and underemployment among members of the Guard and Reserve, as up to 22 percent of Guard and Reserve members face unemployment; and

WHEREAS, in this time of economic uncertainty, the Employer Support Guard and Reserve (ESGR) is focusing on connecting employers with the talented pool of service members and their spouses, with the intent of facilitating meaningful employment opportunities; and

WHEREAS, to further this goal, the New Jersey ESGR has launched an Employment Initiative Program (EIP), which is a collaborative effort with federal agencies including the Department of Labor (Veterans Affairs), the Department of Veterans, the Small Business Administration and the Office of Personnel Management; and

WHEREAS, the goal is to enhance the employment process and serve as an effective resource for service members and employers. ESGR is also partnering with Employer Partnership of the Armed Forces (EPAF) through EIP with a high-tech and high-touch approach; and

WHEREAS, for almost a year, now, the United States Chamber of Commerce has also endeavored to find employment for our returning veterans and the spouses of those who continue to serve, at home and abroad, with its Hiring Our Heroes program; and

WHEREAS, the Hiring Our Heroes program is a nationwide effort to help veterans and military spouses find meaningful employment, in partnership with the Department of Labor Veterans Employment and Training Service (DOL VETS), to improve public-private sector coordination in local communities, where veterans and their families are returning every day; and

WHEREAS, despite those efforts, the unemployment rate for veterans of our Armed Forces in our Nation and in our State continues to exceed the over-all rate; and

WHEREAS, in order to take the lead on advancing the EIP to the next level, the New Jersey ESGR has enlisted strong and positive support from corporate leaders, the New Jersey State Chamber of Commerce, US Dept. of Labor/VETS and the New Jersey League of Municipalities; and

WHEREAS, it is incumbent on all of us to prove that New Jersey cares for the men and women in uniform who risk their lives and make great sacrifices to defend our national interests; and

WHEREAS, this employment initiative can be New Jersey's way of saying thank you to the men and women who made great sacrifices to protect our nation's freedom; and

WHEREAS, local officials throughout the State of New Jersey, working together through the League of Municipalities, and with the New Jersey ESGR, their local and State Chambers of Commerce, and local business leaders can help to advance basic fairness to our vets and their families by pursuing one simple goal: to allow America's over one million unemployed veterans and military spouses to follow their dreams, instead of spending their lives just trying to catch up

NOW THEREFORE BE IT RESOLVED, on this 25th day of April 2012 that the Township Committee of West Amwell Township recognizes that we will never be able to repay the debt we owe to all members of our armed forces; and

BE IT FURTHER RESOLVED, that in gratitude, West Amwell Township pledges its enthusiastic and unqualified support for the Employment Initiative Program of the New Jersey Employer Support Guard and Reserves; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the New Jersey State League of Municipalities and to our neighboring municipalities.

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

- *National Police Week:*

RESOLUTION #95-2012

WHEREAS May 13th through 19th is National Police Officer Week; and

WHEREAS, May 15th is "Law Enforcement Officers Memorial Day" as so legislated by the federal government; and

WHEREAS, the people of West Amwell hold their police officers in great esteem and value their local police force as an essential part of their community; and

WHEREAS, the purpose of this designation is to generate increased public support for the law enforcement profession by permanently recording and appropriately commemorating the service and sacrifice of law enforcement officers and to provide information that will help promote law enforcement safety; and

WHEREAS, this legislation requires that all American flags be lowered to half-staff on May 18th in commemoration of this service and sacrifice

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the week of May 13th through 19th is hereby declared as National Police Officer Week in West Amwell Township; and

BE IT FURTHER RESOLVED that all municipal flags be lowered to half staff on Law Enforcement Officers Memorial Day on May 15th

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

Discussion Items –

- *Joint Yearly Open Public Meeting with Local School Boards (Best Practices):* Although the concept is supported by the Township Committee, the item was held.

- *Shared Service Possibility:* There's an opening in Delaware Township for a plumbing official. A conversation with one of the elected official has taken place but no further word received. The decision was to wait for some word after the 30th.

- *Date for Meeting with Fire Company & Auxiliary:* Dates of May 7th or 14th were suggested and will be offered to the two entities for consideration. The meeting would be held at 7 p.m.

- *Proposed Amendments to Purchasing Procedures:* Mr. Rich relayed that the Finance committee is on board with the direction presented and that their attitude is, as business owners, that they get purchase orders signed off on before money is expended. The current system has the mayor signing off purchases already made. A lengthy discussion ensued over the proposed process as to mayor involvement with purchase orders; that the ordinance needs to be amended to add such items as prompt pay, pay-to-play, and bid and quote thresholds to bring it up to date; that some of the proposed requirements would need a QPA as there may not be in-house expertise, or time, for some of the things being asked for; if there would be way to share what is being looked for with the people who have to actually make it work so that everyone would be on the same page; how something like this would be accomplished; that currently a requisition is suppose to be submitted to the CFO to determine whether there is money in the budget prior to a purchase; that the proposed process would have the mayor more involved with every department which would develop relationships that do not currently exist; help control costs through decision making; and, provide accountability. Mr. Molnar was not on board with the concept and Mr. Fisher commented that this is assuming that money is going out that shouldn't be and questioned the workability factor. Although there are some ideas presented that have merit, the nitty-gritty of a process and flow would have to be worked out and is something that would take some time because nobody knows what the presented

document really says. Mr. Rich suggested that the Committee sit down with finance and the Clerk and see what is reasonable. As this is his bailiwick, Mr. Rich was given the task of pulling this together. However, Mr. Fisher stated that it will be the Township Committee that will work out the flow.

OPEN TO THE PUBLIC

Sean Pfeiffer came forward to add to previous discussions this evening. Concerning the budget issue and purchase orders, he expressed the opinion that in government there's a philosophy that if something was budgeted, it needs to be used before the end of the year otherwise a similar budget might not be forthcoming. When questioned if this is perceived to be the case here, Mr. Pfeiffer said no but it's certainly the case with the federal government. Mr. Fisher offered that he doesn't think it applies here and advised that it's usually an under spent, not an over-spent, budget. Mr. Pfeiffer added that encouraging a philosophy where the budget is the worst case scenario rather than the amount that should be spent is always a good thing.

Mr. Pfeiffer then commented Ordinance 7 e.g., the bolding of changes due to multiple revisions being helpful; and, that the last paragraph on the first page about facilities of more than 10 panels and located less than 10 feet from the nearest property would, under the current definition, include arrays. His concern is for the wording in that it could be interpreted to mean that more than 10 arrays of panels can be installed that are less than 50 feet from the property line and that are more than 15 kw dc as long as they are located 9 feet above ground level because the ordinance states that these facilities shall have set back requirements consistent with building regulations unless the system is located a minimum of 8 feet above ground level. For this reason, the sentences need to be separated. Or, is the intent, if there's a SHREC-sized facility located on a large business property, there could be 6 acres of solar panels more than 50 feet of the property line that wouldn't require any kind of site plan approval? As currently worded, somebody with a big energy need could put in 10 acres of solar panels without even having a site plan approval. Mr. Pfeiffer stated that the original intent was to cover residences, of which he totally favors. However, if the 15kw-dc barrier is the trigger, there should be some kind of site plan review. There are loop holes the way the ordinance is worded.

The Nunn property discussion was also noted in that an appraisal runs around \$2500, not \$25,000 as stated. Also, under the Township's written policies, if the engineer says that there is a stream, that would actually increase the score because the ranking system says that if there's environmental features on the property, it would be more targeted for preservation. Mr. Pfeiffer added that there were a number of different opinions on the Township Committee at the time, with Gary Bleacher in favor because he was all for compensating landowners because he thought the Category 1 streams were a taking by the State and Ron Shapella wanted to protect the streams.

Concerning the Toll property, Mr. Pfeiffer inquired whether this was something approved by the County staff or if the Ag board had actually looked at it. This was mentioned as it has been his experience that the Ag Board is much more inflexible with changes. As an example, a severable exception area was noted. The County's ranking system says that each severable exception area subtracts 5 points from the score. Without some sort of waiver, this could impact funding because properties are ranked pretty closely together. Mr. Pfeiffer also commented that when talking with Toll, be prepared, as they'll probably ask for waste water treatment facilities because of what they've previously said about wanting commercial development; that they'll put in a supermarket or mall; but, that they would need sewers. .

Dave Beaumont came forward concerning his valuation analysis and the bottom line to him as a tax payer. If the assumption is made that the aggregate tax levy would be flat from last year to this year, all numbers suggest that more than half of the homeowners would have a decrease in taxes. The average is 14.5% reduction in property value but there were some with a 20% reduction. While less than half the people will pay more taxes, it's a huge swing. Mr. Fisher relayed that it appears that some fixed number was used, unless the assessor saw features that had changed e.g., a/c, dormer, paved driveway, etc. However, those homeowners whose value went down, would need to consult with Mr. Gill. It was noted that Mr. Beaumont's analysis took a lot of work.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #96-2012

WHEREAS, it has been determined by the Zoning Board of Adjustment of West Amwell Township that the following applicant's escrow fees are in excess of what was needed to cover their charges, and

WHEREAS, the Zoning Board of Adjustment has approved a refund of the following amount

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
PECO Energy Company c/o P. Harris, Dilworth Paxon-Cherry Hill	\$4,329.08

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

RESOLUTION #97-2012

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

WHEREAS, the Township Committee has approved a refund of the following amount;

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:

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

Presentation of Bills for Approval:

RESOLUTION #98-2012

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 \$5,532,598.48 dated April 25, 2012, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

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

Treasurer Report: Appropriations through April 23, 2012 were provided and reviewed.

Tax Collector –

RESOLUTION #99-2012

WHEREAS, there has been a duplicate payment for first quarter 2012 for Block 30, Lot 1.01 in the amount of \$1,861.19 by Foundation Title; and

WHEREAS, Foundation Title has requested that this overpayment to be returned to them

THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue a check in the amount of \$1,861.19 and this check be mailed to Foundation Title for disbursement.

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

The monthly report for March 2012 was received showing receipts in the amount of \$89,967.05. Also presented was a report of uncollectible taxes in accordance with N.J.S.A. 54:4-91.1 that this information be filed on or before May 1st of the calendar year. Three properties were listed and all belong to the Township.

Clerk/Human Resources

- Updated Personnel Policies & Procedures Manual. Held

Construction – The Permit Fee Log details (13), State Permit Surcharge Fee Report Detail (\$1,458.56), Monthly Activity Report-Permits (13), Payment Audit Report (\$5,113.00), Monthly Activity Report-Certificates (4), Certificate Log Detail (4) were received for PermitsNJ.

Court – The February and March 2012 monthly report was received showing a ticket total of 797 (658 local) and the receipt of \$26,269.80. In addition there were 22 criminal complaints for the quarter.

Roads – The March 2012 report of activities was received. Trash runs, mowing, road patching/pot hole repair and ditch work were specifically noted. The 2011 Stormwater report has been filed.

Zoning Officer Report -- The March 2012 report of activities was received. Numerous office meetings/calls, interpretations and e-mails were noted. Four permits were issued.

The reports were unanimously accepted and filed.

Mr. Fisher relayed receiving a call from a resident on Alexauken Creek Road who saw the speed bumps and wants some.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 11:00 p.m. on motion from Rich.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk