

WEST AMWELL TOWNSHIP COMMITTEE MEETING
January 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 7:00 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 Dave Beaumont, Hal Shute, Betty Jane Hunt, John Cronic, Jason Fuhr, Cathy Urbanski, Rob Tomenchok and Sean Pfeiffer

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

Betty Jane Hunt led the assembled group in the pledge of the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

Nothing added.

ANNOUNCEMENTS

The following announcements were made:

- Municipal Offices Closed February 20th for Presidents Day
- 2012 Dog Licenses due by January 31st
- First Energy Tree Pruning, Ongoing
- PSE&G Power Line Work/Lewis Tree Service, Various Lines, Ongoing Thru March/April 2012
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The following Regular, Special and Closed Session minutes were unanimously approved on motion from Molnar, seconded by Rich.

December 28, 2011 Special Meeting
December 28, 2011 Closed Session (Personnel)
December 28, 2011 Regular Meeting
January 2, 2012 Re-Organization Meeting
January 9, 2012 Special Meeting
January 9, 2012 Closed Session (Contract Negotiations/Possible Governing Body Involvement)

The Closed Session Minutes for possible release were held.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Dave Beaumont relayed that he hasn't had a dog in 23 years but still receives a notification. He also inquired about a possible technology committee and offered to put together a list of potential members. The offer was received with appreciation. A new directory for the website was requested. Mr. Rich suggested that Harry Heller be kept in the loop, technology-wise.

Mr. Molnar requested that the pie chart on the proposed new website be changed to show County/Township allocations of 14 and 11 percent, respectively.

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

Municipal Alliance: Jason Fuhr relayed that \$23,000 in grants were paid out last year and that a new grant round should be ready soon. A cookbook fund raiser is anticipated and the Committee will be solicited to provide recipes. Mr. Fuhr also noted that the group, which deals with all municipalities and sponsors, finds West Amwell easy to work with and everything done to order.

South County Regionalization: Dave Beaumont relayed that a meeting to review the initial draft of the study was held and recommendations made for the final version. The next meeting will be held on February 8th at 7 p.m. at South.

A meeting was held at the Raritan complex concerning the creation of a County-wide school

district. The driver for this is to reduce property taxes as Hunterdon County spent \$400 million in 2010 for education. There were less than 50 people in attendance but included superintendents and board members. Freeholder Rob Walton is leading the study and has looked nationwide for areas with single districts. A 25% savings has not been found, as no one has what is found here, and some areas cost more. Hal Shute referenced an on-line article that stated that if a \$100 million could be saved, taxes would go down.

FAA: Mr. Molnar read an e-mail from Kelly Albanir who was unable to make the meeting due to midterms and study requirements. The following update was given: The fresh fruit fundraiser and wreath sale were both very profitable. They are in the process of setting up a clothing drive; will attend the Winter Festival Parade on Saturday with their tractor-themed float; and, will be selling cookbooks at St. John's. A few members will also be doing a radio broadcast on WDVR to advertise an alumni fundraiser at Back Road BBQ to be held February 8th.

Public Hearing: Ordinance 1, 2012 AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY

Proof of publication in the January 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 January 9, 2012 Township Committee. Mr. Fisher read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was unanimously closed.

Mr. Rich explained that the ACO position will be a joint venture. West Amwell will be the lead agency with the reimbursements coming from the other municipalities to pay the salary. An amendment is needed to include Delaware Township, who has recently expressed interest in joining.

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

Introduction: Ordinance 2, 2012

Mr. Fisher explained that this is an update required by DEP. The following ordinance was read by title and introduced on first reading:

AN ORDINANCE TO AMEND CHAPTER 90 (FLOOD DAMAGE PREVENTION) OF THE CODE OF THE TOWNSHIP OF WEST AMWELL

BE IT ORDAINED by the Township Committee of the Township of West Amwell, Hunterdon County, New Jersey, that the following sections of Chapter 90 of the Code be amended and/or replaced to read as follows:

Article III GENERAL PROVISIONS

90-7A BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The date of September 25, 2009 in both (1) and (2) of this section is hereby replaced with **May 2, 2012**.

Panels 34019C0339F, 34019C0402F, 34019C0404F, and 34019C0408F in (2) of this section is hereby replaced with 34019C0339G, 34019C0402G, 34019C0404G, and 34019C0408G, respectively.

Article V PROVISIONS FOR FLOOD HAZARD REDUCTION

90-16A ANCHORING

(2) All manufactured homes **to be placed or substantially improved** shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

90-16C UTILITIES

(4) **For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.**

90-17B NONRESIDENTIAL CONSTRUCTION is hereby replaced with the following:

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

Either

- (1) Elevated to the level of the base flood elevation; and**
- (2) Within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;**

or

- (1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;**
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,**
- (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accept standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 90-14C(2)(b).**

ADOPTION

Upon adoption this Ordinance will be incorporated into and become part of the Code of the Township of West Amwell.

REPEALER

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

EFFECTIVE DATE

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 February 22nd.

Introduction: Ordinance 3, 2012

The original ordinance has not yet been codified, hence the convoluted title. Mr. Rich questioned the reasoning for the proposed action. Mrs. Urbanski explained that under the permitted accessory uses for all the districts, light industrial is separate because it is treated differently. Currently, it is not in line with the State statute for ground mounted panels, i.e., 10 or fewer or located 50 feet or greater from the property line. The purpose of the ordinance is to align with State statutes. Also part of what needs to be removed, at the Planning Board's suggestion, concerns a reference to cadmium telluride panels, something previously missed by both the Planning Board and Environmental Commission, which is under section 3, conditional use standards. Although these panels were originally thought to be dangerous, DEP has provided a litany of reasons why they're ok. A brief discussion ensued over changing what was put in place last year; when plan approval would be needed; and, effect on the current law suit.

As to the latter, Mr. Fisher relayed that the changes have nothing to do with the suit, only that State rules indicate that a municipality cannot interfere with ground mounted installations of 10 or fewer panels. Attorney Faherty advised that whatever number is used, it must be one that is authorized, otherwise the township would be facing an arbitrary and capricious and unreasonable challenge. Another question raised concerned site plan approvals/variances for a larger number of ground mounted panels, in lieu of roof mounts which are deemed by some not be a structurally sound way to proceed, and was informed that this would only occur if the array will produce more than 15 KW. Concerning the particular panel type, Rob Tomenchok noted that there is essentially no big difference between the two technologies and therefore, inappropriate to limit same. Mrs. Urbanski suggested that a paragraph be added prior to publication. With that addition, the following ordinance was read by title and introduced on first reading:

AN ORDINANCE TO AMEND ORDINANCE 3, 2011 AMENDING CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL (Renewable Energy Facilities)

BE IT RESOLVED by the West Amwell Township Committee that Ordinance 3, 2011 providing regulations regarding renewable energy facilities be amended by replacing Section II, Permitted Accessory Uses for 109-79, the SRPD District; 109-80, the RR-6 District; 109-81, the RR-5 District; 109-82, the RR-4 District; 109-83, the R-9 District; 109-84, the NC District; 109-86, the HC District and 109-87, the LHC District and replacing Section II, Permitted Accessory Uses for 109-85, the LI District and amending item 12 under Section III, Solar, Conditional Use Standards as follows:

Section II – SOLAR, ZONING

Chapter 109 of the Ordinances of West Amwell Township, Article II, District Regulations, permitted Accessory uses and Conditional uses in 109-79, the SRPD District; 109-80, the RR-6 District; 109-81, the RR-5 District; 109-82, the RR-4 District; 109-83, the R-9 District; 109-84, the NC District; 109-86, the HC District and 109-87, the LHC District is hereby amended and supplemented, by adding the following new subsections in the above Districts, as follows:

1. Permitted Accessory Uses – Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” beyond the edge of the roofline or 12” above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line.

In the case of a surface level or ground mounted system, the system shall be situated more than 50 feet from the nearest property boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.

Minor solar ground mounted facilities of more than 10 panels or located less than 50’ from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 Kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations and shall be fenced as per Section III.5.c.4 of this ordinance, unless the system is located a minimum of 8 feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.

2. Conditional Uses - Major solar or photovoltaic energy facilities or structures.

Chapter 109 of the Ordinances of West Amwell Township, Article II, District Regulations, Permitted Uses, Accessory and Conditional uses in the 109-85, the LI District is hereby amended and supplemented, by adding the following new subsections in the above District, as follows:

1. Permitted Uses - Major solar or photovoltaic energy facilities or structures on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity.

2. Permitted Accessory Uses – Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” beyond the edge of the roofline or 12” above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line.

In the case of a surface level or ground mounted system, the system shall be situated more than 50 feet from the nearest property boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.

Minor solar ground mounted facilities of more than 10 panels or located less than 50’ from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 Kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations and shall be fenced as per Section III.5.c.4 of this ordinance, unless the system is located a minimum of 8 feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.

Section III – SOLAR, CONDITIONAL USE STANDARDS

12. The use of lead-acid batteries shall not be permitted in major solar energy systems and facilities except as standby power supplies for control systems. ~~Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.~~

ADOPTION

Upon adoption this Ordinance will be incorporated into and become part of the Code of the Township of West Amwell.

REPEALER

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

EFFECTIVE DATE

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 February 22nd.

Introduction: Ordinance 4, 2012

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

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.

SECTION 1

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

Animal Control Officer (ACO) \$18,000.00 to \$26,000.00

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.

Molnar moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held February 22nd.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

John Cronce, the new chair of the committee, came forward with the following items:

- *Authorization to Post December 13, 2011 Minutes on Website:* Mr. Rich questioned former chair, Sean Pfeiffer, about the farmland preservation update portion, expressly Amwell Hunt, and whose idea it was to compile a list of properties owned by Bryce Thompson and the Township. Mr. Pfeiffer noted that the amount of the cash transaction still needs to be a minimum of the high auction bid order to satisfy the SADC; that it was his suggestion with respect to the discussion that was held; that talking points were prepared for the Township Committee for a subsequent meeting; a land swap was suggested because the bid was rejected due to the discrepancy in the appraisals; and, that in order to satisfy the SADC, the Township would still have to get at least \$385,000 in cash. Mr. Rich relayed that it was his understanding that the SADC would have a problem accepting other pieces of property on top of the \$385,000, to which Mr. Pfeiffer reiterated that according to conversations with Dan Knox, the representative at the State, no problem was anticipated as long as there was \$385,000 received in cash. A question concerning the potential public access easement project on Foran was also raised. Green Acres has authorized moving forward with appraisals but only two quotes were received. Mr. Pfeiffer explained that there were actually three appraisers contacted. Approved for posting.

- *Resolution of Award for Foran Appraisal:* Robert Heffernan was also contacted but no response was received. The resolution was amended to include that fact.

RESOLUTION #36-2012

WHEREAS quotes have been received for appraisal work on Block 7 Lot 16.03 Foran as follows:

Tom Rodriguez Associates	\$2,100.00
Vanguard Appraisal Services	\$3,250.00
Robert F. Heffernan Associates	No response

WHEREAS Tom Rodriguez Associates has submitted the lowest quote for the requested work and has submitted the required paperwork, and

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

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the quote for appraisal work on Block 7 Lot 16.03 Foran be awarded to Tom Rodriguez Associates.

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

Mr. Rich proceeded to relay various items of concern such as ensuring that everyone is on the same page; the importance of all boards working together for continuity; the need for people to feel free to speak out without worrying about their reputation being trashed; and, having a relationship among the boards where both good and bad ideas can be worked through. He noted that the Environmental Commission would like to be a part of the planning/zoning process, not for decisions, but to provide expertise to make sure that everything's protected. This recommendation was made at the Planning Board meeting and as long as the Environmental Commission doesn't come across in a dictatorial manner, the Planning Board is extending an olive branch to work together and take their expertise. These are the kinds of things in the works that are very important to advancing the town in a positive manner. Also mentioned was the finance committee; its importance in making sure the bills can be paid; and, for extending respect to this area as well. Mr. Rich then referenced Toll North, which was an agenda item at the last Planning Board meeting, and commented on the discussion that occurred. To this latter issue, Mr. Rich had questions for Mr. Pfeiffer who proceeded to provide a chronology of events that began in 2007 when the property was put up for sale. This included that the Township Committee was consulted about the sale and permission was

received to reach out to Toll to ascertain interest in preservation; this included both the North and South holdings; that in the maze of Toll's corporate bureaucracy, the appropriate person was located and interest expressed; and, a representative subsequently met with the Township Committee--Ron Shapella, Bill Corboy, Gary Bleacher, (and later Frank Masterson), the Township Clerk and himself several times in 2007 and 2008. The discussions were about potentially preserving both sides of the road but if this were not to happen, commercial development was preferred over residential because of the report that had been received. Mr. Pfeiffer continued that this was viewed as one potentially big project; appraisals were authorized for both sides of the road; and, additional discussions were had on how to get funding for the projects. On the South side, there was a partnership with Hunterdon Land Trust Alliance for funding through the non-profit program; the direction for the North side was through County PIG, with an application signed and filed in 2008 by Toll Brothers; and, although their desire was to preserve the entire property, Toll also held conversations with some commercial developers based on initial discussions with the Township Committee. As to the latter, they subsequently advised that this wasn't going to be feasible and preservation of the entire property was desired. There were discussions about where the exception area would be on the property, which was determined to be around the existing infrastructure. Mr. Rich expressed interest in how this property suddenly popped back up and was advised that Tom Gestite, VP of Toll Brothers called stating that they were once again interested in preservation as the 20 megawatt solar facility on the property didn't pan out. Mr. Pfeiffer relayed that the call came in October, the day that the County applications were due, and as there was already a signed application on file, he reached out to Bill Millet and put Mr. Gestite in touch with Mr. Millet as well. The County subsequently re-activated the original application and the property is now ranked #1 in the County. This information was shared with the Open Space committee at their November meeting and the Township Committee was advised at their October meeting of what Toll wanted to do. This was a Toll initiative and Mr. Pfeiffer's role was to provide the name of the County contact person. Once the ranking was determined, a voice mail message was left for Mr. Gestite to that effect. As to consensus at Open Space, Mr. Pfeiffer relayed that the topic was discussed at the November and December meetings; that this is the number one farm based on the County's ranking system; and, was identified as a targeted farm in the farmland preservation plan as well as the PIG application. Mr. Rich indicated that he is supportive of the project but that there was a conversation at the finance board meeting in November about the front piece along 179 and whether or not the desire was to keep it as commercial. Whether or not Mr. Pfeiffer was aware of this discussion and whether there were discussions with Planning Board members prior to the last meeting was questioned. Both charges were refuted by Mr. Pfeiffer who noted that during the open to the public portion of the meeting, he presented some of the concerns/hurdles that would need to be looked at and did so again at the Open Space meeting the following evening. These included such things as the County Ag Board's inflexibility with respect to application changes; what SADC regulations are with respect to the division of farms prior to preservation; and, the problems with the Toll corporate bureaucracy. He also suggested that the minutes from 2007 be looked at because the situation had already been discussed. The exchange continued about perceived actions prior to the Planning Board meeting intended to influence decisions and comments made at that meeting concerning the Toll project that were intended to provide information.

Environmental

- *Authorization to Post December 8, 2011 Minutes to Website:* Approved
- *Annual Report:* Mrs. Urbanski explained that this report of activities is a requirement. The report will also be posted.
- *Approval to Display Invasive Species Binder:* A binder of invasive species wanted 'dead or alive' was presented for display purposes. Common invasive species as well as native ones are included. Mrs. Urbanski requested permission to produce copies for both the elementary and high school libraries, which was granted. Mr. Fisher noted receipt of an e-mail about a graduate student intern. This was been shared with Environmental Commission members with Mrs. Urbanski's recommendation that this person be invited to their next meeting. Involvement could possibly be as a liaison between the Township and the schools as well as to share with the schools practical stewardship ideas. Mrs. Urbanski suggested Justin Holohan as a good person to be in charge of this initiative.

Ag Advisory

- *Authorization to Post 2010 & 2011 Minutes on Website:* Approved

Finance Advisory

- *Authorization to Post Oct-Nov-Dec 2011 Minutes on Website:* Hal Shute relayed that the committee recently decided that they should start posting their meeting minutes. Approved.

Country Fair

- *Request to Post Announcement on Website:* The next meeting will be held January 30th and there is need for more members. Item approved.

UNFINISHED BUSINESS

Possible Appointments – none

Updates – 1) The contract for the former **Perrine** property has been released to Mr. & Mrs. Rose for review, although homeowner insurance is presenting a problem. 2) The meeting with **Verizon & JCP&L** was ‘spirited,’ with the latter providing a good update about maintenance plans and ongoing line and pole work. The former presentation was weaker but both entities were requested to have an engineer speak to the problems experienced by residents. 3) Lt. Bartzak and the mayor spoke with the high school about Nixle and **emergency telecommunications** and getting on their list serve. Whether a Township list serve should be offered and what it would be used for is something to be looked into. 4) Representatives from Dome Tech, who will be conducting an **Energy Audit**, will meet with Art Neufeld, Randy Hoagland and Jeff Ent at the Fire House Thursday evening to start that program. The building envelope, including roof, walls and windows, is the focus for both the firehouse and DPW. Mr. Fisher relayed that after the first audit work was completed, a State inspector came out to review what had been done. The municipal building was one of the randomly selected buildings but the firehouse was added to the list after their conversation. The auditor was shown the gas furnace over/under the lights; the old boilers that weren’t replaced; and, that the used air conditioner from one section was used in another. The project was a real Rube Goldberg to start with and it’s even worse now. It was relayed to the auditor that this is really pitiful because what the program is suppose to do is make the place energy efficient but what happened was that the contractor cherry picked a few pieces of equipment and left all the junk. He doubts that this will go anywhere but the opinion of the operation was conveyed. This new group will also be looking at the building and its equipment. After the assessment is completed, there is supposed to be assistance with grants. As there are grants for firehouses in particular, there may be some hope. Betty Jane Hunt relayed that it was 58 degrees for the recent Auxiliary meeting and there was concern about a luncheon scheduled for the following day. Mr. Hoagland was able to locate the problem—a switch had been turned off upstairs—a place Mrs. Hunt would never have looked. The explanation was that the heater for that particular area is in the ceiling above the kitchen. 5) The paperwork for the **Alexauken Implementation Grant** has been submitted but there probably will not be an authorization to proceed with the project until June. Dr. Souza relayed in an e-mail that this will give time to further scout out project sites and get the basics lined up in advance. He also noted that it is ‘always nice to get money to actually do something as opposed to just studying it.’ 6) A **SHREC & E-procurement** meeting was held in Lambertville for the six entities involved. Swan Creek has receiving financing but still needs debt financing. The project is still expected to happen. Procurement of electricity for Township buildings not included in the solar enterprise will be combined with other entities and purchased as a block through the open market via an online auction. A 10% savings is anticipated. SHREC has contracted with Birdsall Consulting for the auction. 7) Delaware Township now wants in with the shared **Animal Control Agreement** but will pay \$7000 vs the \$6000 of the other three entities involved, plus reimbursements and incidentals. The details of the agreement are still being worked out but in order to move things along, the following were considered:

RESOLUTION #37-2012

Authorizing the Mayor and Clerk to Sign the Inter-Local Agreement with East Amwell, Lambertville and Delaware Township for Animal Control Officer Services”

BE IT RESOLVED by the Mayor and Township Committee of West Amwell Township, Hunterdon County, State of New Jersey, that the Mayor and Township Clerk are hereby authorized to sign the agreement with the referenced entities to provide Animal Control Officer Services.

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

RESOLUTION #38-2012

BE IT RESOLVED by the Mayor and Township Committee of West Amwell Township that Nate Barson be appointed Animal Control Officer effective upon the effective date of the Inter-Local Agreement.

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

A problem with **Licensing** due to the lateness of the annual Rabies Clinic was mentioned. Moving this to November is under discussion with Mr. Barson. The Clerk was instructed to check dates with Mr. Barson and Dr. Maxium as the Committee is flexible as to when this is held. 8) Mr. Rich would like to explore the possibility of having a violations clerk as an option to the position of **Deputy Court Administrator**. He will meeting with the Court Administrator and the Judge to discuss this further. The 2009 and 2010 court reports were requested.

Affordable Housing Trust Fund – The Resolution previously adopted must be revoked as the provisions have changed and a new resolution was presented.

RESOLUTION #39-2012

BE IT RESOLVED by the West Amwell Township Committee that Resolution #192-2011 is hereby revoked.

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

RESOLUTION #40-2012

**Resolution Committing Affordable Housing Trust Funds for
Affordability Assistance**

WHEREAS, the Council on Affordable Housing (COAH) certified the West Amwell Township Housing Element and Fair Share Plan on May 14, 2009; and

WHEREAS, the certified plan contained 14 special needs bedrooms that were to address West Amwell's very low income obligation; and

WHEREAS, Fair Share Housing Center (FSHC) appealed COAH's grant of substantive certification because FSHC stated that half of the very low income obligation must be addressed with family housing, as per a COAH letter issued to municipalities on October 30, 2008; and

WHEREAS, as a result of the appeal, West Amwell entered into negotiations and a compromise settlement was reached on November 16, 2009; and

WHEREAS, in the Settlement Agreement, West Amwell agreed to designate two existing low income accessory apartments, when available, for very low income households; and

WHEREAS, West Amwell agreed to subsidize the difference between the low income rent and the very low income rent for 10 years; and

WHEREAS, as two low income accessory apartments become available, it was agreed that they will be marketed for a period of 30 days in accordance with the Township's approved marketing plan; and

WHEREAS, if no very low income households are found, the marketing will continue for an additional 15 days; and

WHEREAS, if no eligible very low income households are found during that 45 day period, then the unit may be rented to a low income household; and

WHEREAS, West Amwell has calculated the difference between the low income rent and a very low income rent; and

WHEREAS, the subsidy to the owner(s) of the accessory apartment(s) was discounted to present value with an upfront lump sum given to the owner in return for maintaining the accessory apartment as a very low income unit for 10 years; and

WHEREAS, there are both one and two bedroom existing low income accessory apartments in West Amwell; and

WHEREAS, the prospective subsidy was calculated using a COAH-calculated two bedroom low income rent and a COAH-calculated very low income rent; and

WHEREAS, the difference for one accessory apartment is \$373 per month which, when discounted to present value is \$35,792 per unit; and

WHEREAS, the cost of subsidizing two low income accessory apartments as very low income is approximately \$71,584; and

WHEREAS, this subsidy shall be paid from West Amwell's affordable housing trust fund; and

WHEREAS, the New Jersey Department of Community Affairs (DCA) has stated that all trust fund money that has not been expended or committed to be expended by June 30, 2012 will be taken by the State of New Jersey; and

WHEREAS, in light of the Settlement Agreement and the Court Order, both of which are attached, the affordability assistance of \$71,584 to render the low income units as very low income is considered committed to be expended and is excluded from being taken by the State of New Jersey.

NOW THEREFORE BE IT RESOLVED that the Township Committee of West Amwell Township hereby declares that the sum of \$71, 584 that is in its affordable housing trust fund is hereby committed, consistent with the Settlement Agreement and Court Order with FSHC.

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

Resolution re: S1954/A4358, Timber Harvesting on State Lands – The resolution as presented was viewed rather one-sided and over the top. Mrs. Urbanski will offer a re-write that is more 'fact' based. Item held.

Resolution Authorizing Robert J. Clerico of Van Cleef Engineering to Complete Certain Outstanding Projects – It was recommended that the consensus for this work to be completed by the former engineer firm be formalized.

RESOLUTION #41-2012

WHEREAS, West Amwell Township changed engineering firms for 2012; and

WHEREAS, it has been determined that there are certain projects that should remain with the previous Township Engineer until completion due to their familiarity with these projects; and

WHEREAS, the specific projects to be retained and completed by Robert J. Clerico and/or Tom Decker of Van Cleef Engineering Associates are as follows:

- (1) Mt. Airy Estates/The Hills @ Hunterdon (Orleans) – work with designated contractor(s) to ensure corrective work is completed in accordance with the original design criteria and performing final inspections prior to the release of the maintenance bond
- (2) Breen Color Concentrate – inspection of site work in accordance with approved plan

THEREFORE BE IT RESOLVED, by the governing body of West Amwell Township, that Robert J. Clerico and/or Tom Decker of Van Cleef Engineering be authorized to continue with the projects so designated above until work as described is completed

BE IT FURTHER RESOLVED that the rates charged by Van Cleef Engineering Associates will not exceed those outlined in their 2011 contract.

The Resolution was unanimously approved on motion by Rich, seconded by Molnar. An official agreement was presented and signed and will be forwarded to Mr. Clerico.

There was a brief discussion concerning plans for the repair of the fire house pot hole, with Mr. Cronic offering his services to get it done and calling for a mark out after speaking with Mr. Hoagland. Whether this was on the punch list provided to Orleans was questioned and noted

that it was. Attorney Faherty relayed that a letter has been sent to Orleans and the bond company concerning work on the punch list.

NEW BUSINESS

Vehicle Maintenance Quote – There was no response to the ad. Another will be placed and notification sent to those that quoted last year.

Use of County Printing Services – A request to use this service has been received as a good price has been obtained for the County Fair in the past. Mrs. Olsen relayed that there's a process to be undertaken to do so that includes providing specs for a quote, getting approval from the governing body with a subsequent approval by the Freeholders. The first time through takes longer but after that it's just an annual request. It was agreed that this be pursued.

LOSAP Resolution –

RESOLUTION #42-2012

WHEREAS the LOSAP program requires that a certified list of eligible volunteers from an emergency service organization be submitted for review by the sponsoring agency; and,

WHEREAS said required list of members eligible to receive LOSAP awards for 2011 was received from the West Amwell Fire Company; and,

WHEREAS the sponsoring agency has 30 days to review the submitted list and request any records deemed necessary to ensure that the list is accurate; and,

WHEREAS the sponsoring agency has accepted the list as submitted

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the list is hereby approved; and

BE IT FURTHER RESOLVED that a copy of the eligible member list, together with a copy of this Resolution, be returned to the West Amwell Fire Company for the 30-day required posting.

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

Request for Website Posting – Information concerning the ***NJ Fertilizer Law*** and the requirement for landlords to annually ***register their apartments*** with the Township Clerk were approved for posting. The fertilizer law is a statewide initiative established as a result of the Governor's 10 point action plan to protect and restore Barnegat Bay. It is one of the most stringent fertilizer laws in the country and is designed to reduce the nitrogen and phosphorus loadings that can drain into the state's surface and groundwater resources. As of November 15th, residents cannot apply fertilizer to their lawns until March 1st. This also applies to commercial applicators.

Firehouse Roof Bid Packet – The project is to go forward. The Clerk was given the ok to proceed.

Resolution to Release Additional Escrow for Creekside – The developer has requested another reduction on the bond. The process is that once the engineer has inspected the work and the attorney approves, a release can go forward.

RESOLUTION #43-2012

Resolution Authorizing Reduction of the Creekside Preserve Performance Bond
Consisting of a Letter of Credit and Cash

BE IT RESOLVED that the Township Committee of West Amwell Township, Hunterdon County New Jersey does hereby authorize the reduction of the Creekside Preserve Performance Bond as follows:

- A) The remaining Letter of Credit portion of said bond shall be reduced from \$382,547.33 to \$213,209.31; and,
- B) The remaining Cash portion of said bond shall be reduced from \$42,505.25 to \$23,689.92.

BE IT FURTHER RESOLVED that this reduction is based upon the approval of Heritage Consulting Engineers, project engineers for the Township of West Amwell, in accordance with the letter from Robert F. Lorentz, P.E., C.M.E of said engineering firm.

BE IT FINALLY RESOLVED that National Penn Bank, issuer of the original Letter of Credit shall issue an amended Letter of Credit reflecting the new amount of \$236,899.23 and that the Township of West Amwell shall remit to BDNJ Limited, LLC a check in the amount of \$18,815.33 representing the reduction in the cash portion of the performance guarantee.

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

Proposal for Renewal of Single Stream Recycling Agreement with Colgate – The proposal calls for a floor of \$20.00 per ton to be paid for township recyclables. As Colgate is also the closest outlet, the mayor was unanimously authorized to sign on for another three years.

Federal Road Sign Standards Requirement – These standards have been in a phase-in process over a 10 year period. Each town is supposed to have a sign management plan in place detailing their intention to replace signs in order to comply with the new letter height requirements and reflectivity standards by the end of January. STOP signs should also have been replaced by now with high-reflectivity ones. There is no penalty for non-compliance, but the Federal Highway Authority is threatening to withhold federal aid. There is also the threat of lawsuits as a result of accidents that can be blamed on road signage. Mr. Fisher stated that the Township needs a plan to replace signs as they break but the STOP sign situation has to be addressed now. As proper signage is needed for enforcement purposes, Supervisor Hoagland has been requested to prepare a STOP sign survey.

Retirement Resolutions – Two resolutions were presented and read into the record. The recipients will be honored at the Township dinner.

RESOLUTION #44-2012

WHEREAS, Mary L. Hoagland was named West Amwell Township Dog Registrar in July of 1979; and

WHEREAS, Mary L. Hoagland became West Amwell's Dog Warden on July 20, 1978 and has logged many hours chasing down dogs, cats and various other critters since; and

WHEREAS, Mary took on additional duties such as Waste Security Officer and spent almost every Saturday morning for many years overseeing the parade of vehicles coming to the depot; and

WHEREAS, Mary was an ardent volunteer and could be counted on to help out when called; and

WHEREAS, Mary has been a member of the West Amwell Auxiliary since 1951; and

WHEREAS, Mary's decision to retire from West Amwell government service was one that was difficult for her to make and was received with regret

NOW THEREFORE BE IT RESOLVED that the West Amwell Township Committee extends sincere appreciation to Mary L. Hoagland on behalf of all Township residents for her continuous and devoted service for well over 30 years; and

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mary L. Hoagland; and

BE IT FURTHER RESOLVED that this resolution be entered into the official minutes of West Amwell Township in acknowledgement of her contributions and service.

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

RESOLUTION #45-2012

WHEREAS, Anthony R. Goccia, Jr. received Special Police Officer basic training in 1985; and

WHEREAS, Anthony R. Goccia, Jr., better known to all as "Tony," became a West Amwell Township patrolman on January 1, 1986; and

WHEREAS, Tony graduated with honors from the Police Academy in 1986—4th in his class; and

WHEREAS, injuries received while on duty in 1987 almost ended Tony's career but his devotion to duty could not keep him down; and

WHEREAS, Tony patrolled the roads, lanes and by-ways of the Township for over 25 years in the ongoing effort to keep the community safe and protected; and

WHEREAS, during his time with the Township police department, Tony received many letters of appreciation for his service, community policing ideology, public relations ability and assistance to the public at large in a variety of circumstances, including the ability to stay calm and professional while handling volatile situations; and

WHEREAS, Tony received a merit award from the Mothers Against Drunk Driving for his steady record and years of vigilance; and

WHEREAS, Tony either provided and/or oversaw the maintenance of police vehicles for many years; and

WHEREAS, Patrolman First Class Anthony R. Goccia, Jr. has decided to retire from Township service, effective February 1, 2012

NOW THEREFORE BE IT RESOLVED that the West Amwell Township Committee extends appreciation to Anthony R. "Tony" Goccia, Jr. on behalf of all Township residents for his work on their behalf

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Anthony R. Goccia, Jr.; and

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

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

Discussion Pertaining to Possible Placement of Clothing Bins at Municipal Building to Benefit DARE – Word has been received that the DARE coordinator, Officer Pantuso, would like to place two clothing bins at the municipal building. A donation of \$200-\$250 per unit would be received by the schools. A brief discussion ensued about a possible conflict with the elementary school's clothing drive; whether this would be stepping on toes elsewhere; and, possible locations for the units—including school property. In addition, it was mentioned that there is an ordinance regulating these units that involves a \$25.00/year fee, which could perhaps be waived. This information will be shared with the officer, along with the tonnage report requirement. As for location, it was agreed that the lower pad would be the most appropriate spot.

Closed Session

RESOLUTION #46-2012

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:
PROTECTING THE SAFETY AND PROPERTY OF THE PUBLIC
LITIGATION

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 Molnar, seconded by Rich.

OPEN TO THE PUBLIC

Delayed until later in the meeting.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #47-2012

WHEREAS, N.J.S. 40a:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than December 20 of the year preceding the beginning of the fiscal year; and

WHEREAS, the date of this resolution is subsequent to December 19, 2011; and

WHEREAS, principal and interest will be due on various dates from Jan 1, 2012 to December 31, 2012, inclusive, on sundry bonds, notes and loans issued and outstanding:

NOW, THEREFORE, BE IT RESOLVED that the following additional appropriation be made to cover the period from January 1, 2012 to December 31, 2012 inclusive:

DEBT SERVICE – WEST AMWELL TOWNSHIP

Payment of Bonds	\$320,000.00
Interest on Bonds	\$211,465.00
Interest on Notes	\$ 9,171.95
Payment of Bond Anticipation Notes	\$ 75,300.00
Green Acres Loan Payments	<u>\$ 31,091.60</u>
Total	<u>\$647,028.55</u>

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

Presentation of Bills for Approval: Several items listed were questioned and satisfactorily answered after consultation with the invoices.

RESOLUTION #48-2012

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 \$1,619,033.38 dated January 25, 2012, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

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

Tax Collector – The monthly report for December 2011 was received showing receipts in the amount of \$248,683.86. The 2011 Annual Report was also presented showing that \$10,710.392.28 was collected for the year and itemed by category.

Clerk/Human Resources –

**RESOLUTION #49-2012
SALARY & WAGE RESOLUTION**

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2012 Salary and Wage Resolution, adopted January 9, 2012 be amended as follows:

Position	Salary/Compensation
<u>Add:</u> Substitute Waste Security Laborers	
Allen Sutch, John Aneskewich	\$ 10.30/hr

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

**RESOLUTION #50-2012
SALARY & WAGE RESOLUTION**

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2012 Salary and Wage Resolution, adopted January 9, 2012 be amended as follows:

Position	Salary/Compensation
<u>Delete</u> : Animal Control Officer (ACO)	\$18,000.00
<u>Add</u> : Animal Control Officer (ACO)	\$25,000.00

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

**RESOLUTION #51-2012
RESOLUTION TO ESTABLISH A
TOWNSHIP CLERK OFFICE CHANGE FUND**

WHEREAS, there is a need to establish a change fund in the office of the Township Clerk to provide change for payments of licenses, documents, programs and Services;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of West Amwell, County of Hunterdon hereby authorizes the establishment of a change fund in the amount of \$200.00 for the Office of Township Clerk.

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

Construction – The Permit Fee Log details, Monthly Activity Report-Permits (4), Payment Audit Report, Monthly Activity Report-Certificates (12), Certificate Log Detail were received for PermitsNJ for December 2011.

Court Report - Receipts for October-November-December 2011 totaled \$20,829.81 for the 386 tickets written by Township officers and 256 by State troopers. There were also 8 parking tickets and 38 criminal complaints. Total township tickets for the year were 1,225, with State tickets coming in at 1062. Total receipts for the year were \$73,168.00. It was requested that court reports be submitted monthly.

Police – The December 2011 Monthly Report showing 182 incidents, 141 summonses and 0 warnings was received.

Roads – The December 2011 report of activities was received. Clogged road pipes and ditches, tree and road work and were specifically noted.

Zoning Officer Report -- The December 2011 report of activities was received. Numerous phone calls and interpretations were noted, together the issuance of 10 permits.

The reports were unanimously accepted as filed.

OPEN TO THE PUBLIC

Sean Pfeiffer came forward requesting to clear the air concerning the discussion held earlier in the evening. He stated that the conversation was confrontational; that he doesn't know why; and, that he has been very forthcoming with information when anybody's asked questions. He has no problem answering questions should someone ask. As an example, Mr. Pfeiffer stated that Lonnie (Baldino) had recently called with questions from the plan and asked if he would help him. Although his questions were answered, Mr. Baldino was told that anything beyond that would have to be cleared with the Township Committee. As for the Toll project, this has been discussed for five years at the Township Committee level and at the October meeting, with Mr. Molnar specifically asking about the commercial frontage and its percentage of the total property, which is approximately 10%. If people ask what's in the PIG or the farmland preservation plan, questions will be answered because these documents were approved. Mr. Pfeiffer relayed that if the Township Committee has questions, he would be happy to answer and to work with them constructively. His only request was that they show a little bit of

politeness as he has always treated them with respect and hopes that the same would be extended to him. Mr. Fisher indicated that there were questions and Mr. Rich stated that he was fine with what he heard earlier. However, Mr. Fisher continued that the problem came up because the discussion at the Planning Board got pretty heated. The concept of working through both good and bad ideas without fear of being trashed, or that something will be in the papers, was again stressed. Mr. Pfeiffer stated that although he did not know what was going to be discussed, he does know a lot of the history of what has been proposed for the property and was actually very pleased by the discussion that the Board had.

Rob Tomenchok offered that Mr. Pfeiffer had a defensive air that evening; that the camera recording set a very poor tone; and, its presence was disruptive. He acknowledged that as a member of the public, Mr. Pfeiffer was within his rights to record the meeting but that it had the appearance of sandbagging. The Board is trying to set a tone of clear, open, cooperative actions between members and this was found to be disruptive. Mr. Pfeiffer stated that he was actually pleasantly surprised by the conversation and had the conversation been something different than it was, perhaps he would have been a bit more vocal. Working through problems quicker by getting things out in the open was noted by Mr. Rich as something that he wants to see happen. The presence of the camera was felt to be a little odd/weird but Mr. Pfeiffer's proffered comments at the time were not a problem. Mr. Pfeiffer re-iterated that any board member is welcomed to pick his brain and that he has informed the people at the State and County that he's no longer involved on any board, although they still ask for his input because of his background information. He also stated that there would be nothing in the paper because nothing said was wrong.

Mr. Beaumont relayed that South's BOE voted to move the school election to November 8-0.

Mr. Tomenchok noted concern over a spate of lawlessness in the Township. He also relayed receiving information from the gas boy representative. He offered to assist with the selection of an appropriate unit and suggested that forward movement be maintained.

Mr. Molnar noted the upcoming Township dinner as well as that FFA cookbooks are available for \$10.00 each.

Mrs. Hunt emphasized that the Country Fair committee will meet on the 30th and had hoped that the posting would have happened earlier. She also inquired about whether Lambertville had ever paid for the use of the court facilities and was answered in the affirmative.

The Committee entered their previously approved Closed Session at 9:35 p.m., returning at 9:54 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 9:55 p.m. on motion from Molnar.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk