

WEST AMWELL TOWNSHIP COMMITTEE MEETING
March 23, 2011

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

The regular meeting of the West Amwell Township Committee was called to order at 7:40 p.m. Present were Mayor Molnar, Deputy Mayor George Fisher, Committeeman Zachary Rich and Attorney Philip J. Faherty III. Also in attendance were Sean Pfeiffer, Cathy Urbanski, Betty Jane Hunt, Hal Shute and reporter Renee Kiriluk-Hill.

Mayor Molnar announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was included in the Resolution faxed to the Hunterdon County Democrat and Trenton Times on January 1, 2011, was posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

The meeting was recorded via digital recording system and a copy of the CD is on file in the Office of the Municipal Clerk.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Cathy Urbanski led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were deleted: 12.A. Resolutions & Reports

ANNOUNCEMENTS

The following announcements were made:

- Route 31 Resurfacing Project to Begin in March 2011
- County Computer & Electronics Day, March 26th, 9 a.m.-1 p.m., Rt 12 Complex
- West Amwell Elementary Budget Public Hearing, March 22nd, 7 p.m.
- SHRHS Budget Public Hearing, March 24th, 6 p.m.
- Joint Meeting of Governing Bodies & School Boards, March 29th 7 p.m. @ Lambertville Justice Center
- Signing of Power Purchase Agreement with Commissioner Grifa, March 31st, 11 a.m. @ Lambertville Justice Center
- Special Township Meeting, Budget Workshop, March 31st, 6 p.m.
- Last Day to Register for School Elections, April 6th
- Open House for Block 8 Lots 20 & 36, March 30th & April 6th
- Roast Beef Dinner, Firehouse, April 9th, 4-8 p.m.
- Candidate Petition Deadline for Township Committee, April 11th, 4 p.m.
- Auction of Block 8 Lots 20 & 36, April 21st, 1 p.m.
- Municipal Offices Closed April 22nd for Good Friday
- School Elections, April 27th, 3-9 p.m.
- Township Committee Meeting April 27th will be held in Small Meeting Room
- Township Country Fair, May 14th (Rain: May 21st), Municipal Complex 4-9 p.m.
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting
- The Boy Scout food drive will be held on April 2nd at the municipal depot

PRESENTATION OF MINUTES

The following Open and Closed Session minutes were approved on motion from Fisher, seconded by Rich and carried unanimously.

February 23, 2011 Regular Meeting

February 23, 2011 Closed Session (Contract Negotiations-Police)

March 10, 2011 Special Meeting

March 10, 2011 Closed Sessions (Personnel-Interviews)

March 12, 2011 Special Meeting – Budget Workshop

The March 10, 2011 Closed Session minutes (Contract Negotiations-Police) were held.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

No one came forward.

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

Municipal Alliance: Mr. Fuhr was not in attendance.

Public Hearing: Ordinance 3, 2011 AN ORDINANCE TO AMEND CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL TO PROVIDE REGULATIONS REGARDING RENEWABLE ENERGY FACILITIES

Proof of publication in the March 3, 2011 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the February 23, 2011 Township Committee meeting and mailed to surrounding municipalities and the Hunterdon County Planning Board. The Ordinance has been reviewed by the Planning Board, found consistent with the Master Plan and adoption recommended. Mr. Molnar read the Ordinance by title, opened the public hearing and extended appreciation to Cathy Urbanski and George Fisher for their work on the Ordinance. Hearing no comments, the public hearing was unanimously closed.

Fisher moved for adoption of the Ordinance and Rich seconded. Roll Call: Fisher-aye, Rich-aye, Molnar-aye. Brad Campbell of Swan Creek is to receive a copy of the ordinance.

Public Hearing: Ordinance 4, 2011 AN ORDINANCE TO AMEND AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY

Proof of publication in the March 3, 2011 issue of the Hunterdon County Democrat was presented. The Ordinance has been posted and available to the public since its introduction at the February 23, 2010 Township Committee meeting. Mr. Molnar read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was unanimously closed.

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

Public Hearing: Ordinance 5, 2011 AN ORDINANCE AMENDING CHAPTER 99, ARTICLE I, SECTION 99-4.1 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY – (Garbage, Rubbish and Refuse)

Proof of publication in the March 3, 2011 issue of the Hunterdon County Democrat was presented. The Ordinance has been posted and available to the public since its introduction at the February 23, 2010 Township Committee meeting. Mr. Molnar read the Ordinance by title and opened the public hearing.

Mr. Fisher relayed receiving some push back from seniors concerning the change and would like to see Saturday sign ups. The issues surrounding this particular suggestion were briefly overviewed. Application can be made by mail, as well as in person, and a mailbox is available for after hours drop offs. Attorney Faherty indicated that this deletion would be more than a minor change to the published ordinance.

Sean Pfeiffer inquired if it would be possible to bundle this cost in with the tax bill as taxes are deductible. The problem with the 2% cap on the operating budget was noted.

Hearing no further comments, the public hearing was unanimously closed.

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

Introduction: Ordinance 6, 2011

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 – Establish Special Meeting Fees

WHEREAS, there are times when special meetings are required, or requested, for applications before the West Amwell Township Planning Board and/or Zoning Board of Adjustment; and

WHEREAS, it has been determined by the Township Committee that fees to cover these extra meetings are needed

THEREFORE, BE IT ORDAINED by the Township Committee of the Township of West Amwell, Hunterdon County, State of New Jersey, that Part 2, Article III of Chapter 109 be amended to include a special meeting fee.

Section 1. 109.11. Additional fee for special meeting

Every applicant who requests and obtains a special meeting in connection with any application for development or appeal shall pay to the Township of West Amwell an additional fee of \$750 and post an additional escrow as required and determined by the administrative officer of the Board upon consultation with Board professionals.

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.

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

Introduction: Ordinance 7, 2011

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 – Approval Agency

SECTION I

CHAPTER 109-214 – Land Development, Procedures, General Provisions, Agency Approval, of the Ordinances of West Amwell Township, is hereby amended and supplemented to add the following new sections to chapter 109-214:

109-214D. Application of Requirements. No development shall take place within the Township nor shall any land be cleared or altered nor shall any watercourse be diverted or its channel or floodplain dredged or filled nor shall any parking areas, accessory or otherwise or accessways thereto be constructed, installed or enlarged nor shall any building permit, certificate of occupancy or other required permit be issued with respect to any such structure, land or parking area, except in accordance with an approval of such development granted pursuant to Section 109-214 hereof, unless exempted in accordance with Section 109-214E.

109-214E. Exemptions from Site Plan Review and Approval. Site plan approval shall not be required for any of the following:

- (1) Detached single-family dwellings including accessory uses permitted as of right under applicable zoning districts, but this shall not limit the requirements for submission and approval of subdivision plats as otherwise required by Township ordinances.
- (2) Construction of a parking area for three vehicles or less. Construction or expansion of parking areas which will accommodate more than three vehicles will require site plan review.

- (3) Any structure or use for which a site plan review application was made to the Planning Board prior to the effective date of Section 109-214 hereof under municipal ordinances and regulations then in effect and superseded by Section 109-214 hereof and that is developed in accordance with an approval of such application heretofore given by the Planning Board pursuant to said prior ordinances and regulations, provided that such approval is less than two years old.
- (4) A proposed development not involving a change in use and not affecting existing circulation, drainage, building arrangements, landscaping, buffering, lighting and other considerations of site plan review.

109-214F Waiver of Site Plan Review Requirements.

- (1) The site plan rules, regulations and standards set forth in this ordinance shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township. However, if the applicant can clearly demonstrate that because of peculiar conditions pertaining to the applicant's land the literal enforcement of Section 109-214 hereof is impracticable or will exact undue hardship, the Planning Board may permit such exemption(s) and waiver(s) as may be reasonable, within the general purpose and intent of the rules, regulations and standards established by Section 109-214 hereof.
- (2) The Planning Board may also waive the requirements of Section 109-214 hereof if the proposed development:
 - (a) Secured previous site plan approval under the terms of Section 109-214 hereof.
 - (b) Involves normal maintenance or replacement such as a new roof, painting, new siding or similar activity.
 - (c) Will not affect existing circulation, parking, drainage, building arrangements, landscaping, buffering, lighting and other considerations of site plan review.

SECTION II - SEVERABILITY

The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SECTION III

All other provisions of Chapter 109 – Zoning, of the Ordinances of West Amwell Township not modified herein shall remain unchanged and in full force and effect.

SECTION IV

This ordinance may be renumbered for codification purposes.

SECTION V

This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Hunterdon County Planning Board.

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

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Authorization to Post January and February Minutes:* Approved for posting.
- *Open Space Plan Update – Grant Opportunity:* Sean Pfeiffer relayed that his original request for funding a bare bones update of the Open Space plan, which would include updating the 10 year old text as well as the Master Plan map that is missing 1500 acres of preserved ground, has changed. This is due to a recent Open Space discussion whereby a number of

members, and Mr. Fisher, advocated for a map showing all trails and public access areas in the Township. This map would include all County and State fee simple properties in addition to municipal ones with public access as well as a map of Township easements. This work was not part of the original budget request and the possibility of an ANJEC grant, with an application date of March 31st, has been investigated. A first draft was prepared by Allison Sommers-Sayre to this end but further reading of the application requirements revealed that a time commitment is needed by a member of the Environmental Commission that would include attending meetings and taking a leadership role. Mr. Pfeiffer has been advised by Cathy Urbanski that, although a letter of support could be provided, the Environmental Commission can't make the time commitment for this due to their Sustainable Jersey project. As an ANJEC grant is out, the remaining options are either a bare bones plan or the extra mapping. The latter work can be funded through the Open Space trust fund. Mr. Pfeiffer would like to increase the original \$3000 budget request to \$6000 to provide for the preserved properties map and planner review of the revised plan text and the requested trails map. As for the updated plan, the ranking system and priority property determination would be defined and include factors such as impact on the tax base for open space acquisitions. Item approved. The CFO will be contacted concerning the increased amount.

Mrs. Urbanski noted that D & R Greenway has 4 miles of trails that have been GIS mapped and can be found on the NJTrails website—something that could help with the cost. Mr. Pfeiffer explained that the expense involves mapping public access easements as well as trails.

- *Project Status Updates*: The packet of required items was assembled and reviewed by Attorney Dragan. The auction of **Block 8 Lots 20 & 36** (Toll) will be held April 21st and two open houses are scheduled. A mistake was found in the flyer concerning terms and conditions (45 days instead of 60 to closing) and a \$10,000 deposit that should have read \$20,000. Max Spann will correct. There was some concern about obtaining a waiver of liability from those who wish to go inside the house. Attorney Dragan's opinion was that this might scare people away and would not protect the Township anyway. Chris Tarricone, the Township's insurance agent, was contacted and visited the property. He was advised that the auctioneer will take interested bidders into the house one at a time. Other than a recommendation of some police tape in a couple areas and fixing a couple loose floor boards, Mr. Tarricone thought the house to be in good shape.

The appraisal on the **Bowers** property is due back soon. Once received, it will be sent to Green Acres for certification prior to sharing with the homeowner. A special meeting may be required for further discussion. A brief overview of the property is that it involves a 20 acre piece with three houses. It is a potential link on the Sourland trail corridor as only one other property is needed to connect Goat Hill Overlook to the Water Company. There is still Green Acres funding available.

Environmental

- *Authorization to Post February 10, 2011 Minutes on Website*: Approved for posting. Mrs. Urbanski noted that the minutes on the website are not up to date. The Clerk advised that all approved minutes have been forwarded to the website.

- *Fundraising*: Donations for publishing the newsletter would like to be pursued; however, currently any monies collected would go to the general fund. Mrs. Urbanski has been advised by a former CFO that there may be another route to keep donations separate. Approval given to explore the possibility.

- *Open Space Plan for Sustainable Jersey*: Once there's an open space plan in place, 10 points will be received for the Sustainable Jersey effort.

UNFINISHED BUSINESS

2011 Appointments – None made. However, an Indoor Air Quality (IAQ) person is required by DEP. The next training is April 1st at the BurlingtonRutgers Eco Complex. The last seminar listed is in Cape May.

Report on Mandatory Diesel Retrofit Seminar/Diesel Equipment – Mr. Molnar and Mr. Hoagland attended the seminar on this topic held at North Hunterdon high school. Five vehicles of the Township's fleet would be affected. The first idea presented was that retro conversion had to be paid for by the municipality and then reimbursed by the State was not well received. The position is now to get a price and the State will pay the vendor directly. All vehicles must be compliant by October. Emergency vehicles, such as fire trucks, are exempt. The State wants a list of the diesel equipment and the VIN numbers for all vehicles to receive retrofit. The 'fix' is basically a catalytic converter with a cost between \$2,000-\$4,000 per vehicle.

Updates – 1) The SHREC agreement signing will be held on March 31st. The mayor has been authorized to sign but there was some question about whether this has been done. The Clerk

will verify status. Mr. Fisher relayed that Brad Campbell will give a presentation to the Planning Board and that the property has been walked to site an appropriate location. As for the lease, Attorney Faherty reviewed the changes received from Mr. Campbell, which included such items as acreage involved, term, and wording changes. He also noted that Mr. Campbell was not receptive to any discussion of a decommissioning paragraph. Given these particular issues, and non-receipt of an Exhibit B describing the location of the panels, the Township is not in a position to sign. The attorney also questioned whether the ROSI would have any affect on the 30 wooded acres on the property. Mr. Fisher stated that the decommissioning item is a big problem. A brief conversation ensued over possible intent of Mr. Campbell not to keep the facility and to transfer liability to the next owner as the reason for not wanting an escrow or bond. However, the project cannot move forward until there's a signed lease. Attorney Faherty recommended that the mayor be authorized to sign but that it be held until the issues mentioned have been resolved. **Fisher motioned to authorize the mayor to sign the lease but that it be held as recommended by the attorney and Rich seconded. Motion unanimously approved.**

Mr. Pfeiffer relayed that Attorney Shurts had contacted him concerning the Planning Board public hearing and inquired if there was a decision. Mr. Fisher relayed that Attorney Shurts and Attorney Blank have made contact. A brief discussion ensued over how a hearing should be approached, the type of application to be filed, whether there is a need for application review by township professionals and escrow deposits. Also mentioned was that municipal applications are exempt from land use laws. However, the decision was that notice to residents within 200 feet of the property will be made and a public hearing held at the next Planning Board meeting. This will be an informal application with an escrow fee to cover the Board engineer.

2) A letter from Attorney Faherty, as a follow up of the hunting lease discussion at the last meeting, indicated that the property can be leased but must be done through the bidding process—either public bidding or acceptance of sealed bids. A \$10,000 fee for hunting rights was advanced by Mr. Rich. Mr. Molnar expressed the opinion that the number was too high and the locals would lose out. Mr. Fisher was concerned that opening the land up to rental would cause bad feelings and burn bridges as a lot of community volunteers currently hunt the property. However, there was some sentiment expressed in favor of some type of payment, e.g., the State charges a permit fee for hunting at the Alexauken Wildlife Management Area and the County has a system for hunting permits for their properties and a lottery that seems to get a lot of interest. A fee increase at the Boat Club launch from \$50 to \$200/year was also mentioned in support of a fee system. It was generally agreed that these ideas have merit and is an agenda item for the April meeting.

3) Mr. Fisher reported on his recent meeting with a representative from Texas Eastern about work at the pumping station. This work involves replacing four pumps with three and installing a small trailer. They'll be talking with the Construction Official about permits. He also inquired about safety procedures at the plant and contacts but learned that they speak with Chief Ent on a yearly basis about such things.

4) The grant writing services being offered to municipalities by Van Cleef Engineering will be pursued by Mr. Fisher.

5) Letters have been received indicating that the Township was awarded Energy grants. A call has been placed to Direct Install to inquire about the next step. Item held.

Status of A-3766/S-2664 "Market Competition and Consumer Choice Act" – The bill was tabled in the Senate on Monday. This legislation, which has already passed the Assembly, would deregulate the phone and cable TV industry and hurt municipalities. The League anticipates that the Senate will not consider the legislation again until later this spring and that municipal action will again be important at that time. Mr. Fisher advised that he has been in touch with Senator Doherty's office. Mrs. Olsen relayed that the office phones have been a problem for over a year. Phone lines lose the dial tone or become full of static, especially during wet weather, and the fax has been off-line several times. Repeated repair calls have been placed and the latest word is that there are not enough 'cable pairs' available.

Resolution to Enter Closed Session

RESOLUTION #59-2011

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
CONTRACT NEGOTIATIONS - Police
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 motion to approve the Resolution was made by Fisher, seconded by Rich and carried unanimously.

NEW BUSINESS

Discussion re: Open Space Purchases – The discussion opened with Mr. Fisher relaying that there have been questions raised as to how much longer this effort would continue and if it is time for a readjustment to the program, especially in light of paying down the open space debt with the trust fund money. Specifically mentioned was the Calton debt that has been paid out of operating funds for the past 10 years that could be paid out of the open space trust fund. The latter is the direction recommended by the CFO and Finance Committee as the agreement between Calton and West Amwell states that the Township bought some 100 acres of open space around the referenced development. He requested that Mr. Pfeiffer address this as someone who has been involved in running the open space program.

As this debt was incurred for the affordable housing lawsuit, Mr. Pfeiffer inquired about the price paid for the settlement agreement; if there were appraisals done on any of the land; that the 4 million cost was never projected as buying a hundred acres of open space; that the mention of open space may only have been a way to structure the settlement between the parties; and, that obviously the \$40,000 an acre mentioned by Mr. Shute would have been a ridiculous price to pay for the stated acreage.

Attorney Faherty read section 3.06 of the settlement agreement between West Amwell Township and Calton Homes: *West Amwell hereby agrees to purchase from Calton all Open Space land on Property 1 not required for development, and agrees to pay Calton a sum of Four Million Dollars for such property, and releases certain claims....*”, noting specifically the reference to Open Space.

As the Township has been paying this debt out of operating funds for several years, Mr. Fisher added that the cost is now down to approximately \$12 thousand an acre—similar to the value of open space today. Mr. Rich offered that his issue is that there is \$2.5 million sitting in an open space account while the bank account for the rest of Township operations stands at \$150,000.

Mr. Pfeiffer explained that the open space account is due to the receipt of several reimbursements last year; that money is needed for future applications; that some acquisitions require money be put up front; that the current open space tax brings in less than the debt service; and, that trust funds are established for a reason. Although he understands the Committee's position, his issue with this diversion of open space trust fund money is that it is appropriating money to pay for a lawsuit whose basis was not open space.

An historic overview of the situation was presented by Hal Shute as follows: At the time of this settlement, the Township had a million dollars in surplus and the Committee agreed to take on that debt service. A million dollars was received from Green Acres in the form of a \$500 thousand grant and a \$500 thousand loan towards the purchase of that open space. Therefore, Green Acres money has been applied to some or all of that debt although he is not sure how Green Acres views it. However, the \$40 thousand appraisal number just coincidentally came out to the settlement number. The property at the time was zoned for very high density, around 400 homes. One perspective is that the Township bought homes for 4 million dollars, or \$40,000 an acre. Mr. Shute acknowledged that this was not a typical open space project but 100 acres of open space were acquired. Overall, the Township's obligation was \$3.5 million or \$35,000 an acre. Eight years into the 20 year loan, 40% of the debt service has been paid. With the numbers under consideration, the Township would pay one third of the remaining debt service with Open Space picking up two thirds, which results in approximately \$14,000 an acre.

Although assured by Mr. Fisher that this is not an attempt to shut down the Open Space program, Mr. Pfeiffer noted that by taking \$220,000 a year, the trust fund would be depleted just on debt service; that the only new money going in would be reimbursements from the Toll property; and, the Planning Board approved the Farmland Preservation element of the Master Plan last year which established the Township's formal long term goal of preserving 7,000 acres. This Master Plan element, that outlined funding and a goal to make up the last 1,700 acres, has been approved by the State. Once that point was reached, the plan was to shut down the program. As for the \$14,000 per acre cost mentioned, that may be a fronted cost but the Township only pays 20% of said cost if it's a farm, which brings the cost down to around

\$3000/acre. Mr. Pfeiffer questioned whether anyone would have recommended paying \$4 million to buy 100 acres in the Calton development, answering his own question in the negative.

Mr. Rich questioned how the other parts of a \$3 million dollar government that only brings in \$1 million can be funded. One suggestion offered was to pay for all open space maintenance costs through the trust fund instead of concentrating on solely on acquisitions. This idea was implemented on a smaller scale last year but Mr. Fisher relayed that this would not be enough, although an exact figure was not specified.

The discussion continued over the points raised previously; the success of the Open Space program with the preservation of approximately 38% of the Township; that the Township is in survival mode; and, the use of open space trust funds is to get the Township through this year. As these concerns were well understood, Mr. Pfeiffer offered to talk the matter over the Open Space committee to come up with some ideas but also noted that these type of issues tend to gain momentum and that if \$220 thousand is taken out yearly, which is the full debt service, no more land will be preserved as there will be no money to do so. He again questioned whether to the Committee wanted him to talk with the Open Space committee to see what they can come up with or if the Township Committee was going to make the decision. Mr. Molnar requested that Mr. Pfeiffer see what can be done, although a target number was not specified as the budget is still being worked on. Mr. Rich added that building up the surplus to improve the bond rating in order to obtain better interest rates was also a goal. He stated that if a big acquisition presented itself, the Township Committee would try to figure a way to make it work. However, there is no interest in spending money on some of the smaller parcels that have been presented in the past. Mr. Pfeiffer indicated that he works for the Township Committee and would provide whatever they need.

Questioned as to which category the proposed action would fall, Attorney Faherty relayed that a levy can be set up for payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in the referendum.

LOSAP Eligible & Qualified Lists; Resolution –

RESOLUTION #60-2011

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 2010 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 Fisher, seconded by Rich.

PAIC Loss Control Report and Recommendations – The main two items listed—bleachers and large pavement cracks—were discussed. The decision on the former is that they be removed and scrapped. The latter is once again a budget item. The recommendation to correct the runoff from the playground with the addition of another course of planks will be further reviewed by the mayor and Road Supervisor.

Salary & Wage Resolution Amendment –

RESOLUTION #61-2011 SALARY & WAGE RESOLUTION

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

Position	Salary/Compensation
<u>Add:</u> Building Custodian (Administrative & Police) Coleman	\$10.50/hr

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

Shared Services Bill – S-2794 – This bill would amend the statutes that created the Local Unit Alignment, Reorganization, and Consolidation Commission (LUARCC) and grant them greater powers and duties. However, certain provisions of the proposal raise serious concerns at the League and they oppose the bill in its current form. The bill would send a consolidation or shared service proposal, submitted by LUARCC, and not specifically vetoed by the Legislature, to the voters of the affected local governments for approval or rejection. The most objectionable provision provides that: *(1) If a majority of the voters of a municipality do not approve a shared services proposal, or if a municipality or other entity identified in a proposed shared services agreement does not enter into and implement the proposed shared services agreements within 14 months following voter approval, the State shall annually reduce the total amount of State aid allocated to that municipality or entity by the total net savings estimated in the proposal pursuant to subsection b. of section 7 of P.L. 2007, c.54. C.52:27D-507).* Basically, the voters would be threatened with the diminishment of future property tax relief funding if they do not vote in favor of a LUARCC recommendation. Further opposition is based on the imposition of a Legislative veto of a LUARCC proposal, instead of vesting that decision in local elected officials. Contact with the local senator to communicate the need for amendments was recommended.

Status of Recycling Coordinator Certification – Specific training is required for this position that involves the completion of a 21-day course if the person has no formal training or a four day mini program and exam for those with 10 or more years of experience. There may or may not be a fee involved but forms need to be submitted and questions answered. A recycling meeting is scheduled for the 28th and this item can be discussed at that time. In the meantime, the information will be re-sent to Mr. Hart.

Service Resolution –

RESOLUTION #62-2011

WHEREAS, John F. Ennis, Jr. became a West Amwell Township patrolman in October 1989 and served for over 4 years on the force; and

WHEREAS, John left West Amwell in February 1995 for the ‘greener pastures’ of Raritan Township; and

WHEREAS, John rejoined the West Amwell police department as a part-time patrolman in October 1997, returning to full time in October 1998; and

WHEREAS, John patrolled the roads, lanes and by-ways of the Township for over 15 years in the ongoing effort to keep the community safe and protected; and

WHEREAS, John served as the PBA representative for many years and negotiated the department’s contracts; and

WHEREAS, John was the trained and designated operator of the National Crime Information Center (NCIC) computer system and served as the TAC liaison officer between the department and the State Police; and

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

WHEREAS, injuries received while on duty began the demise of John’s policing days; and

WHEREAS, Patrolman First Class John F. Ennis, Jr. was separated from the Township on October 31, 2010, receiving an accidental disability retirement from the State

NOW THEREFORE BE IT RESOLVED that the West Amwell Township Committee extends appreciation to John F. Ennis, 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 John F. Ennis, 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 Fisher, seconded by Rich.

OPEN TO THE PUBLIC

Mr. Pfeiffer relayed that he recently signed the Kaluzny subdivision deeds. After the recording is completed, he suggested that a letter of appreciation be sent to Mrs. Kaluzny for the agricultural development rights easement placed on 30 acres of property at no cost to the township.

Mr. Shute commented on the Route 31 project; the back up it will cause; and, the need for traffic control on Route 179 because of it. He was alerted that Route 31 will not be totally shut down and that the work will be done at night.

Mr. Rich questioned whether the notification problem concerning Mr. & Mrs. Gross has been resolved. Hopefully this is the case but it was noted that with the change to the tax map, the 200' notification list will be different.

ADMINISTRATIVE REPORTS

Treasurer –

Presentation of Bills for Approval: Mr. Rich requested that the check to Mrs. Kuhl be held for clarification. A question concerning PERS retirement numbers is to be directed to the CFO. Fisher motioned to approve the evening's bills for payment, seconded by Rich, and carried unanimously.

Statement of Cash: A cash total of all accounts in the amount of \$5,352,205.95 was reported.

Tax Collector –

RESOLUTION 63-2011

WHEREAS, there exists a duplicate payment for the first quarter 2011 taxes on Block 3.03 Lot 7 and,

WHEREAS the tax amount of \$2,641.70 has been requested for refund by Fleischer & Fleisher Esqs. for Kenneth and Mary Morris,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey to instruct the Treasurer to issue a check in the amount of \$ 2,641.70 for the refund of the amount overpaid on Block 3.03 Lot 7.

Make check payable to: Kenneth and Mary Morris

Mail with a copy of this resolution to:

Kenneth and Mary Morris
548 Leone Road
Swedesboro, NJ 08085

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

The Monthly Report for February 2011 was received showing receipts in the amount of \$1,792,631.70.

Construction – The Monthly Report for February 2011 containing Permit Fee Log details, Monthly Activity Report-Permits (11 issued), Payment Audit Report (\$7,365.00), Monthly Activity Report-Certificates (5 issued), and Certificate Log Detail was received for PermitsNJ, with one certificate under UCCARS.

Deposits for January & February 2011 were \$2,323.00 and \$7,180, respectively.

Court – The 2010 final report showing total receipts in the amount of \$133,756.84 was received. The Township's portion was \$77,766.70.

Zoning Officer Report -- The February 2011 report of activities was received. Numerous interpretations, office meetings and calls were noted. Deposits for January & February 2011 were \$110.00 and \$185.00, respectively.

Motion by Fisher, seconded by Rich to accept the Collector, Construction, Court, and Zoning reports was carried unanimously.

The Committee entered the previously approved Closed Session at 10:08 p.m., returning to Open Session at 11:14 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 11:15 p.m. on motion from Fisher, seconded by Rich.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk