

WEST AMWELL TOWNSHIP COMMITTEE MEETING

May 20, 2009

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 7:05 p.m. Present were Mayor William J. Corboy, Deputy Mayor Frank P. Masterson III, Committeeman Thomas J. Molnar and Attorney Philip J. Faherty III. Also in attendance were JoAnne Speranza, Fia & Weston Pfeiffer, Elise & Mary Lee Ennis, Glenn Baran, Ron Shapella, Tom Zeng, Jason Fuhr, Dave Beaumont, Sean Pfeiffer, Jane Luhrs, Charles Case and reporter Linda Seida.

Mayor Corboy 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 Lambertville Beacon, Hunterdon County Democrat and Trenton Times on January 2, 2009, 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

Glenn Baran led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 10.B New Business: Technology Grant; Rt 29 Drainage.

ANNOUNCEMENTS

Mayor Corboy made the following announcements:

- Municipal Offices Closed May 25th – Memorial Day Observed
- Summer Township Committee Meeting Schedule – June 17th, July 15th, August 12th, Sept 16th
- County Clerk Office Open May 30th from 9 a.m. to 1 p.m. for Absentee Voting
- Primary Election – June 2nd from 6 a.m. to 8 p.m. Municipal Building
- Scout Canned Food Collection @ Depot – June 13th
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

The order of business changed.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

A letter from resident Richard Price concerning sign vandalism and the Fulper lawsuit was read into the record, without comment, by Mayor Corboy. Copy appended.

JoAnne Speranza came forward to address the Committee concerning the recent rash of stolen and/or destroyed campaign signs supporting Cathy Urbanski. She views what happened to be a form of intimidation and a violation of her privacy as well as political beliefs. She read the appended letter into the record. Mr. Corboy assured Ms. Speranza that these actions are not indicative of most of West Amwell; acknowledged that this should not occur; and, that action will be taken if the party(ies) involved are determined.

Jason Fuhr addressed the Committee concerning the haphazard state of the DRJBC sign at the intersection of Rocktown-Lamb. Road and Mt. Airy Harb. Road. Road Supervisor Hoagland will be alerted.

Glenn Baran came forward concerning his experience at the Advanced Safety

Leadership courses taken the past two Fridays. By taking these courses and receiving the OSHA card, he is legally responsible and there are several items that the Township needs to address. Each facility's MSDS has to be current and Mr. Baran will start with the DPW; however, there needs to be someone assigned in each department that he will oversee as Safety Coordinator. There can be NO chemicals on the property or used by anyone without property documentation. This includes the Fire Company, Police and Administration. Vendors have to supply documentation with their products and an MSDS has to be on file for each chemical. Also needed are Job Hazard Assessments for each activity under OSHA requirements. Mr. Baran will discuss this topic further at the June Safety meeting and suggested that MEL do an audit to provide assistance. Mayor Corboy requested that Mr. Baran get the program started and agreed that his role should be one of oversight. The mayor would also like to attend the June Safety meeting.

Rich Storcella came forward concerning his ongoing concern about the conservation easement removal on Block 23 Lot 19.04 and requested to know the Committee's position on the letter provided earlier. Attorney Faherty relayed that he has reviewed the material provided and has determined that it was not the best way for the situation to be handled. Although the Planning Board's recommendation was to the Township Committee, his recommendation would be that any future request for conservation easement modification be sent to Superior Court. Mr. Storcella continued to press that public notice should have been given to the neighbors; that the Planning Board took action based on a specific use; that there was no follow up at the Township Committee level; and, inquired as to whose responsibility it was to alter the deed and verify for accuracy. A discussion ensued about the original subdivision and whether the conservation easement was for wetlands or other reasons. Mr. Corboy noted that the situation was presented to the Township Committee that the conservation easement was in place due to wetlands but the applicant had a new LOI from DEP. This was the basis for removing the conservation easement as there was no reason for the protection due to the DEP's determination. Mr. Storcella does not believe that it was for wetlands but for a layer of protection for future residents, noting that he has a similar easement on his property. The Planning Board granted relief to Mr. VanSasse based on horse pasture and a run-in shed as no structure was indicated. He stated no opposition to a modest building but feels that with the proposed large structure that someone didn't do their job and that the matter should have gone back to the Planning Board for review. Attorney Faherty noted that the issue of the large structure was not found to be problematic at the Board of Adjustment as the property is farmland assessed and there is no size limit in the ordinance. Sean Pfeiffer interjected that it was his understanding that the purchaser came with an informal presentation as he was considering the purchase but only with an amended conservation easement. The Board indicated they would consider this a new LOI but nothing ever came back to them. The process broke down along the way as several years intervened. The Planning Board's by-laws were recently amended to reflect that a conservation easement should remain in perpetuity. Discussion continued between the parties over the various aspects of the situation; the entities involved; recommendations/decisions made by each; and, the purpose by which the Planning Board would require a conservation easement upon subdivision of a property. A copy of the resolution granting the original subdivision will be provided to Attorney Faherty but indicated that this may not change anything as what has been done is done. It was also noted that there's been no application for a building permit for the large barn that is anticipated by Mr. Storcella.

PRESENTATION OF MINUTES

Mayor Corboy requested that a resident comment on page 2 of the May 6, 2009 Regular meeting minutes be verified with the tape. With that caveat, the May 6, 2009 Special, Regular and Closed Session minutes were unanimously approved on motion from Molnar and seconded by Masterson.

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

FFA Update – No FFA members in attendance.

Municipal Alliance Update – Mr. Fuhr reported that the Emotions Art Show runs through June 6th. He anticipates that each of the participating alliances will net between \$3,000-\$4,000 dollars. The next fund raiser is the Jason Fuhr Charity Golf Open to be held on July 27th at the Bucks Club. Flyers are available in the municipal building. As the May 13th dance/social fizzled, something else will be attempted.

Public Hearing: 2009 West Amwell Township Budget

RESOLUTION # 106-2009

WHEREAS, the 2009 Budget of the Township of West Amwell was introduced on April 13, 2009 and advertised on April 23, 2009; and

WHEREAS, N.J.S.A. 40A:4-8 states that the budget, as advertised may be read by title only if at least one week prior to the public hearing the approved Budget as advertised shall be posted where public notices are customarily posted and copies made available to each person requesting same; and

WHEREAS, the above requirements have been complied with;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell, assembled in public session this 20th day of May 2009, that the 2009 budget be read by title only as provided by N.J.S.A. 40A:4-8.

Masterson moved to approve the Resolution and Corboy seconded. Roll Call: Molnar-no; Masterson-aye; Corboy-aye

Proof of publication in the April 23, 2009 issue of the Lambertville Beacon was presented. The budget has been posted and available to the public since its introduction at the April 13, 2009 Township Committee meeting. The budget was read by title and the public hearing opened.

Sean Pfeiffer came forward noting his understanding that hard decisions were made. His concern was whether there would be any change to the Township's municipal numbers given the State's \$1.2 million shortfall. He also inquired about the status of the COPs grant application. Mr. Corboy responded that he is confident about the municipal aid but that extraordinary aid is questionable. The latter would have to be used to ease taxpayer burden—not to fund employees. The COPs grant has been applied for; can only be used for additional police officers or to fund in case of reductions in force; and, that the Township doesn't know how it will fare in this pursuit.

Jane Luhrs, Township CFO, stated that the budget cannot be adopted tonight due to the application for extraordinary aid. The Township will be working on a temporary budget until July during this waiting period. The increase this year is 2.5%.

Charles Case, Township Auditor, noted that the results of the extraordinary aid application will not be known until at least July 10th. He anticipates there will be no budget adoption until late July.

Hearing no further comments, the public hearing was unanimously closed on motion from Molnar and seconded by Masterson.

Introduction: Ordinance 18, 2009

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

**Third Round Affordable Housing Ordinance
West Amwell Township / Hunterdon County**

AN ORDINANCE TO AMEND ARTICLE XXXIV, CHAPTER 109 OF THE CODE OF WEST AMWELL IN ORDER TO ADDRESS REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) RELATED TO WEST AMWELL'S SUBSTANTIVE CERTIFICATION OF ITS THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN.

Requirements of the Council on Affordable Housing (COAH) Related to West Amwell's Substantive Certification of its Third Round Housing Element and Fair Share Plan.

BE IT ORDAINED by the governing body of West Amwell Township, Hunterdon County that Chapter 109, Article 34 entitled Land Development of the general ordinances/zoning ordinances of West Amwell is hereby amended by the addition of section 109-212.2 to address West Amwell's constitutional obligation to provide for its fair share of low- and moderate-income housing, consistent with the provisions of N.J.A.C. 5:97 et seq. and N.J.A.C. 5:80-26.1 as effective, and pursuant to the New Jersey Fair Housing Act of 1985. This ordinance is also intended to provide assurances that low and moderate income units (the "affordable units") are created with controls on affordability over time and that low and moderate income people occupy these units. This ordinance shall apply except where inconsistent with applicable law.

The West Amwell Township Planning Board adopted the Housing Element pursuant to the MLUL at N.J.S.A. 40:55D-1 et seq. on November 18, 2008. A Fair Share Plan consistent with this Housing Element was adopted by the Planning Board on November 18, 2008 and endorsed by the Governing Body on November 19, 2008. This Fair Share Plan describes the methods by which West Amwell will address its Fair Share obligation as determined by the Housing Element. This ordinance implements and incorporates that Fair Share Plan and addresses the requirements of N.J.A.C. 5:97 et seq. West Amwell annually files a monitoring report with the Council delineating the status of its certified plan and this report is available to the public at the Office of the Clerk, 150 Rocktown-Lambertville Road, Lambertville, NJ and from the Council on Affordable Housing at PO Box 813, Trenton, New Jersey 08625-0813.

A. Municipal Fair Share Obligation

The fair share obligation in West Amwell consists of a four-unit rehabilitation obligation, a 16-unit prior round obligation and a 52-unit growth share obligation that represents one affordable unit for every four market rate residential units receiving a certificate of occupancy subsequent to January 1, 2004 plus one affordable housing unit for every 16 jobs created through the expansion or creation of non-residential development in accordance with the schedule determined by the New Jersey Council on Affordable Housing (COAH).

B. Definitions

"Definitions and Rules of General Applicability" is hereby created/ amended and defines the following terms:

"Administrative agent" means the entity responsible for administering the affordability controls of this ordinance with respect to specific restricted units, as designated pursuant to N.J.A.C. 5:80-26.14.

"Affordability average" means an average of the percentage of median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

"Affordable" means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12.

"Affordable development" means a housing development all or a portion of which consists of restricted units.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.) and in, but not of, the DCA.

"Age-restricted unit" means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population where the head of the household is a minimum age of either 62 years, or 55 years and meets the provisions of the 42 U.S.C. §§3601 et seq., except that due to death, a remaining spouse of less than 55 years of age shall be permitted to continue to reside.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Balanced Housing” means the Neighborhood Preservation Balanced Housing Program of the DCA as set forth at N.J.S.A. 52:27D-320 and N.J.A.C. 5:43.

“Certified household” means a household that has been certified by an administrative agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing in, but not of, the DCA, established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Fair Share Round” means any one of three periods in time during which the Council established municipal obligations to provide affordable housing and the first round was from 1987-1993 and the second period was from 1993-1997 and the third is for 1999–2018.

“HAS” means the Housing Affordability Service, formerly known as the “Affordable Housing Management Service,” at the New Jersey Housing and Mortgage Finance Agency.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Median income” means the median income by household size for an applicable county, as adopted annually by COAH.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“MONI” means the Agency’s Market Oriented Neighborhood Investment Program, as it may be authorized from time to time by the Agency.

“95/5 unit” means a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93 before October 1, 2001.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary; and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value affordable to a four-person household with an income at or above 80% of the regional median as defined by the Council’s annually adopted income limits.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, but does not include a market-rate unit financed under UHORP or MONI.

“UHORP” means the Agency’s Urban Homeownership Recovery Program.

C. Affordable Housing Programs

West Amwell has determined that it will use the following programs to satisfy its affordable housing obligation from the Prior Round and Growth Share: rehabilitation program, shared living bedrooms and accessory apartments.

The following general guidelines apply to all developments that contain low-and moderate-income units, and any future developments that may occur.

D. Rehabilitation

The rehabilitation program

1. West Amwell's rehabilitation program is designed to renovate deficient housing units occupied by low and moderate-income households and after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
2. West Amwell will designate an experienced administrative agent as the administrator of the rehabilitation program.
3. Both renter occupied and owner occupied units are eligible for rehabilitation funds.
4. Both renter occupied and owner occupied units must remain affordable to low and moderate-income households for a period of 10 years. For owner occupied units this control period will be enforced with a lien and for renter occupied units the control period will be enforce with a deed restriction.
5. West Amwell will dedicate a minimum of \$10,000 per unit for units rehabilitated through this program.
6. West Amwell will create a rehabilitation manual for this rehabilitation program, which will be available for inspection at the Office of the Clerk, 150 Rocktown-Lambertville Road, Lambertville, NJ.

E. Phasing Schedule for Zoning

West Amwell has not adopted inclusionary zoning.

In inclusionary zones, including zones subject to a growth share ordinance, the following schedule shall be followed:

<u>Percentage of Market-Rate Units Completed</u>	<u>Minimum Percentage of Low- and Moderate-Income Units Completed</u>
25	0
25+1	10
50	50
75	75
90	100

F. New Construction

A. Low/Mod Split and Bedroom Distribution of affordable housing units:

1. The fair share obligation shall be divided equally between low- and moderate-income households.
2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - a. The combined number of efficiency and one-bedroom units is no greater than 20 percent of the total low- and moderate-income units;
 - b. At least 30 percent of all low- and moderate-income units are two bedroom units;
 - c. At least 20 percent of all low- and moderate-income units are three bedroom units; and
 - d. The remainder may be allocated at the discretion of the developer.
 - e. Age-restricted low- and moderate-income units may utilize a modified bedroom distribution and at a minimum, the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the affordable development.

B. Accessible Townhouse Units

1. The first floor of all townhouse dwelling units and of all other multistory dwelling units for which credit is sought pursuant to P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), on or after October 1, 2006, the effective date of P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.), and for which an application for a construction permit has not been declared complete by the enforcing agency pursuant to P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and which were included in a prior round fair share plan or in a third round fair

share plan and for which credit continues to be sought shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

2. To receive Council credit for a townhouse unit or other multistory dwelling unit that is attached to at least one other dwelling unit, West Amwell shall ensure that:
 - a. Townhouses or other multistory dwelling units that are attached to at least one other dwelling unit for which credit is sought for low or moderate income housing shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An accessible route of travel;
 - (1) An interior accessible route of travel shall not be required between stories;
 - iv. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - v. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that West Amwell has collected funds from the development sufficient to make 10 percent of the adaptable entrances in the development accessible;
 - b. In the case of a unit or units which are constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed;
3. The builder of the unit or units shall deposit funds, sufficient to adapt 10 percent of the affordable units in the projects which have not been constructed with accessible entrances, with West Amwell, for deposit into the municipal affordable housing trust fund;
4. The funds under (b)3 above shall be available for the use of West Amwell for the purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance;
5. The developer of the affordable project subject to P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) shall submit the design with a cost estimate for conversion to West Amwell; and
6. Once West Amwell has determined that the plans to adapt the entrances of the townhouse or other multistory unit meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, the West Amwell Chief Financial Officer shall ensure that the funds are deposited into that fund.
7. Full compliance with this section shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

C. Maximum Rents and Sales Prices

1. West Amwell hereby establishes that the maximum rent for affordable units within each affordable development shall be affordable to households earning no more than 60 percent of median income and the average rent for low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
2. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
3. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income and each affordable development must achieve an affordability average of 55 percent for restricted ownership units and in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
4. At least 13 percent of the affordable housing in West Amwell must be affordable to households at 30 percent of median income.

G. Utilities

1. Affordable units shall utilize the same type of heating source as market units within the affordable development.
2. Those tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

H. Occupancy Standards

Occupancy standards for affordable housing units are pursuant to N.J.A.C. 5:80-26.4:

1. In determining the initial rents and initial sales prices for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - a. A studio shall be affordable to a one person household;
 - b. A one bedroom unit shall be affordable to a one and one-half person household;
 - c. A two bedroom unit shall be affordable to a three person household;
 - d. A three bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four bedroom unit shall be affordable to a six person household.
2. For assisted living facilities, the following standards shall be used:
 - a. A studio shall be affordable to a one person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a two person household or to two one-person households.
3. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the administrative agent shall strive to:
 - a. Provide an occupant for each unit bedroom;
 - b. Provide children of different sex with separate bedrooms; and
 - c. Prevent more than two persons from occupying a single bedroom.

I. Control Periods for Ownership Units and Enforcement Mechanisms

Control periods for ownership units are pursuant to N.J.A.C. 5:80-26.5 and each restricted ownership unit shall remain subject to the requirements of this ordinance until West Amwell elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1 and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1 for at least 30 years.

1. At the time of the first sale of the unit, the purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
2. All conveyances of restricted ownership units shall be made by deeds and restrictive covenants pursuant to N.J.A.C. 5:80-26.1 and each purchaser of a 95/5 unit, in addition, shall execute a note and mortgage, incorporated herein by reference.
3. The affordability controls set forth in this ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
4. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the municipal building inspector stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a).

J. Price Restrictions for Ownership Units, Homeowner Association Fees, and Resale Prices

Price restrictions for ownership units are pursuant to N.J.A.C. 5:80-26.1, including;

1. The initial purchase price for a restricted ownership unit shall be approved by the administrative agent. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying costs of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of an appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3.
2. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds of affordable developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers, although condominium units subject to a municipal ordinance adopted before October 1, 2001, which provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection shall have such fees and assessments governed by said ordinance.
4. The owners of ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom.

K. Buyer Income Eligibility

Buyer income eligibility for ownership units is pursuant to N.J.A.C. 5:80-26.1, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees as applicable) does not exceed 33 percent of the household's eligible monthly income.

L. Control Period for Rental Units

Each restricted rental unit shall remain subject to the requirements of this ordinance until West Amwell elects to release the unit from such requirements, however, prior to such a municipal election, a restricted rental unit must remain subject to the requirements of this ordinance for a period of at least 10 years.

1. Deeds of all real property that include restricted rental units shall contain deed restriction language the deed restriction shall have priority over all mortgages on the property and the deed restriction shall be filed by the developer or seller with the records office of the county and a copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.
2. A restricted rental unit shall remain subject to the affordability controls of this ordinance, despite the occurrence of any of the following events:
 - a. sublease or assignment of the lease of the unit;
 - b. sale or other voluntary transfer of the ownership of the unit; or
 - c. the entry and enforcement of any judgment of foreclosure.

M. Price Restrictions for Rental Units and Rent Increases; Leases

The initial rent for a restricted rental unit shall be approved by the administrative agent and shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate

household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3.

1. Rents may be increased annually based on the Housing Consumer Price Index for the United States, as published annually by COAH. Rents may not be increased more than once a year.
2. A written lease is required for all restricted rental units, except for units in an assisted living residence, and tenants are responsible for security deposits and the full amount of the rent as stated on the lease.
3. No additional fees or charges may be added to the approved rent (except, in the case of units in an assisted living residence, for the customary charges for food and services) without the express written approval of the administrative agent and application fees (including the charge for any credit check) may not exceed five percent of the monthly rental of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls in this ordinance as applicable to the unit.

N. Tenant income eligibility pursuant to N.J.A.C. 5:80-26.1.

Pursuant to N.J.A.C. 5:80-26.13, tenant income eligibility shall be determined as follows:

1. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income. Moderate income rental units shall be reserved for households with a gross household income less than 80 percent of median income. Very low income rental units shall be reserved for households with a gross household income equal to or less than 30 percent of median income.
2. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets, with which the household proposes to supplement the rent payments; or
 - e. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of the circumstances in (b) above with the administrative agent, who shall counsel the household on budgeting.

O. Municipal Housing Liaison

COAH requires West Amwell to appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering its affordable housing program, including affordability controls and the Affirmative Marketing Plan, and, where applicable, supervising any contracting Administrative Agent. West Amwell adopted an ordinance creating the position of Municipal Housing Liaison on June 7, 2006. West Amwell adopted a resolution on February 7, 2007 appointing a Municipal Housing Liaison. Subject to the approval of COAH, the

Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.

The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for West Amwell, including the following responsibilities which may not be contracted out, exclusive of item 6 which may be contracted out:

1. Serving as West Amwell's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
2. Monitoring the status of all restricted units in West Amwell's Fair Share Plan;
3. Compiling, verifying, and submitting annual reports as required by COAH;
4. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
5. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
6. If applicable, serving as the Administrative Agent for some or all of the restricted units in West Amwell as described in Section 16 below.

Subject to approval by COAH, West Amwell may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of West Amwell, except for those responsibilities which may not be contracted out as described above. West Amwell will contract with another entity to administer all of the affordable housing program, including the affordability controls and Affirmative Marketing Plan. The Municipal Housing Liaison shall supervise the contracting Administrative Agent.

The following administrative powers and duties are assigned to the Municipal Housing Liaison:
Providing annual reports to COAH as required.

P. Administrative agent for West Amwell's affordable housing units

The affordability controls set forth in this ordinance shall be administered and enforced by the administrative agent. The primary responsibility of the administrative agent shall be to ensure that the restricted units under administration are sold or rented, as applicable, only to low and moderate-income households.

1. The administrative agent shall create and shall publish in plain English, and in such other languages as may be appropriate to serving its client base, a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls, including procedures for long-term control of restricted units; for enforcing the covenants of N.J.A.C. 5:80-26.18 and for releasing restricted units promptly at the conclusion of applicable control periods. The administrative agent shall have authority to take all actions necessary and appropriate to carrying out its responsibilities hereunder. The operating manual shall have a separate and distinct chapter or section setting forth the process for identifying applicant households seeking certification to restricted units, for reviewing applicant household eligibility, and for certifying applicant households in accordance with the household certification and referral requirements set forth in N.J.A.C. 5:80-26.16.
2. The administrative agent shall establish and maintain a ready database of applicant households as a referral source for certifications to restricted units, and shall establish written procedures to ensure that selection among applicant households be via the database, and in accordance with a uniformly applied random selection process and all applicable State and Federal laws relating to the confidentiality of applicant records.
3. The municipality in which restricted units are located shall select one or more administrative agents for those units. A municipality itself (through a designated municipal employee, department, board, agency or committee) may elect to serve as the administrative agent for some or all restricted units in the municipality, or the municipality may select HAS or an experienced private entity approved by the Division, the Agency or COAH to serve as administrative agent for some or all restricted units in the municipality. The foregoing approval by COAH or the Division is to be based on the

private entity's demonstration of the ability to provide a continuing administrative responsibility for the length of the control period for the restricted units.

4. The administrative agent shall have the authority to discharge and release any or all instruments, as set forth in the Appendices of this ordinance, filed of record to establish affordability controls.

Q. Affirmative Marketing

The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the period of deed restriction.

West Amwell shall provide a regional preference for people who live and/or work in Region 3: Middlesex, Somerset and Hunterdon Counties.

1. The administrative agent shall assure the affirmative marketing of affordable units.
2. If the municipality does not designate a municipal staff person, it shall contract with other experienced administrative agents approved by COAH to administer the affirmative marketing plan. Where a municipality contracts with another administrative agent to administer the affirmative marketing plan, the municipality shall appoint a municipal housing liaison who shall supervise the contracting administrative agent. In addition, where the contracting administrative agent is not responsible for the entire affirmative marketing plan, the municipality shall outline who or what municipal agent is responsible for the remaining portion of the affirmative marketing plan. The municipality has the ultimate responsibility for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and rerentals.
3. In implementing the affirmative marketing plan, administrative agents shall designate an experienced staff person approved by COAH to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
4. The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. In developing the plan, the administrative agent shall consider the use of language translations.
5. The affirmative marketing process for available affordable units shall begin at least four months prior to expected occupancy.
6. Applications for affordable housing shall be available in several locations, including, at a minimum, the county administrative building and/or the county library for each county within the housing region; the municipal administrative building(s) and the municipal library in the municipality in which the units are located; and the developer's sales office. Applications shall be mailed to prospective applicants upon request.
7. COAH shall review and assess the effectiveness of West Amwell's affirmative marketing program.

R. Household certification and referral; related project information

No household may be referred to a restricted unit, or may receive a commitment with respect to a restricted unit, unless that household has received a signed and dated certification and has executed a certificate.

1. The sources of income considered by the administrative agent shall be the types of regular income reported to the Internal Revenue Service and which can be used for mortgage loan approval.
2. If the applicant household owns a primary residence with no mortgage on the property valued at or above the regional asset limit as published annually by COAH, a certificate of eligibility shall be denied unless the applicant's existing monthly housing costs exceed 38 percent of the household's eligible monthly income.

3. The administrative agent shall employ a random selection process when referring households for certification to affordable units.

S. Enforcement of Affordable Housing Regulations

By submitting to the jurisdiction of COAH, a municipality shall be deemed to have delegated to its administrative agent the day-to-day responsibility for implementing practices and procedures designed to ensure effective compliance with the controls set forth in this ordinance. The municipality, however, shall retain the ultimate responsibility for ensuring effective compliance with this ordinance.

Administrative agent practices and procedures shall include, but shall not necessarily be limited to, the following:

1. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent.
2. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates.
3. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent can be made.
4. If the unit is owner-occupied, that the unit may be resold only to a household that has been approved in advance and in writing by the administrative agent.
5. That no sale of the unit shall be lawful, unless approved in advance and in writing by the administrative agent, and that no sale shall be for a consideration greater than regulated maximum permitted resale price, as determined by the administrative agent.
6. That no refinancing, equity loan, secured letter of credit, or any other mortgage obligation or other debt secured by the unit may be incurred except as approved in advance and in writing by the administrative agent, and that at no time will the administrative agent approve any debt, if incurring the debt would make the total of all such debt exceed 95 percent of the then applicable maximum permitted resale price.
7. That the owner of the unit shall at all times maintain the unit as his or her principal place of residence, which shall be defined as residing at the unit at least 260 days out of each calendar year.
8. That, except as set forth in N.J.A.C. 5:80-26.18(c)4vii, at no time shall the owner of the unit lease or rent the unit to any person or persons, except on a short-term hardship basis, as approved in advance and in writing by the administrative agent.
9. That the maximum permitted rent chargeable to affordable tenants is as stated in the notice required to be posted in accordance with N.J.A.C. 5:80-26.18(d)3 of this ordinance, a copy of which shall be enclosed, and that copies of all leases for affordable rental units must be submitted annually to the administrative agent.
10. Banks and other lending institutions are prohibited from issuing any loan secured by owner-occupied real property subject to the affordability controls set forth in this ordinance, if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located.

T. Appeals

Appeals from all decisions of an administrative agent appointed pursuant to this ordinance shall be filed in writing with the Executive Director of COAH.

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

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

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 Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be held June 17, 2009.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Silos*: Tom Zeng, the owner of the silos on the Toll property, requested that he be permitted to keep the silos in place until the auction. He may even submit a bid for this preserved property and would like to have the silos for storage in the meantime. Mr. Zeng indicated that he has similar informal arrangements for equipment storage on properties with the County. A discussion ensued over the time frame involved with the current owner and what would be needed for the proposed agreement. Mr. Pfeiffer relayed that the anticipated closing date is in October, with a 6 month extension, if needed. Although the appropriation is waiting for the Governor's signature, the State will be funding up front with Hunterdon Land Trust bringing in funds as well. Removal of the various structures by the Township and trash and environmental cleanup by Toll has yet to be determined and any auction would be 1-2 years away. The consensus of the Committee was that a formal agreement is needed and that HLT and the SADC would have to be on board. A Certificate of Insurance and either a deposit or bond were also mentioned. Attorney Dragan will be requested to work out the details of a use and occupancy agreement and other pertinent issues.

- *Authorization to Sign Contracts with Hunterdon Land Trust Alliance – Cost Sharing on Toll Project*: Mr. Pfeiffer noted that there are two agreements. The first is an agreement for the reimbursement of costs and the second is an agreement for reimbursement of County cost share. The only change from the previously reviewed draft was to the last sentence under #4. Molnar motioned to authorize the mayor to execute both agreements and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

- *Authorization to Post May 2009 Open Space Map on Website*: Pete Hess has updated the map for posting on the website and display in the municipal building. The Comly preservation project currently under contract has been included. Approved.

- *Authorizations for Mayor & Clerk* to sign the presented County closing documents for **Gulick I** was unanimously authorized on motion from Molnar, seconded by Masterson. Authorization was also suggested by Mr. Pfeiffer for the following due to the reduced summer meeting schedule: The closing reimbursement documents, when available, for **Gulick II** and **Stoy I** were unanimously authorized for signature on motion from Molnar, seconded by Corboy. The **Janyszewski/Kutz** project direct sale to the County with a 20% Township cost share was unanimously authorized on motion from Molnar with a second by Masterson. Mr. Pfeiffer noted that the County is ready to close and is just waiting for the State. He noted that the property owner is not particularly happy with the lengthy wait period.

- *Discussion on Future Green Acres Projects*: The Township has secured \$150,000 for the next State fiscal year. With the Kilmer appraisals in and submitted to Green Acres for certification, this 78 acre property will deplete current grant funding. Mr. Pfeiffer offered that the 20 acre Bowers property on Goat Hill Road and the 14 acre King property on Mt. Airy-Harb. Road are possibilities for the new round. There has been no word from Salada as to his intentions. The consensus of the Committee was for Mr. Pfeiffer to proceed with the preliminary approval process for the first two properties as there is no obligation tied to it.

- *Open Space Invoices*: Attorney Dragan submitted invoices as follows: Fulper \$58.80; Gulick I \$279.30; Kilmer \$44.10; West Amwell LLC \$499.80. The invoices were unanimously approved on motion from Molnar, seconded by Masterson.

- *Project Status Updates*: The Jolley map has been received from Green Acres. This acquisition was of no cost to the West Amwell. However, Mr. Pfeiffer noted that the tax map is incorrect as it does not show a particular subdivision that occurred but

that the Open Space map has been changed to reflect it.

Farmers Market

- *Permission to Post Information on Website:* Approved

Mr. Molnar reported that he attended both weeks and that the FFA car wash went well. The market was not as active last Saturday.

Recycling

- *Update:* Ron Shapella requested that information on the new \$75 garbage fee be available at depot and market. A flyer will be prepared for distribution. The Clean Communities check is over \$9400 and its use for a clean up day before the end of the year was proposed. Control over metals will be needed to avoid the problem encountered last year and it was suggested that the DPW be consulted about the use of their dump trucks for this collection to cut costs. A proposal with specifics will be developed for review at the June meeting so that quotes can be solicited. Mr. Shapella also relayed that East Amwell has Good Will attend their clean up. This is another avenue to be explored to reduce the amount of items going into the waste stream.

Mr. Shapella also touched on the recent septic ordinance meeting held at the County. New wastewater rules mandate a maintenance ordinance that includes pumping. The County plans to have some guidance for municipalities soon as a municipal ordinance is required this year. Existing systems will be grandfathered unless a repair is needed. Property owners would have to report to the municipality that their septic has been pumped at a time frame still to be determined and a fee would be assessed for administration. He also alluded to the possibility that this may see municipal action like that with the State Police as this is being considered an unfunded mandate.

Affordable Housing (COAH)

- *Update on Substantive Certification:* The Township received this at COAH's May 14th meeting. A framed certificate has arrived to mark the occasion. Also just approved were the Spending and Affirmative Marketing plans. With the introduction of the third round ordinance earlier in the evening, the adoption of the development fee and accessory apartment ordinances last year, all bases should now be covered.

- *Resolution Adopting Affirmative Marketing Plan:* Although approved by COAH, Township approval is also required. Stacey Smith-Bohn, the township's MHL/AA, provided information on how this plan was developed and the adjustments required by COAH to receive approval.

RESOLUTION #107-2009

WHEREAS, an Affirmative Marketing Plan was developed by the Township's MHL/AA, Stacey Smith-Bohn, in concert with staff at the Council on Affordable Housing (COAH); and

WHEREAS, COAH Administration staff has completed a review of the Affirmative Marketing Plan dated 4-28-09; and

WHEREAS, the referenced Affirmative Marketing Plan has been found by COAH staff to conform with N.J.A.C. 5:97 and/or N.J.A.C. 5:80-26.1 et seq per letter received dated May 8, 2009; and

WHEREAS, the West Amwell Township Committee has reviewed the Affirmative Marketing Plan and is in agreement with same

THEREFORE BE IT RESOLVED, that the West Amwell Township Committee hereby adopts the Affirmative Marketing Plan as reviewed and approved by COAH.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to COAH.

Molnar motioned to approve the Resolution and Masterson seconded. Roll Call:

Molnar-aye, Masterson-aye, Corboy-aye

- *Resignation*: Linda Wilson will be leaving the AHB as soon as a replacement can be found in order to better care for the three grandchildren she is raising. A letter commending her service and this higher calling was authorized. There are now two open slots. Mr. Molnar offered that Marvin "Tuck" Hartpence expressed interest in serving on this Board. Mr. Hartpence was appointed by Mayor Corboy to a three year term expiring 12/31/2010.

UNFINISHED BUSINESS

Revised Resolution on Binding Arbitration Reform – A more comprehensive and complete model has been produced by the League. If adopted, it would replace the one adopted at the last meeting. Mr. Corboy proceeded to read the revised resolution into the record and there was agreement that it was much improved over the previous one.

RESOLUTION #108-2009

(Replacing RESOLUTION #92-1009)

AMENDMENT TO BINDING ARBITRATION STATUTE

WHEREAS, the binding arbitration process was intended to support local government aims by arriving at award decisions that are equitable to all involved parties, including municipalities, and Police and Fire Department personnel, and taxpayers; and

WHEREAS, the binding arbitration process is mandated by the state law; and

WHEREAS, municipalities are bound by strict fiscal controls embodied in the expenditure limit and tax levy cap laws; and

WHEREAS, it is the norm rather than the exception for state approved arbitrators to award raises for police salaries at rates that exceed the annual caps; and

WHEREAS, binding arbitration awards in excess of the caps force municipalities to cut other critically needed municipal services, in order to fund salary increases, compounded by pension increases, to police and fire personnel, and costs for police and fire services continue to spiral at an unacceptable rate; and

WHEREAS, the state approved binding arbitration process is inconsistent with the State cap laws and is unfair to municipalities attempting to control property taxes through fiscal responsibility;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the (Name of Municipality) urges the New Jersey State Legislature to pass legislation containing substantial reforms to the binding arbitration process; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to our State Senator, our Representatives in the General Assembly, to the Governor and to the New Jersey League of Municipalities.

Molnar motioned to approve the Resolution and Masterson seconded. Roll Call:

Molnar-aye, Masterson-aye, Corboy-aye

Proposed Contract with Police Lieutenant – Held for Closed Session.

On a related note, Mr. Corboy referenced a Mayor's Fax Advisory from the League concerning negotiations with another PBA and municipality. The arbitrator awarded "O" raise for 2009 and a freeze on step increments. Contributions to health benefits starting in 2011 were also made.

Resolution Assigning Tax Sale Lien for Block 30 Lots 2.02 & 2.03 – This item was discussed at the last meeting. The resolution developed has been reviewed by Attorney Faherty.

RESOLUTION #109-2009

WHEREAS, Thomas McMillan is the contract purchaser of Block 30 Lot 2; and

WHEREAS, Lots 2.02 and 2.03 were part of the initial agreement of sale; and

WHEREAS, clear title to Lots 2.02 and 2.03 was not finalized until after the death of the owner when it was determined that said owner had failed to execute a deed for Lots 2.02 and 2.03; and

WHEREAS, Thomas McMillan has requested that the Township assign to him the tax sale lien for Block 30 Lot 2.02 and 2.03 to enable him to proceed with a foreclosure; and

WHEREAS, Attorney Faherty has advised that the presented contract is enforceable; that Mr. McMillan is entitled to this assignment based on the rights conveyed to him under the agreement of sale; that if the Township holds the certificates they are permitted to assign them; and, that it would then be up to Mr. McMillan to take whatever action is necessary to foreclosure on that tax sale certificate

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the tax sale certificates for Block 30 Lots 2.02 and 2.03 be assigned to Thomas McMillan

Molnar motioned to approve the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Possible Recommendation from Planning Board on Continuation of IPE/PE –

Mayor Corboy relayed that Planner Hintz and Attorney Cohen conferred on this item and suggested that a letter be sent to Ben Spinelli at OSG in response to his May 1st letter. A letter was provided for review and approval. In addition, an e-mail was received today from Barry Ableman relaying that the SADC has not yet finished its review of the revised Farmland Preservation Plan and this will not be accomplished until June 8th. The mayor was unanimously authorized to sign the letter for mailing to Mr. Spinelli.

Rocktown Hill Drainage Project Suggestions – In response to an earlier question about possibly obtaining additional funding from the State (or feds) for this project, Engineer Clerico stated that this is not normally done. It appears that the Township has but three choices: 1) lobby the DRJTBC to reconsider and approve the prior \$100,000 request; 2) provide local funding to cover the deficiency; or 3) advise DOT that the Township does not have the funds to cover their local portion and to subsequently return the \$200,000 grant. The latter money has to be used within 18 months of grant award notice. His recommendation is that the Township follow option #1, with the other options in the order listed. Mayor Corboy will speak with his contact at the DRJTBC.

Draft Flood Damage Prevention Ordinance – An e-mail was received from the DEP requiring the name of the person who would be responsible for revising the current ordinance. This information was needed by 5/19 and the engineer's name and contact information was provided. Mr. Clerico will work on a draft ordinance for review by the DEP prior to Township introduction. He has also requested copies of the FEMA floodplain maps for this effort. A revised Flood Damage Prevention ordinance must be adopted by 9/25/09. Mr. Clerico is still investigating whether or not a Certified Floodplain Manager needs to be named.

Revised Hartford/Combe Release – Attorney Faherty presented a revised release in line with changes made by Attorney Carmeli of Tyler & Carmeli. This is a site release not a general release. Once signed and returned, the Township should receive the money.

The revised agreement was unanimously approved and the mayor authorized to sign on motion from Molnar, seconded by Masterson. The Clerk will attest, affix the Township

seal and forward the document to Attorney Faherty.

Update on Van Saase – Discussion held earlier in the evening.

Connaught Hill Lot List from Attorney – Attorney Tauriello provided a deed listing the Connaught Hill lots in West Amwell and Lambertville to solidify ownership. Attorney Faherty noted that the cover letter indicated a willingness meet for future planning and possible donation. Mapping of the listed lots will be undertaken prior to any meeting but the idea presented is worth exploring.

Rocktown-Lamb. Road Section 13 Update – Bids are due on June 11th at 2 p.m. with a possible award at the June 17th meeting.

Mr. Molnar offered that Mr. Hawley is experiencing driveway flooding since the completion of Section 12. It is felt that the berm is not high enough. Mr. Martucci will be contacted with this complaint.

Resolution to Enter Closed Session –

RESOLUTION #110-2009

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and WHEREAS, this public body is of the opinion that such circumstances presently exist; NOW, THEREFORE, BE IT RESOLVED by the Committee of West Amwell Township, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
PURCHASE, LEASE OR ACQUISITION OF REAL PROPERTY
PENDING LITIGATION
CONTRACT NEGOTIATIONS
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.

Molnar motioned to approve the Resolution and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

NEW BUSINESS

Brush Collection/Enforcement – A truck was spotted after hours accessing the brush area by driving past the fence and through the grassy area. A question has been raised whether the person should perhaps receive a letter concerning this violation. Mr. Pfeiffer suggested that the Township Lands Ordinance be reviewed for possible applicability.

Technology Grant from Comcast – A check for \$8000 has been received as per the recently approved agreement. Whether the money should be used to acquire new computers or to pay internet bills was raised. The consensus was that the money be used for computer replacement.

Route 29 Drainage Project – A large set of maps detailing construction plans for this project have been received by the Township Engineer. The project starts within West Amwell at the intersection of Old River Road and extends north into the City. A notice describing the scope and intent was provided. Mr. Clerico requested that the DPW Supervisor be asked whether he wishes to review the proposal. A question was raised whether or not DOT would be holding a Public Information Session. The Committee indicated their desire that this be requested.

OPEN TO THE PUBLIC

ADMINISTRATIVE REPORTS

Treasurer – The Clerk relayed that the Committee expressed their desire, during budget discussions, to explore the development of the basement and to set aside \$10,000 for this purpose. The following resolution puts funding in place for discussions with the architect.

RESOLUTION #111-2009

WHEREAS, the Township Committee of West Amwell Township acknowledges the need to provide for preliminary expenses to determine the scope, the cost and funding sources for improvements to the Municipal Building

NOW THEREFORE BE IT RESOLVED, that the sum of \$10,000.00 be appropriated from the Capital Improvement Fund of the Township of West Amwell to open the Reserve for Preliminary Expenses for Municipal Building Improvements.

Molnar motioned to approve the Resolution and Corboy seconded. Roll Call: Molnar-aye, Masterson-unavailable, Corboy-aye

Presentation of Bills for Approval: Molnar motioned to approve the evening's bills for payment and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Revenue and Receipts & Disbursement Reports: Revenue report for March/April 2009: Receipts were \$45,545. Receipts & Disbursements for the quarterly were \$3,652,020.53 and \$5,053,594.59, respectively. The reports were unanimously accepted on motion from Molnar, seconded by Masterson

Tax Collector –

RESOLUTION #112-2009

WHEREAS, a payment was made on the first and second quarters for 2009 on Block 14 Lot 12 by Wells Fargo Home Mortgage. These payments were for a property in Bethlehem Township. They were included in a large check for West Amwell Township. The overpayments total \$2,002.20. Wells Fargo has submitted proof of payment and are requesting a refund.

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 \$2,002.20 for the refund of the amount overpaid on Block 14 Lot 12.

Make check payable to: Wells Fargo Home Mortgage
Mail with a copy of this resolution to:

Wells Fargo Home Mortgage
MAC X2302-0404D, Tax Dept
1 Home Campus
Des Moines, IA 50328

Molnar motioned to approve the Resolution Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Clerk/Human Resources –

RESOLUTION #113-2009
(Correcting Resolution #52-2009)
SALARY & WAGE RESOLUTION

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2009 Salary and Wage Resolution, adopted March 4, 2009, be corrected as follows in line with January 1, 2009 appointments:

Position

Salary/Compensation

<u>Remove:</u> Substitute Plumbing Official & Inspector V. Rose	\$ 32.19/hour
<u>Add:</u> Substitute Plumbing Sub-code Official & Inspector Phil Izzo	\$ 32.19/hr
<u>Add:</u> Substitute Electric Sub-code Official & Inspector Phil Izzo	\$ 32.19/hr
<u>Add:</u> Substitute Building Sub-code Official & Inspector Phil Izzo	\$ 32.19/hr
<u>Add:</u> Substitute Fire Sub-code Official & Inspector Phil Izzo	\$ 32.19/hr
<u>Remove:</u> Substitute Construction Official, Substitute Building & Fire Code Official & Inspector Wydner	\$ 32.19/hr
<u>Add:</u> Substitute MCO Wydner	\$ 32.19/hr

Masterson motioned to approve the Resolution and Corboy seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Construction – The April 2009 Permit Fee Log, Monthly Activity Report/Permits, Payment Audit Report, Monthly Activity Report/Certificates and Certificate Log Detail reports were received for PermitsNJ. Total permits were 21; total certificates were 6.

The reports were unanimously accepted on motion from Molnar, seconded by Masterson.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 10:17 p.m. on motion from Molnar, seconded by Masterson.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk