

WEST AMWELL TOWNSHIP COMMITTEE MEETING

April 15, 2009 – 7:00 p.m.

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

The regular meeting of the West Amwell Township Committee was called to order at 7:07 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 Hal Shute, Alex Baran, Cathy & Chester Urbanski, George & Kathy Fisher, John Cronce, Ron Shapella, Sean Pfeiffer, Rick Kropp 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

Hal Shute led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 7.F Resolution Amending Temporary Capital Budget; 8.A4 Alexauken Open Space; 9.C Dumpster Award; 9.G Update on Elizabethtown and Creek Road; 10.F Blue Light Application; Comcast Bills. Deleted were: 8.A1 HLT Contract; 12.D Court Report

ANNOUNCEMENTS

Mayor Corboy made the following announcements:

- Planning Board Public Hearing on Master Plan Re-Examination – April 20th at 7:30 p.m.
- Route 202 Night-time Road Work Starts April 20th
- School Board Elections – April 21st from 3 p.m. to 9 p.m.
- Last Day to Register for June 2nd Primary – May 12th
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

With minor correction/amendment to the April 1, 2009 regular meeting, the April 1, 2009 Regular and Closed Session minutes and the April 7, 2009 Special meeting minutes were approved as amended on motion from Molar, seconded by Masterson. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Chester Urbanski came forward about the remote key pad entry system proposed at a recent meeting. He feels that this is an unnecessary expense as he has a key that can open and re-lock the inner door. It will be his responsibility to see that there is no access by the vendors to any area other than the main hallway. In addition, he has made arrangements to deposit collected monies securely in township offices on Saturday afternoon.

Mayor Corboy relayed that the proposal was made in response to concerns by the Court Administrator and, at the time, he was not aware that Mr. Urbanski was committed to be in attendance every Saturday to secure the building. It was further explained that once access is made through the inner door, the entire building is accessible, including the Court room, which was of concern due to the Court security plan.

A brief discussion ensued over the issues involved and the current placement of the access key pad as it is not where it should be located. It was determined that the original plan will be pursued but that a price will be obtained for re-locating the pad to the hallway.

A pass code will be made available to Mr. Urbanski in May.

Ron Shapella came forward to report on the second meeting of the Solar Co-op group. Things are coming together and there will be a number of meetings with the State and the BPU. A power purchasing group will also be created to work with the entities involved. The ultimate plan is to have solar power in sufficient quantity to supply electricity for all municipal and educational facilities in the group. An array of solar panels would be located on either municipal or school property, with a discount provided to the host. Six (6) acres of solar panels equal one megawatt of power which is well above what is currently being used. All facilities, including DPW, police, and the park, would also receive electricity from this proposed source. Meetings with JCP&L will be held in the future and there will be public meetings to lay out the proposal. Energy audits will be undertaken as part of this endeavor but will be separate from the generation portion. A brief discussion ensued about possible money through the federal stimulus program, developer fees from solar panel vendors, tax credits, carbon offsets, and transmissions fees. Mr. Shapella also noted that the State is interested in this South Hunterdon Renewable energy Co-op, although not publicly announced, and that New Brunswick is undertaking a similar project. A model for energy generation is required as well as a facilities needs assessment to ascertain savings. There should be little municipal monetary outlay as the energy audit cost would be picked up by the vendor. The current direction is for solar panels, not windmills. However, the weather station readings that were collected previously by South Hunterdon Regional would be needed by the RFP vendor. Mr. Corboy pointed out that most of New Jersey doesn't lend itself to wind power but was curious if a wind/solar combination was contemplated. Whether or not the same tax credits would apply to wind is questionable. Mr. Shapella concluded that a public meeting would be held soon and then it would be up to the Township Committee as to their involvement.

Cathy Urbanski came forward about changes needed to the Garbage/Trash/Recycling flyer—times, cleanup day decision, etc. She requested that the garbage depot hours be 8:30 a.m. to 1 p.m. instead of 8 a.m. to 12:30 p.m. to accommodate late comers and avoid trash being left on the pad. Ms. Urbanski also inquired about the status of information gathering for Mr. Storcella. Attorney Faherty will be in touch with Attorney Shurts this week.

The status of the shared services arrangement concerning tax assessment was raised by Mr. Molnar. Mr. Corboy relayed that this was discussed at a recent meeting with the new Shared Services Coordinator and Mayor Del Vecchio. At this juncture, there is not much there to save, cost-wise. A full analysis of rates and quality of Township assessment vs those of Lambertville would be needed before entertaining this move. The mix of two very different assessment categories and appropriate time divisions would need to be more thoroughly thought out.

The status of the Police study was also questioned. This is due out within a month and a determination will be made about how to proceed. The impact of East Amwell participation, or lack thereof due to the Governor's change of heart on the State Police, was noted.

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

Municipal Alliance: There was no regular presentation due to spring break but Alex Baran relayed that the group is working on State conference preparations and garden planning.

Introduction: Ordinance 10, 2009

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

AN ORDINANCE TO AMEND CHAPTER 99 ARTICLE II SECTION 99-8 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY NEW JERSEY

BE IT ORDAINED, by the Township Committee of the Township of West Amwell that Chapter 99 Article II Section 99-8 be amended as follows:

Section 1. § 99-8 Recycling Committee.

§ 99-8.A is hereby amended to read:

A. There is hereby established a Recycling Committee in the Municipality consisting of seven members. Those members shall be the Recycling Coordinator, one member of the municipal governing body, **or his or her designee, ...**

Section 2. Adoption

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

Section 3. Effective Date

This Ordinance shall take effect upon final adoption and publication according to law.

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 May 6th.

Introduction: Ordinance 11, 2009

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

AN ORDINANCE TO AMEND CHAPTER 41 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY – Public Records

BE IT ORDAINED by the Township Committee of the Township of West Amwell that the Chapter 41 be amended as follows:

Section 1

§ 41-7 D. Vital statistic certificates. The fee for vital statistic certificates for birth, death, marriage, civil unions and domestic partnerships is hereby set at **\$25.00** per copy requested.

Section 2

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

Section 3

This Ordinance shall take effect after final adoption and publication according to the laws of the State of New Jersey.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded.
Roll Call: Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be May 6th.

Introduction: Ordinance 12, 2009

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

AN ORDINANCE TO AMEND CHAPTER 75 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY – Increase in Dog Licensing Fees

BE IT ORDAINED, by the Township Committee of the Township of West Amwell, County of Hunterdon and State of New Jersey, that Chapter 75 be amended as follows:

Section 1.

§72-2C. For any license not renewed in the month of January there shall be an additional late fee of **\$25** per month for each month the license is late.

Section 2. Upon adoption, this Ordinance will be incorporated into and become part of The Code of the Township of West Amwell.

Section 3. This Ordinance shall take effect after final adoption and publication according to the laws of the State of New Jersey.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be May 6th.

Introduction: Ordinance 13, 2009

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

AN ORDINANCE TO AMEND CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY – Junkyards

BE IT ORDAINED, by the Township Committee of the Township of West Amwell, that Chapter 108 be amended as follows:

Section 1

§ 108-10. License fee. All persons, firms or corporations receiving such license or licenses shall pay to the Township of West Amwell an annual fee of **\$100** for each license issued, prorated monthly where the license should not be issued on January 1.

§ 108.14. Motor vehicle junkyard license.

Where the owner of any motor vehicle junkyard has obtained a permit from the Commissioner of Motor Vehicles in accordance with N.J.S.A. 39:11-3 and/or the amendments and supplements thereto and the Township Committee has approved of the granting of such license, the license fee to be paid to the Township shall be the sum of **\$100** annually, prorated monthly where the license shall not be issued on January 1, and said license shall expire on December 31 in the year in which issued.

Section 2

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

Section 3

This Ordinance shall take effect after final adoption and publication according to the laws of the State of New Jersey.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be May 6th.

Resolution Amending the Temporary Capital Budget:

RESOLUTION #84-2009
RESOLUTION AMENDING THE TEMPORARY CAPITAL BUDGET
OF THE TOWNSHIP OF WEST AMWELL

WHEREAS, the Township of West Amwell constituted their 2009 temporary capital budget on February 18, 2009;

WHEREAS, it is desired to amend the temporary Capital Budget for the year 2009 by inserting therein the authorization for the following project ;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell Township, County of Hunterdon, New Jersey, that the following amendment to the temporary Capital budget be made:

CAPITAL BUDGET (Current Year Action)
PLANNED FUNDING SERVICES FOR CURRENT YEAR-2009

Project Title	Estimated Total Cost	Capital Improvement Fund	Debt Authorized
Lawsuit Remediation			
From	\$ -0-	\$ -0-	\$ -0-
To	\$ 225,000	\$ 11,000	\$214,000
Total- All Projects			
From	\$1,290,000	\$ 5,000	\$ -0-
To	\$1,515,000	\$11,000	\$214,000

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Services within three days after the adoption of this project for the 2009 temporary capital budget, to be included in the 2009 permanent capital budget as adopted.

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

Introduction: Ordinance 14, 2009

A Supplemental Debt Statement has been filed with the Clerk as required. The following ordinance was read by title and introduced on first reading:

BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND IMPROVEMENT OF REAL PROPERTY, INCLUDING THE BUILDING THEREON, FOR PUBLIC PURPOSES IN AND BY THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$225,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$214,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF (See copy attached)

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 May 6th.

Introduction: Ordinance 15, 2009

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

AN ORDINANCE AMENDING CHAPTER 99 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY – (Garbage, Rubbish and Refuse)

WHEREAS, West Amwell Township has long required that residents apply for and be issued a card to use the weekly municipal garbage drop off; and

WHEREAS, it has been determined that a fee of needs to be assessed for both duplicate and lost trash cards

THEREFORE, BE IT RESOLVED by the West Amwell Township Committee that Chapter 99 Article 1 Section 99 be amended to add the following:

Section 1:

The fee for the issuance of a duplicate trash card is hereby set at \$5.00 per card.

The fee for the replacement of a lost trash card is hereby set at \$5.00 per occurrence.

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 become effective upon final passage and publication according to law.

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 May 6th.

Introduction: Ordinance 16, 2009

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

AN ORDINANCE TO ESTABLISH AND REGULATE FIRE ZONE/LANES IN THE TOWNSHIP OF WEST AMWELL

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

SECTION 1: PURPOSE. Pursuant to the provisions of the Administrative Code of the State of New Jersey (N.J.A.C. 5:70-1 et seq.) the Township hereby creates Fire Lanes/Zones in order to guarantee unimpaired ingress and egress to multifamily and commercial buildings and schools as well as the public parking areas in and around such buildings for fire, police, and other emergency vehicles.

SECTION 2: DEFINITION. As used in this Section, a Fire Lane or Fire Zone shall be interchangeable. A Fire Lane/Zone is defined as any designated area that may be part of a traffic circulation system and/or the areas of ingress/egress adjacent to a building or other designated location as to provide an immediate and unobstructed route and/or access for firefighting operations, equipment and personnel.

SECTION 3: FIRE LANE/ZONE DESIGNATION: The Fire Official under the direction of the New Jersey Uniform Fire Code shall designate Fire Lanes/Zones within the Township of West Amwell.

SECTION 4: MARKING OF FIRE LANES/ZONES. It shall be the responsibility of the owner(s) or operator(s) of the premises upon which the Fire Lane/Zone is established to install the appropriate identification at his expense. All Fire Lane/Zone markings shall be maintained and be legible at all times in accordance with the following:

- (1) Striping and Curbs: Where applicable, Fire Lanes/Zones shall be identified by painting the curb yellow and be striped with yellow lines four (4) inches in width placed diagonally from the curb or road edge and shall be outlined along their entire perimeter. Fire Lane/Zone widths and lengths shall be designed by the Fire Official as appropriate.
- (2) Pavement Lettering: The legend "No Parking Fire Lane/Zone" shall be placed within the striped area of the Fire Lane/Zone at a minimum of one hundred foot intervals or as designed by the Fire Official. The lettering shall be eighteen (18) inches high and yellow in color.
- (3) Signage: In areas where striping cannot be applied, a metal No Parking Fire

Lane/Zone sign shall be posted. Fire Lane/Zone signs shall measure twelve (12) inches by eighteen (18) inches and have a white reflective background with a minimum two (2) inch high red reflective lettering which read NO PARKING FIRE LANE/ZONE. Fire Lane/Zone signs shall be displayed at the beginning and end of the Fire Lane/Zone and at such intervals as required by the Fire Official, but not more than one hundred (100) feet center to center. Fire Lane/Zone signs shall be placed at a height of seven (7) feet as measured from the ground surface to the top of the sign and shall be placed facing the direction of traffic flow. Fire Lane/Zone signs may be placed on existing supports.

SECTION 5: SERVICEABILITY: Any and all Fire Lanes/Zones created prior to this Ordinance are hereby continued in effect. It shall be at the discretion of the Fire Official if repairs or modifications shall be made to any pre-existing Fire/Lane/Zone if they are not in conformity with the section. In no circumstances shall modifications be permitted which will create a lesser standard than the original approval of said Fire Lane/Zone.

SECTION 6: ENFORCEMENT: The Fire Official and the Police Department shall have concurrent jurisdiction to enforce the provisions of this section.

SECTION 7: PARKING PROHIBITED OR OBSTRUCTION OF FIRE LANES/ZONES: It is hereby prohibited for any person at any time to park, stop, stand or leave an unattended motor vehicle in areas designated as a Fire Lane/Zone, or shall any person, firm or corporation place or construct any structure in an area designated as a Fire Lane/Zone which will impair the access of firefighting apparatus firefighters or impair the use of any exit or exit discharge of a building.

SECTION 8: VIOLATIONS AND PENALTIES. Any person who violates Section 7 of this Ordinance shall be assessed a fine of \$100.00 per occurrence for parking in and or obstructing any designated Fire Lane/Zone, both public and private within the boundaries of the Township of West Amwell. If deemed necessary by the enforcing agency, the vehicle may be removed and stored at the owner's expense. Persons pleading guilty or who are convicted in Municipal Court of violating this Ordinance shall also incur any court costs associated with appearing in Court. Court costs and fines shall be payable to the Clerk of the Municipal Court. The Court shall turn over any monies collected for this violation to the Municipal Treasurer as prescribed by law.

SECTION 9: REPEALER. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 10: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 11: ADOPTION: Upon adoption, this Ordinance will be incorporated into and become part of the Code of the Township of West Amwell.

SECTION 12: EFFECTIVE DATE: This Ordinance shall take effect upon passage and publication as provided by law.

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 May 6th.

Introduction: Ordinance 17, 2009

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

AN ORDINANCE TO REGULATE THE PLACEMENT AND MAINTENANCE OF CLOTHING BINS WITHIN THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY

BE IT ORDAINED by the Township Committee of West Amwell, Hunterdon County New Jersey that the following Ordinance be adopted:

Section 1. Purpose

The purpose of this ordinance is to provide a uniform set of procedures for administering the placement and maintenance of clothing bins within the Township of West Amwell, as well as providing for a uniform set of procedures for administering the issuance and revocation of all permits issued by the Zoning Officer of the Township of West Amwell for the placement of clothing bins.

Section 2. Definitions

As used in this chapter, the following terms have the meanings indicated:

CLOTHING/MATERIAL BIN – Any enclosed receptacle or container made of metal, steel or any other materials, or similar pattern and design, which are intended for the donation and/or the temporary storage of clothing or other materials.

RECEPTABLE – Any container, regardless of size or construction, which was used for the collection of clothing.

SOLICITOR – Any person, firm, corporation, club or charitable organization, institution or association.

Section 3. Permit

No solicitor shall place, use, or employ a donation clothing bin, for solicitation purposes, unless all of the following requirements are met:

A. The solicitor has obtained a permit, valid for one year, from the Zoning Officer of the Township of West Amwell in accordance with the following:

1. In applying for a permit, the solicitor shall include:
 - (a) The location where the bin will be located as precisely as possible;
 - (b) The manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

- (c) The name and telephone number of the bona fide office required pursuant to subsection b of this section of any entity which may share or profit from any clothing or other donations collected in the bin; and

- (d) Written consent from the property owner to place the bin on the owner's property.

2. The Zoning Officer shall not grant an application for a permit if it is determined that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a bin within 100 yards of any place which stores large amount of, or sells, fuel or other flammable liquids or gases;

3. The fee for a clothing bin permit shall be \$25.00

4. All applications for renewal of expiring permits shall be subject to the same procedures and regulations set forth above.

Section 4. Display of Permit Numbers & Expiration Dates

Permit numbers, new or renewals, and the expiration dates shall be clearly and conspicuously displayed on the exterior of the clothing bin, in addition to the information required pursuant to section 6A.

Section 5. Bona Fide Office

The solicitor, and any other entity which may share or profit from any clothing or other donations collected in the bin must maintain a bona fide office where a representative of the solicitor or other entity can be reached at and a telephone information line during normal business hours for the purpose of offering information concerning the solicitor/applicant. For the purposes of this ordinance, an answering machine or service unrelated to the person does not constitute a bona fide office.

Section 6. Maintenance of Clothing/Material Bin

A. The following information must be clearly and conspicuously displayed on the exterior of the bin:

1. The name and address of the registered person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected in the bin.
2. The telephone number of the person's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected in the bin.
3. In cases where any entity other than the person who owns the bin may share or profit from any clothing or other donations collected in the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected in the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from said donations; and
4. A statement, consistent with the information provided to West Amwell Township in the most recent permit or renewal application pursuant to subparagraph (b) of paragraph 1 of subsection A of this section, indicating the manner in which the person anticipates any clothing or other donations collected in the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocate or spent.

Section 7. Investigation of Complaints

The Township Zoning Officer shall receive and investigate, within 30 days, any complaints from the public concerning the placement and maintenance of the bins. Whenever it appears to said Zoning Officer that a person has engaged in, or is engaging in any act or practice in violation of Sections 3 through 6 of this Ordinance, the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the Zoning Office is not requested within 45 days, the bin will be seized or removed at the expense of the person who placed the bin, and any clothing or other donations collected in the bin will be sold at public auction or otherwise dispensed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself. Any proceeds from the sale of the donations collected shall be paid to the chief financial officer of West Amwell Township.

Section 8. Additional Penalties, Remedies

In addition to any other penalties or remedies authorized by the laws of this State, any person who violates any of the provisions of this Ordinance which results in seizure of the donation bin shall be:

a. Subject to a penalty of up to \$20,000 for each violation. The Township Zoning Officer may bring this action in the Township Municipal Court or Superior Court as a Summary Proceeding under the "Penalty Enforcement Law of 1999," P.L. 1999, c. 274 (C.2A:58-10, et seq.) and any penalty monies collected shall be paid to the Township chief financial officer; and

b. Seemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to this Ordinance. A person so disqualified may apply to the Zoning Officer to have his, or her or its eligibility restored. The Zoning Officer may restore the eligibility of a person who:

(1) Acts within the public interest; and

(2) Demonstrates that the person made a good faith effort to comply with the provisions of this ordinance and all other applicable laws and regulations, or had no fraudulent intentions.

Section 9. Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 10. Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 11. Adoption

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

Section 12. Effective Date

This Ordinance shall take effect upon passage and publication as provided by law.

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 May 6th.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Open Space Invoices:* Invoices from the surveyor and attorney were received. The survey on Gulick was \$153.00. The attorney's bills involved various projects—Fulper, Gulick I & II, Holcombe, Kilmer, Stiefel, West Amwell LLC and misc matters—totaled \$2,240.90. Approved.

- *Project Status Updates:* Sean Pfeiffer called attention to the letter from Green Acres awarding an additional \$150,000 to the Township. This was a very competitive round and he was pleased with the award. Unless the Garden State Trust is renewed, this is the end of the money.

- *Alexauken Open Space:* Mr. Pfeiffer reported that there have been violations of the ordinance occurring on the former O'Boyle and Titus properties. Glenn Baran provided an e-mail report (with pictures) concerning the two properties as follows: 'Officer John Ennis has requested that open space take some sort of preventative measures to block vehicle access onto the dirt roads of the referenced properties. Open Space would like to propose blocking the dirt road access with large logs affixed with reflectors and appropriate signage.' According to Mr. Pfeiffer, chains were also discussed but there was concern about liability. However, with a police recommendation to have some type of blockage, this needs to be considered. A question about PSE&G access has been raised and will be checked. Attorney Faherty advised that the Title policy might yield the required information more easily.

The consensus of the Committee was that something needs to be done. Mr. Pfeiffer will research and check on legalities.

- *Mowing of Land Between Lambert's Hill & Estates at West Amwell:* (This item was moved from New Business.) A request was received from Norm Coryell for the Township to mow a strip of land between the tree line planted by Calton and the Orleans property. Mr. Coryell noted that this area had never been cut until he took a weed-whacker to it last year; that the overgrown grass was unsightly; and, they were getting mice in their garage. He found the task to be very laborious. The final survey from when the markers were replaced will need to be reviewed to see if this 50 ft wide preservation and easement is on the ROSI. If so, there may be public access. However, conservation easement language precludes the removal of trees, shrubs and other vegetation, so Mr. Coryell may have violated the easement with his actions. A letter will be sent advising Mr. Coryell that restrictions regarding any destruction of plant life in those particular areas may preclude mowing by Township and that he should not be cutting the area either.

TLC

- *Insurance Update on Use of Volunteers for Trail Construction:* Contact was made with Chris Tarricone and the information is as follows: Any individual injured would have coverage under their own health/medical insurance. If a volunteer injures another volunteer, the Township is protected under their liability insurance but there is no volunteer payment under that general liability policy unless the volunteer could prove that the Township was negligent. The Township could purchase Volunteer Accident Insurance whereby the volunteer, if injured, would submit a claim under their own policy first with the uncovered portion covered by the VA policy. If a person is without their own insurance, then the VA policy would serve as primary. As the budget situation precludes such a policy, Mr. Tarricone suggested that a waiver could be created that the volunteer would sign so that if they sustained or caused an injury, it would be covered under their medical insurance. Attorney Faherty could devise such a waiver, if desired.

- *Discussion of Meeting with Kit Crisafulli:* Mrs. Urbanski reported that a meeting with Mr. Crisafulli took place recently. Warm season grasses are proposed with orchard grass for the fall. Pumpkins and sunflowers will be planted in the area near the existing homes. Mr. Crisafulli has agreed to maintain the trail system as well as fields 4 and 5. Fields 1, 2 and 3 will be farmed. All this is due to begin soon and should relieve the DPW from some mowing duties.

Ag Advisory

- *Approval to Post March 2, 2009 Minutes on Website:* Approved

Community Forestry

- *Community Stewardship Incentive Program Grant:* The Mayor, Attorney and CFO need to sign. Authorization for the Mayor to sign was given through the adopted resolution. The item is listed for the record. The document was signed accordingly.

Affordable Housing

- *COAH Status Update:* The Accessory Apartment Handbook, with edited/updated appendices, has been forwarded to COAH. Township Committee adoption is not needed at this time as COAH will probably have revisions. The Re-hab operation manual has also arrived from Ed Geubtner and forwarded to COAH. A letter was received from the Fair Share Housing Center with comments on the Township's plan. This has been forwarded to MHL Stacey Smith-Bohn and Shirley Bishop. There were two comments: 1) making the apartments available to very-low income people and 2) not allowing rental bonuses for 1 & 2 bedroom apartments. The latter may indicate their lack of knowledge about a country/septic situation. COAH has West Amwell on for their May meeting for Substantive Certification. The task force has approved the requested waiver concerning the apartments which will be presented along with the plan for certification. The Construction Official has recommended that Chapter 109 be amended that for new structures, a LOI may be required from the DEP. This will be provided to

the Planning Board for consideration. Also just received was an e-mail from COAH announcing its Operating Manual for the Administration of Accessory Apartments. Mrs. Bishop has responded that West Amwell has worked long and hard for over two years developing an accessory apartment manual and assumes that what has been submitted to COAH is acceptable as a great deal of time and money has gone into its development.

UNFINISHED BUSINESS

Possible Appointments – None

United Telephone – Held

Award of Garbage Bid/Resolution – A shift in depot hours of operation from 8 a.m. to 12:30 p.m. to 8:30 a.m. to 1:00 p.m. is preferred. Frank Fiumefreddo at Central Jersey will be contacted to ascertain if this would present a problem.

RESOLUTION #85-2009

WHEREAS, the Township of West Amwell advertised and subsequently received bids for Garbage collection and,

WHEREAS, one bid was received as follows:

<u>Contractor</u>	<u>Base Bid Amounts</u>
Central Jersey Waste & Recycling of Ewing, NJ	Weekly through 12/31/2009 \$1675.00/wk

WHEREAS, Philip J. Faherty, Township Attorney, has reviewed the submitted bid and determined that Central Jersey Waste & Recycling of Ewing, NJ submitted the lowest bid for weekly garbage service and has submitted the appropriate paperwork, and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of West Amwell that the Contract for Garbage removal is hereby awarded to Central Jersey Waste & Recycling of Ewing NJ.

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

DPW Dumpster Award –

RESOLUTION #86-2009

WHEREAS, West Amwell is in need of a 4 cu yard dumpster for the DPW; and

WHEREAS, a request for quotes was made on April 3, 2009; and

WHEREAS, solicited quotes were received from the following vendors:

Central Jersey Waste & Recycling	\$80/week	\$4160/year
Carnevale Disposal Inc	\$180/month (\$41.54/week)	\$2160/year
Raritan Valley Disposal	\$30.51/week	\$1,586.52/year

WHEREAS, the apparent lower bidder is Raritan Valley Disposal; and

WHEREAS, the required paperwork has been submitted; and

WHEREAS, the CFO has certified that funds are available in the 2009 temporary

budget and will be made available in the 2009 Budget under Solid Waste OE.

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the quote for a 4 cu yard dumpster for the DPW be awarded to Raritan Valley Disposal.

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

Consideration of Resolution on Binding Arbitration Reform – There is movement at the League to ask the Legislature to do something about this topic. As things are currently arranged, any impasse is sent to binding arbitration. The history of this is that it favors contracted employee groups and the desire is to level the playing field. As the careers of both Mr. Molnar and Mr. Corboy have placed them on the other side of the position normally experienced by a municipality, the item was held for the next meeting to provide more time for reflection.

COPS Grant Submission – Mr. Corboy relayed that he and Lt. Bartzak attended a meeting with Rush Holt and Federal reps concerning this pot of stimulus money. Given the dire circumstances facing the Township, an attempt is being made to get positions funded. However, layoffs or furloughs would be required to qualify for this money. There was no reason not to at least try for some funding, which would cover officer cost and benefits, so the grant was submitted on Tuesday. Copy provided.

Resolution to Enter Closed Session –

RESOLUTION #87-2009

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:
PERSONNEL
PURCHASE, LEASE OR ACQUISITION OF REAL PROPERTY
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This Resolution shall take effect immediately.

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

Update on Elizabethtown and Creek Road – The word from Road Supervisor Hoagland is that Elizabethtown will be implementing base repair to road edges and will perform a 1 ½ inch overlay of the entire road after school lets out. A small gas pipe was installed under the deck of the bridge due for replacement, after which a large pipe will be put into place. The pipes crossing the creek are on the down stream side in order to protect them from floating debris or between the bridge beams to serve the same purpose.

NEW BUSINESS

Application for Raffles License by West Amwell PTO – Lt. Bartzak has no objections to this activity by the PTO.

RESOLUTION #88-2009

WHEREAS, application has been received the Township of West Amwell to grant a raffle license, and

WHEREAS, no objections have been received the Clerk of the Township, nor were any objections made at the regular meeting.

NOW, THEREFORE BE IT RESOLVED that the raffle license be granted

TO: West Amwell PTO
BENEFIT: PTO Fundraiser to Help the School & Children
DATE: May 1, 2009
TIME: 6:00 – 9:00 p.m.
LOCATION: South Hunterdon Regional High School
301 Mt. Airy-Harb. Road, Lambertville NJ 08530

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

The ***Findings & Determination*** was presented and unanimously approved on motion from Molnar, seconded by Masterson.

Consideration of PAIC-Recommended Resolution on Tort Notice of Claim –

RESOLUTION #89-2009

WHEREAS, the Public Alliance Insurance Coverage Fund is authorized by statute to provide insurance coverage for local units of government who are desirous of same; and

WHEREAS, West Amwell Township is a member of the Public Alliance Insurance Coverage Fund; and

WHEREAS, N.J.S.A. 59:8-6 authorized public entities to require information in addition to that specified in N.J.S.A. 59:8-4 for the proper investigation and/or resolution of such claims; and

WHEREAS, the Public Alliance Insurance Coverage Fund has recommended that each of the participating public entities adopt and approve a Notice of Tort Claim form in the form attached to this resolution

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell that:

1. The Township of West Amwell hereby adopts and approves the attached Notice of Claim form pursuant to N.J.S.A. 59:8-6
2. Nothing in this resolution shall be construed as invalidating any Notice of Claim Form authorized by the Township of West Amwell and/or the Public Alliance Insurance Coverage Fund prior to the implementation of this resolution

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

Safety Coordinator Request – In compliance with required “Advanced Safety Leadership” training for the Safety Coordinator, Glenn Baran has registered for the courses involved. The training, however, will be held on two separate Fridays—days that are part of the 10% reduction. Mr. Baran is requesting that he be permitted to take alternate days off. Mr. Hoagland has given his tentative approval pending that of the Township Committee. Approved.

FEMA re: Flood Hazard Compliance & Additional Requirements – This letter was to formally notify the Township of the final flood hazard determination made for the community. FEMA recently completed a re-evaluation of flood hazards in West Amwell and the Township was provided with preliminary copies of the Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) that identified existing flood hazards. FEMA noted that they have not received any comments on the FIS report or the FIRM so these documents will be effective on September 25, 2009. Before that date, FEMA will provide final printed copies of the FIS report and the FIRM. Because the FIS for the

Township has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months. Prior to September 25, 2009, the Township is required, as a condition of continued eligibility in the National Flood Insurance Program to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations. Mrs. Urbanski commented that FEMA maps are included in the NRI.

Mrs. Olsen noted that the current ordinance has the Construction Official as the Floodplain Manager. Mr. Rose has indicated that it is not something within his purview but that the Zoning Officer might be a good choice. Whether or not this person has to be a Certified Floodplain Manager will be discussed with the Township Engineer. This might also be an opportunity for a shared service arrangement.

Blue Light Application – Robert Musselman of 223 Goat Hill Road submitted an application for this permit. The Mayor's signature is required.

The Mayor was authorized to sign on motion from Molnar, seconded by Masterson.
Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Comcast Bills – The Township's agreements have expired (no advanced notification was received) and new bills just arrived. The municipal account went from \$150.30/month to \$350.83/month with the police account going from \$75.15/month to \$179.31/month. A call was placed to get an explanation and to relay that there was no way we could afford this increase. The bottom line is that with a new two year agreement, the municipal account will be \$104/month and police \$59.95/month. The OEM/Fire & DPW accounts will change from \$60/month to \$59.95/month each. This will result in over a \$60/month savings over the previous agreement. The new agreements are purported to give enhanced services—an improvement over the standard service received previously. Approval authorized and the Mayor executed the new agreements.

OPEN TO THE PUBLIC

Hal Shute spoke concerning the liability issue on the Alexauken Creek properties discussed earlier. He stated that there is a statute protecting the landowner from liability unless a hazard is created. This has not been challenged but may help the Township with the log and reflectors being proposed.

Mr. Shute also commented that the Police Study is taking an inordinate amount of time and inquired if there was any word. This is a pretty contentious issue and he hopes that the process will be open for review and negotiation. Mr. Corboy relayed that the study is expected in 2-4 weeks but that not everyone involved has been interviewed to date. He expects that open discussions will take place and extended an invitation to Mr. Shute to participate on a review committee.

Rick Kropp came forward on behalf of the South Hunterdon softball booster club. There is a need to raise money and they would like to hold a car wash at the municipal building on a Saturday as the traffic would provide an opportunity to realize that goal. There are two outside faucets; adults would supervise; biodegradable soap would be used; and, the area would be cleaned up prior to departure. This activity received approval and Mr. Kropp will coordinate with the Clerk as to date. Mr. Molnar offered that there's an "A" frame sign board in the garage that can be used.

Sean Pfeifer came forward to comment on the recently held Electronics Day at the County. The lines were horrible and there must be a better way to handle this than to drive to one location and wait. He suggested that perhaps different locations be tried. Also, a new hazardous waste category to be considered is light bulbs. Alan Johnson will be contacted.

ADMINISTRATIVE REPORTS

Treasurer –

Presentation of Bills for Approval: The police overtime was questioned as it has escalated over last month. The Mayor will check with Lt. Bartzak. Molnar motioned to approve the evening's bills for payment and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

Tax Collector – The monthly report for March 2009 was received showing receipts in the amount of \$154,055.95.

Construction – The March 2009 Permit Fee Log & Certificate Log details, Monthly Activity Report for both Permits & Certificates, and Payment Audit Report were received for PermitsNJ. UCCARS Monthly Activity Report for Certificates and the Certificate Log Report were also received.

Zoning Officer Report -- The March 2009 report of activities showing 6 permits, 17 interpretations, 11 office meetings and 21 calls, as well as other related duties was received.

Molnar motioned to accept the Tax Collection, Construction and Zoning reports and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

A brief discussion concerning junkyards and busses ensued. Mr. Molnar will contact Lt. Bartzak and the Zoning Officer about these violations.

The Committee entered their previously authorized Closed Session at 9:03 p.m., returning to Open Session at 9:52 p.m. The following actions were taken:

Molnar motioned to authorize the Mayor and Clerk to execute the Perrine contract and Masterson seconded. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

The Clerk was authorized to issue layoff/furlough notices to the Police Department on motion from Molnar, seconded by Masterson. Roll Call: Molnar-aye, Masterson-aye, Corboy-aye

The provisions of binding arbitrary and the proposed resolution were again briefly discussed. The idea is to limit awards so as not to exceed the CAP. If something is not done, these awards will continue to eat up a higher proportion of the available salary money.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 9:56 p.m. on motion from Molnar, seconded by Masterson.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk