

WEST AMWELL TOWNSHIP COMMITTEE MEETING
February 23, 2011

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

The regular meeting of the West Amwell Township Committee was called to order at 7:06 p.m. Present were Mayor Molnar, Deputy Mayor George Fisher, Committeeman Zachary Rich and Attorney Philip J. Faherty III. Also in attendance were Jason Fretz, Lynn Ziegenfuss, Alex Ziegenfuss, Sean Pfeiffer, Hal Shute and reporter Renee Kiriluk-Hill

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

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

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Jason Fretz led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 5.F. Presentation of Minutes: February 16, 2011 Special Meeting; 10. New Business: 2010 Planning & Design Awards Dinner, Texas Eastern request; Police needs-radar, vehicles. Deleted was 7.A. Municipal Alliance

ANNOUNCEMENTS

The following announcements were made:

- Country Fair Looking for Helpers; Contact Betty Jane Hunt
- Route 31 Resurfacing Project to Begin in March 2011
- School Board Petition Filing Due March 8th
- County Hazardous Waste Day, March 12th, 9 a.m.-1 p.m., Rt 12 Complex
- County Computer & Electronics Day, March 26th, 9 a.m.-1 p.m., Rt 12 Complex
- Daylight Savings Time – March 13th
- Spring – March 20th !!!!!.
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

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

January 27, 2011 Special; January 27, 2011 Closed Session (Personnel-interviews); February 4, 2011 (Re-scheduled from January 26, 2011); February 4, 2011 Closed Sessions (Contract Negotiations; Personnel); February 8, 2011 Special (Alexauken 391 Grant Presentation); and February 16, 2011 Special.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Sean Pfeiffer came forward to relay that the Governor's budget is keeping State aid flat for the year. The Clerk relayed that a fax was just received this evening from the DCA stating that the municipal numbers have been posted.

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

Introduction: Ordinance 3, 2011

Mr. Fisher commented that additional changes to the original version were made by the Planning Board. There is now a bond requirement for de-commissioning and a height for wind generation structures. The following ordinance was read by title and introduced on first reading:

AN ORDINANCE TO AMEND CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL TO PROVIDE REGULATIONS REGARDING RENEWABLE ENERGY FACILITIES

WHEREAS, the Township of West Amwell recognizes the growing trend of residential and commercial properties installing solar and wind structures to produce renewable energy, and

WHEREAS, use of renewable energy is one way for a property to reduce its impact on the environment and solar and wind energies are abundant, non polluting and renewable energy resources, and

WHEREAS, in recognition of the above statements the New Jersey Legislature has recently amended the Municipal Land Use Law (N.J.S.A. 40:55D) to permit renewable energy facilities in industrial zones on sites of 20 acres or larger and to recognize renewable energy facilities as inherently beneficial uses, and

WHEREAS, the Planning Board and the Environmental Commission have determined that there exists the need to regulate the use and placement of renewable energy facilities and structures in light of the current national and regional trend toward the development of renewable energy generating systems. And that existing zoning regulations do not address this emerging trend as it may impact the use of valuable natural resources, rural character and farmland in West Amwell Township; and

WHEREAS, the Planning Board and the Environmental Commission have considered recent legislation enacted in the State of New Jersey declaring certain renewable energy generating systems inherently beneficial uses to the citizens of this State and the Planning Board and the Environmental Commission believe there is a need to balance the development of these uses with State and local land use goals and objectives to protect the natural resources, including farmland, and the rural character of West Amwell Township, while allowing for the development of renewable solar or photovoltaic and wind energy facilities and structures in an orderly way; and

WHEREAS, the West Amwell Township Committee acknowledges that existing ordinance standards do not adequately provide for the orderly use and development of lands in the Township of West Amwell for solar or photovoltaic and wind energy facilities and structure installations for individual homeowners and business establishments and for larger installations that are capable of generating electrical power for the general citizenry of the State, region, and community, and concurs with the recommendations of the Planning Board.

NOW, THEREFORE, be it ordained by the Mayor and Township Committee of the Township of West Amwell that the Land Use Code of the Township of West Amwell shall be amended as follows:

SECTION I - SOLAR, DEFINITIONS

CHAPTER 109 – Zoning, of the Ordinances of West Amwell Township, Article I, General Provisions, 109-4, Definitions is hereby amended and supplemented with the following new definitions:

MINOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE - "Minor solar or photovoltaic energy facility or structure " or "minor solar or photovoltaic energy system" means a solar or photovoltaic panel or system of panels for the production of energy that:

1. Uses solar energy as its fuel; is located on the power beneficiary's premises; is designed and intended primarily to offset part or all of the beneficiary's requirements for energy consumption on site; and is secondary to the beneficiary's use of the premises for other lawful purpose(s); or,
2. Is intended to mitigate electrical system improvement requirements; and
3. Generates not more than 110% of the power consumed by the beneficiary's premises, which shall be documented through the submission of power company electricity usage bills for the twelve months prior to the date of application, or another form of documentation acceptable to the West Amwell Township Zoning Officer. This documentation shall be provided at the time of application.

MAJOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE - Major solar or photovoltaic energy facility or structure or major solar or photovoltaic energy system means a system of solar or photovoltaic panels and equipment for the production of energy that is not a minor solar or photovoltaic energy facility or structure.

PANEL - A solar panel is an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes, but is not limited to, flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy or array.

SECTION II – SOLAR, ZONING

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

1. Permitted Accessory Uses – Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” beyond the edge of the roofline or 12” above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line. Minor solar facilities shall have a setback requirement consistent with building regulations. In the case of a surface level or ground mounted system, the system shall be situated more than 50 feet from the nearest property boundary line. Minor solar ground mounted facilities located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit and shall have setback requirements consistent with building regulations. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.

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

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

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

2. Permitted Accessory Uses - Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” beyond the edge of the roofline or 12” above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line. Minor solar facilities shall have a setback requirement consistent with building regulations. In the case of a surface level or ground mounted system, the system shall be situated more than 50 feet from the nearest property boundary line. Minor solar ground mounted facilities located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit and shall have setback requirements consistent with building regulations. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic

nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.

3. Conditional Uses - Major solar or photovoltaic energy facilities or structures on a parcel of land comprising less than 20 acres.

SECTION III – SOLAR, CONDITIONAL USE STANDARDS

All major solar or photovoltaic energy facilities or structure installations shall comply with all applicable state and federal laws and regulations and shall also comply with the following standards. Preliminary and final site plan approval shall be obtained prior to obtaining a zoning permit.

1. Minimum lot size: 20-acres. In the LI Zone the 20 acre minimum lot size does not apply for conditional use standards. Solar installations on preserved and commercial farmland shall be subject to the State Agriculture Development Committee (SADC) regulations.
2. No soil shall be removed from any site upon which major solar or photovoltaic energy facilities and structures or other necessary equipment required for the solar facility are constructed as per the West Amwell Township Soil Removal Ordinance (138, 1-6). Grading within Prime Farmland and Farmlands of Statewide Significance shall be limited to only that necessary to construct access roads and for construction of inverter and switching equipment pads.
3. Except pursuant to a permit issued by the New Jersey Department of Environmental Protection (NJDEP), no portion of major solar or photovoltaic energy facilities and structures shall occupy areas of land designated and regulated by NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors. An applicability determination from the NJDEP shall be provided to document the presence and/or absence of these regulated areas. Buffer maintenance shall be consistent with the West Amwell Stream Corridor Protection Ordinance (109-146).
4. Major solar or photovoltaic energy facilities and structures shall not occupy any area beyond the required principal building setbacks for the zone in which the facility is located, exclusive of poles for interconnection of the facility to the electrical grid. Setback requirements shall be equal to the principal building setback in the zone or the minimum vegetated visual and security buffer requirement, whichever is greater. A minimum 50 foot wide vegetated visual screen shall separate solar or photovoltaic facilities from properties in residential zone districts, a minimum 30 foot wide visual screen shall separate such facilities from public roads, and a 20 foot wide visual screen shall separate such facilities from properties in a nonresidential zone district.
5. Major solar or photovoltaic energy facilities and structures shall be visibly screened from the public traveled way (public roads, trails, navigable waterways, scenic highways and by-ways), open space, preserved farmland, publicly owned properties and historic resources, including sites and buildings listed or eligible for listing on the State and National Registers of Historic Places.
 - a. To the extent achievable, solar or photovoltaic energy facilities and structures shall be sited using the natural topography to screen the energy project from public view and the view of any adjoining residences.
 - b. If the property is adjacent and contiguous to a permanently preserved farm, open space and/or public access easements it shall buffer the farm, open space and/or easements from view.
 - c. The following minimum screening requirements shall be met. However, notwithstanding the minimum requirements, the applicant shall demonstrate, to the satisfaction of the Planning Board or Zoning Board, whichever has jurisdiction, that

the proposed screening provides a visual screen of the facility from neighboring properties. Additional screening may be needed to meet this requirement as determined by the board of jurisdiction.

- (1) Screening shall consist of a combination of native plantings, to the extent possible. Alternately, an earthen berm may be employed if existing vegetated screening and native plantings will not suffice to provide the necessary buffer and maintain the rural character of the Township. The need for and location of vegetative screens includes the identification of appropriate species and varieties of vegetation to ensure that there is adequate visual screening throughout the year.
 - (2) The landscaping plantings shall be designed for enhancing the quality of the soil and the ability of the land to absorb rainwater.
 - (3) Landscaping shall be limited to the extent possible of native species of deciduous and coniferous trees and shrubs that are indigenous to the area, as listed in the Natural Resource Inventory, and shall not include invasive species as listed in Natural Resource Inventory of West Amwell Township. Such plantings shall be depicted on a plan prepared by a licensed professional. The applicant shall rely upon existing vegetation, including existing hedgerows or windbreaks that provide screening, to the maximum extent practical. The appropriate height or caliper of the vegetation to be planted shall ensure that there is a 75 percent screening of the solar energy generation facilities within five years of completing the installation of the facilities. A photo simulated exhibit depicting screening at key locations at the projected five year period shall be required.
 - (4) A barrier shall be installed behind the required screen which shall:
 - (a) Secure the facility at all times.
 - (b) Restrict access to all electrical wiring that may be readily accessible.
 - (c) All electrical control equipment shall be labeled and secured to prevent unauthorized access.
 - (d) Conform to the Uniform Construction Code and other applicable standards.
 - (e) One or more access gates to the facility shall be provided. Each access gate shall include a sign identifying the property owner as well as responsible parties for operation of the major solar and photovoltaic energy facilities and structures; for maintenance of the facility; and for maintenance of the visual screen, landscaping and security fence. Contact information for all of the above responsible parties shall be provided on each access gate sign.
 - (f) No signs shall be posted on a solar facility or any associated building, structures, or fencing with the exception of access gate signs, appropriate warning signs, and manufacturer's or installer's identification.
 - (g) All transformers and high voltage equipment shall be situated within a compound, which shall be enclosed within a security fence and access gate, which shall remain locked at all times. If appropriate, the entire facility shall be enclosed within a security fence and access gate.
 - (h) The height of security fences and access gates shall not exceed 8'. Barbed wire fences are not permitted except in cases where it is demonstrated to the satisfaction of the board of jurisdiction that barbed wire fencing is required for security purposes. In such cases the total height of the fence and access gates including barbed wire shall not exceed 8'. Approval of barbed wire fencing for solar facilities is at the discretion of the board of jurisdiction.
6. A Maintenance Plan shall be submitted by the applicant for the continuing maintenance of all required plantings, including a schedule of specific maintenance activities to be conducted. A Maintenance Plan narrative shall also be included on the site plans in note form. Maintenance of the required landscaping and fencing shall be a continuing

condition of any approval that may be granted. A cost estimate for required plantings shall be presented as part of any application and a 5 year maintenance bond approved by the Township Engineer shall be a condition of approval. The Maintenance Plan shall be environmentally responsible.

7. All ground areas occupied by a major solar or photovoltaic energy facility or structure installation that are not utilized for access to operate and maintain the installation shall be planted and maintained with shade tolerant grasses for the purpose of soil erosion control and soil stabilization:
 - a. A seed mixture of native, non-invasive shade tolerant grasses shall be utilized and specified in a landscaping plan that shall be provided.
 - b. If it can be demonstrated by the applicant that an alternative vegetative ground cover consisting of a seed mix of native, non-invasive plant species and non-native, non-invasive shade tolerant species shall be accepted for soil erosion control and soil stabilization, and the alternative can be better sustained over the life of the facility, the reviewing Board may approve such an alternative to the requirement for native, non-invasive shade-tolerant grasses or mix of grasses.
 - c. To the extent possible, roadways within the site shall not be constructed of impervious materials in order to minimize the amount of soil compaction. Roadways shall be constructed to the minimal extent possible.
 - d. The bed and banks of existing drainage ditches, brooks, streams and drainage swales shall be maintained in their natural condition, except that where soil erosion is evident in these features due to a lack of suitable stabilized vegetation. The Board of jurisdiction may require such areas to be planted and stabilized in accordance with the recommendations found in Chapter 8, Restoration Design, of the publication entitled Stream Corridor Restoration, Principles, Processes and Practices, 10/98 Published Version, Revised 8/2001, prepared by the Natural Resource Conservation Service and available at www.nrcs.usda.gov/technical/stream_restoration/newtofc.htm.
 - e. The components of this plan may be combined with the requirements of the Grading and Drainage Plan. See Section III, 8, below.
8. The required landscaping plan shall include the provision of adequate and appropriate drainage features, which shall be designed such that site grading and construction maximizes the natural drainage patterns of stormwater originating within the property boundaries and beyond property boundaries. If grading is proposed, then a grading and drainage plan shall be submitted, which shall demonstrate that the project is in compliance with the Township's stormwater ordinance and other applicable state standards.
 - a. A grading and drainage plan, including a soil erosion, a soil stabilization and a soil grading plan shall be submitted under the seal of a licensed professional engineer prior to any permits being issued. The plan shall adequately demonstrate to the board of jurisdiction's engineer that no stormwater runoff or natural water shall be diverted as to overload existing drainage systems or create flooding. Such plan shall also address the need for additional drainage structures on other private properties or public lands.
 - b. The grading and drainage plan shall show, among other things:
 - (1) All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water generally;
 - (2) The calculated volume of water run-off from the slope and from the lot in question, as proposed to be improved; the existence of all natural and artificial drainage courses and facilities within 500 feet of the lot, which are or will be used to carry or contain the run-off from the slope and the lot; and

- (3) The effect of any increased water runoff on all adjacent properties and any other property which will be materially affected by increased water run-off.
 - c. Calculations shall be provided to adequately demonstrate that existing preconstruction stormwater drainage velocities shall not be exceeded in the post development condition.
 - d. The use of stone shall not be permitted for soil erosion control and soil stabilization unless as part of an overall plan approved by the board of jurisdiction.
9. In addition to those items required for an application to be deemed complete, a site plan application shall depict the following:
- a. Location, dimensions, and types of existing structures on the property.
 - b. Location of proposed and existing overhead and underground utility and transmission lines.
 - c. Location of any proposed or existing substations, inverters or transformers.
 - d. Details of solar panels and arrays. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment
 - e. Description of how the energy generated by the facility will be connected to the electrical distribution or transmission system or the electrical system of the intended energy user. This description shall also address the ability to disconnect the system in the event of an emergency or maintenance.
 - f. Description of shielding of any electric equipment to prevent interference of radio or television reception at the property line.
 - g. Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.
 - h. For projects over 2MW, the location and elevations of all transmission lines, support structures and attachments to a substation(s).
 - i. Location and condition of existing hedgerows and vegetated windbreaks.
 - j. A description of any lighting and its impact on neighboring residences and properties.
 - k. A construction plan to include, but not limited to mounting techniques and a description of on site construction.
 - l. A description of glare on neighboring properties and residences.
10. An as-built plan shall be provided prior to activation.
11. Permitted height – the maximum permitted vertical height above ground for solar and photovoltaic energy panels shall be 15’.
12. The use of lead-acid batteries shall not be permitted in major solar energy systems and facilities except as standby power supplies for control systems. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.
13. Solar energy generation facilities shall be designed to comply with either of the following standards for sound emission:

- a. The sound level shall not exceed 40 dBA when measured at any point on the property line of the solar facility; or
 - b. The sound level shall not exceed the ambient sound levels measured at locations at the property line of the solar facility that reasonably represent current or potential off-site sensitive receptors in accordance with the following requirements:
 - (1) Ambient sound level measurements shall be made with an octave band sound level meter during daylight hours for periods of at least one half hour and on three separate occasions, a minimum of four hours apart, representing morning, mid-day and evening, at least one of which shall be during a non-rush hour. The meter shall be set for slow response with a one second sampling interval; and
 - (2) The data reported for each occasion shall be the octave band values (31.5 Hz to 8,000 Hz) from the one second sample that represents the L90 or Lmin broadband value ("unweighted" or "flat" response, e.g., dBZ).
14. Any disturbance of wooded or forested areas shall be in compliance with the West Amwell Woodlands Protection Ordinance (109-264).
15. All applications for a major solar facility shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of solar energy systems. The decommissioning plan shall be submitted in accordance with the requirements of this section. The decommissioning plan shall also be documented on the site plans in note form. Prior to removal of solar energy systems a demolition permit for removal activities shall be obtained from the West Amwell Township construction official. Disconnection of solar energy systems shall be supervised by an electrician licensed in the State of New Jersey. The Zoning Official shall be responsible for compliance with the decommissioning plan.
- a. Solar and photovoltaic energy facilities and structures which have not been in active and continuous service for a period of 18 months shall be removed from the property to a place of safe and legal disposal in accordance with a Decommissioning Plan.
 - b. If the applicant ceases operation of the energy project for 18 months; or begins, but does not complete, construction of the project within 18 months of receipt of final site plan approval, the applicant shall restore the site according to a decommissioning plan prepared by the applicant and approved by the Board. The applicant shall submit a decommissioning plan that ensures that the site will be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:
 - (1) Removal of aboveground and underground equipment, structures and foundations. The plan shall describe the means by which all equipment and components of the system(s) shall be disposed of in an environmentally responsible manner and in accordance with prevailing Federal, State and local regulations.
 - (2) Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - (3) Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, which shall not include any invasive species. In farmland areas, the revegetation component of the decommissioning plan may include provisions to resume agricultural use of the site.
 - (4) The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration. The decommissioning of all solar energy generation facilities shall be done in accordance with a conservation plan designed to address the impacts of the decommissioning process.

- (5) The plan must include a timeline for completion of site restoration work.
- c. Upon cessation of activity for a cumulative period of 18 months of construction or installation activities of an approved major solar or photovoltaic energy system, the Township may notify the owner and/or the operator of the facility to complete construction and installation of the facility. If the owner and/or operator fail to complete construction and installation activities within 180 additional days, the Township may order the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator shall substantially complete all activities in the decommissioning plan.
 - d. Upon cessation of activity of a fully constructed major solar or photovoltaic energy system for a cumulative period of one year, the Township may notify the owner and/or the operator of the facility to implement the decommissioning plan. The Township Zoning Official shall be responsible for enforcement.
 - e. If the operator fails to fully implement the decommissioning plan subject to the procedures and timelines set forth in subsections (e) and (f) above, or is otherwise unable to restore the site as required within 180 days of the Township's service of notice in accordance with this section, the Township may, at its own expense, provide for the restoration of the site in accordance with the decommissioning plan and may in accordance with the law recover all expenses incurred for such activities from the defaulted operator and/or the property owner. The costs incurred by the municipality shall be assessed against the property, shall become a lien and tax upon the said property, shall be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

SECTION IV – WIND, DEFINITIONS

CHAPTER 109 – Zoning, of the Ordinances of West Amwell Township, Article I, General Provisions, 109-4, Definitions is hereby amended and supplemented with the following new definitions:

WIND TOWER - means the monopole, freestanding, or guyed structure that supports a wind generator.

WIND GENERATOR - means blades and associated mechanical and electrical conversion components mounted on top of the tower.

MET TOWER – means a meteorological tower to measure wind speeds and determine whether a site qualifies for a wind turbine.

SMALL WIND ENERGY SYSTEM- means an energy conversion system, consisting of a wind turbine, a tower, and associated control or conversion electronics, that is used to generate electricity and has a nameplate capacity of 100 kilowatts or less which converts wind energy by means of a rotor into electrical power for the primary purpose of meeting all or a part of a dwelling's energy requirements and has a rated capacity consistent with applicable provisions of the State Uniform Construction Code promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119).

As used in these regulations, the primary application of a wind energy system is the conversion of wind by a machine with turbine apparatus (includes base, rotor blades, nacelle, tower, inverter, batteries or other component used in the system) capable of producing electricity by converting the kinetic energy of wind into electrical energy. The term does not include electrical distribution or transmission lines, or electrical substations.

SYSTEM HEIGHT - means the height above grade of the tower plus the wind generator.

SECTION V – WIND, ZONING

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

1. Conditional Uses - A small wind energy system.

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

1. Permitted Uses – Small wind energy systems on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity.
2. Conditional Uses – A small wind energy system on a parcel or parcels of land comprising less than 20 acres.

SECTION VI – WIND, CONDITIONAL USE STANDARDS

All wind energy systems, facilities or structure installations shall comply with all applicable state and federal laws and regulations and shall also comply with the following standards:

1. A small wind energy system shall be set back from the nearest property boundary a distance at least equal to 150 percent of the system height. The minimum lot size for free standing wind energy systems shall be 10 acres; there is no minimum lot size for roof mounted systems.
2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
3. A small wind energy system including tower shall comply with all applicable construction and electrical codes, and the National Electrical Code.
4. Small wind energy systems that connect to the electric utility shall comply with New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems.
5. Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a wind energy system.
6. The noise level of any small wind energy system shall not exceed 55 decibels as measured at the closest property line. These levels may be exceeded during short term events such severe windstorms.
7. The wind generator and the tower shall remain painted in the color that was originally applied by the manufacturer, unless a different color is approved by the board of jurisdiction.
8. Maximum Height:
 - a. Roof top wind turbines shall not exceed a height of 10 feet from the peak of the roof.
 - b. System height of free standing wind turbines shall be as high as necessary to capture the wind energy resource, but shall not exceed 140 feet.
9. Any disturbance of wooded or forested areas shall be in compliance with the West Amwell Woodlands Protection Ordinance (109-264).

10. Permit requirements for a small wind energy system:

- a. Site Plan approval from the Planning Board or Board of Adjustment, as appropriate, shall be required for the installation of a wind energy system.
- b. Documents: The site plan application shall be accompanied by a plot plan which includes the following:
 - (1) Property lines and physical dimensions of the property.
 - (2) Location, dimensions, and types of existing structures on the property.
 - (3) Location of the proposed wind energy system tower.
 - (4) The right-of-way of any public road that is contiguous with the property.
 - (5) Any overhead utility lines.
 - (6) Wind energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
 - (7) Stamped, engineered tower and tower foundation drawings signed and sealed by an engineer licensed in the State of New Jersey.
 - (8) Noise levels of the proposed wind energy system at all property lines.
 - (9) Proposed screening of the wind energy system from adjoining properties.
 - (10) A description of any lighting and its impact on neighboring residences and properties.
 - (11) A Wildlife Habitat Assessment Report shall be prepared, either as part of an Environmental Impact Statement or as a separate report that specifically addresses the wildlife habitat affected by the installation of a wind energy system. This report shall address the impacts to existing bird and bat populations by the wind energy system. Additionally, the report shall address the environmental resources of the New Jersey Department of Environmental Protection's Landscape Project and impacts to habitats ranked 3, 4, or 5 that indicate the presence of threatened or endangered species, including consideration for reducing or mitigating the effect of the wind energy system on the wildlife resources of the Township. This report shall document that the wind energy system will not endanger/kill the varied Threatened and Endangered species, bats and migratory birds of the Township.

11. A small wind energy system that is out-of-service for a continuous 12 month period shall be deemed to have been presumptively abandoned. The Zoning Officer may issue a Notice of Abandonment to the owner of a wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Zoning Officer shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned. In the event that the Zoning Officer, after investigation, determines that a wind energy system has been abandoned, the Zoning Officer may issue a Notice of Abandonment during the presumptive 12 month period and the owner shall have the right to respond to the Notice of Abandonment.

If the wind energy system is determined to be abandoned, the owner of a wind energy system shall remove the tower and wind generator at the owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the tower and wind generator, the Zoning Officer may, at the option of the Township Committee, have the tower and wind generator removed at the owner's expense. The costs incurred by the municipality shall be assessed against the property, shall become a lien and tax upon the said property, shall be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

SECTION VII – VIOLATIONS

It is unlawful for any person to construct, install, or operate a wind energy system or solar energy system that is not in compliance with this Ordinance or with any condition contained in a building permit issued pursuant to this Ordinance. Solar energy systems and wind energy systems approved and/or installed prior to the adoption of this Ordinance are exempt.

SECTION VIII - SEVERABILITY

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

SECTION IX

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

SECTION X

This ordinance may be renumbered for codification purposes.

SECTION XI

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

Fisher moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held March 23rd.

Introduction: Ordinance 4, 2011

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

AN ORDINANCE TO AMEND AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY.

SECTION 1

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

Building Custodian (Administrative & Police) \$10.30-\$12.58/hr

SECTION II

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

SECTION III

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

Fisher moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held March 23rd.

Introduction: Ordinance 5, 2011

Mr. Fisher shared some thoughts concerning expanding to curbside collection; preliminary cost estimates; and, special districts. Item will be discussed further at a finance meeting. The following ordinance was read by title and introduced on first reading:

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

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 the current semi-annual assessment needs to be changed to an annual assessment of \$150.00 for all residents using this weekly garbage service

THEREFORE, BE IT RESOLVED by the West Amwell Township Committee that Chapter 99 Article 1 Section 99-4.1 be amended as follows:

Section 1:

All residents wishing to use municipal garbage collection must make application for a new garbage card through the Municipal Clerk's office, provide proof of residency, and pay an annual fee of \$150.00. Cards may be obtained in person during regular business hours or can be requested by mail, with the required proof of residency and provision of a self-addressed, stamped envelope. There is no Saturday on-site sign up for this card.

Garbage cards must be obtained and paid for by June 30th of each year for residents who wish to participate, whether or not they personally bring garbage to the weekly drop off. Anyone without a new card will not be able to use the facility.

Starting July 1, 2011, all cards issued will be valid through June 30th of the subsequent year.

A pro-rated fee of \$12.50 per month will be available October through June of each year for any resident who did not previously acquire a garbage card.

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.

Fisher moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held March 23rd. A flyer for distribution at the depot will be developed.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Resolution Authorizing the Execution of a Professional Services Agreement:* Sean Pfeiffer relayed that Mr. Rich and he met with Bob Dann, Attorney Dragan and Dan Knox concerning the draft resolution and contract for the Toll property. The tentative date for the auction is April 21st. There was some concern over the timing as this is right before Good Friday but it was felt that there would be no impact on the sale. The results of the auction would have to be first approved by the Township Committee at their April 27th meeting. The SADC would then review the sale at their meeting on April 28th. The minutes of the SADC meeting have to receive the Governor's approval before any closing can take place.

All parties are happy with the revamped documents being considered this evening. Mr. Pfeiffer reviewed the particulars and responded to questions on the sale procedure. There is no minimum bid and the Township Committee and the SADC can reject the bids. If the property doesn't sell or the bids are rejected, Spann is obligated to hold another auction. However, they have a class act for their auctions and hold multiple mailings. Attorney Dragan has indicated that she wants to attend the auction to make sure that the paperwork is correct.

Mr. Pfeiffer also relayed that there is a checklist of items to be assembled for Spann. He'll work with the Clerk next week to pull this together.

RESOLUTION #48-2011
RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL
SERVICES AGREEMENT FOR AUCTION SERVICES
WITH MAX SPANN R.E. & AUCTION CO.
FOR THE SALE OF BLOCK 8 LOTS 20 & 36

WHEREAS, the Township of West Amwell, County of Hunterdon, has determined that it is in the best interest to contract with Max Spann R.E. & Auction Co., PO Box 4992, Clinton, New Jersey 08809, for the public auction of Block 8 Lots 20 & 36 in West Amwell Township; and

WHEREAS, a "Professional Services Agreement" has been submitted by Max Spann R.E. & Auction Co. and the same is permitted and authorized pursuant to N.J.S.A. 40A:12-13

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

1. That the Mayor and the Township Clerk are hereby authorized and directed to execute the Auction Marketing Agreement.
2. That the Township Clerk send an executed copy of the "Professional Services Agreement" and this Resolution to Max Spann Auction Co., at the above address.

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

- *Professional Services Agreement*. The agreement was duly executed.

- *Resolution Authorizing the Sale of Block 8 Lots 20 & 36 by Auction*

RESOLUTION #49-2011
RESOLUTION AUTHORIZING THE SALE OF BLOCK 8, LOTS 20 AND 36 BY AUCTION

WHEREAS, the Township of West Amwell ("Township"), is the owner of property and improvements known as Block 8, Lots 20 and 36 in the Township of West Amwell, consisting of approximately 130+/- acres along State Highway Route 179 in the Township, (hereinafter "Property") which was originally purchased together with Hunterdon Land Trust Alliance with the intention of preserving the major portion of it for farmland purposes and enrolling it in the appropriate New Jersey State Agricultural Development program, and also for creating a publicly-accessible walking trail for passive recreation purposes on a 1.733+/- acre portion of it; and

WHEREAS, the Property qualified for and was enrolled in the New Jersey State Agriculture Development farmland preservation program and, in consideration for funding received from the State of New Jersey Agriculture Development Committee, the Township and Hunterdon Land Trust Alliance deed-restricted the property for farmland preservation purposes (subject to a 2-acre non-severable exception area), granted a restriction establishing mowing obligations upon same to the County of Hunterdon in consideration for funding extended by the County and, further, recorded an easement establishing the aforementioned publicly-accessible walking trail over a 1.733+/- acre portion of same to be retained by the Township of West Amwell for the benefit of the public; and

WHEREAS, Hunterdon Land Trust Alliance subsequently conveyed its interest in the property to West Amwell Township by deed dated March 25, 2010 and recorded on May 27, 2010 in Book 2250, Page; 582 and.

WHEREAS, the conveyance of the aforementioned easement to the State of New Jersey, the restrictive covenant to the County of Hunterdon for farmland preservation purposes and the establishment of the walking trail easement to be held by the Township of West Amwell resulted in preservation of the Property for the same goals and purposes as purchased by the Township, so that it is not necessary for West Amwell Township to hold the remaining fee simple interest in the land.. Accordingly, the Township Committee of the Township of West Amwell does hereby determine that a fee simple interest in the property set forth in Schedule A is no longer needed for public use; and

WHEREAS, the Township is permitted to sell the aforementioned property by auction in accordance with N.J.S.A. 40A: 12-13(a) , N.J.S.A. 40A: 12-13.1 and any other applicable law.

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

Section 1. The Township of West Amwell hereby declares that the property set forth in Schedule A is no longer needed for public use and should be sold at public auction, subject to the easements set forth above, together with any other easements and restrictions of record.

Section 2. Max Spann Real Estate & Auction Co. (hereinafter "Auctioneer") is hereby authorized to offer to sale to the highest bidder by open public sale at auction, the property described in Schedule A attached hereto and made a part hereof.

Section 3. The public auction shall take place at the West Amwell Township Municipal Building, Lambertville, N.J. on April 21, 2011, or as soon thereafter as the matter may be heard and publicly announced, provided that the sale is not canceled.

Section 4. The successful bidder shall be required to pay a minimum deposit of 10% toward the purchase price at the auction. The deposit shall be paid in the following manner: 1) prior to the start of the auction, all bidders must present a certified check or money order for at least \$20,000, payable to themselves which, if successful, shall be endorsed to Seller's attorney's trust account; and 2) the successful bidder shall submit a personal check or money order to the Seller's attorney's trust account for the balance of the deposit of 10% of the bid at the conclusion of the auction and shall execute a Contract of Sale. The Contract of Sale shall be binding upon the high bidder until such time as the Township Committee either (1) does not accept the bid, in which case the bidder's deposit will be returned, or (2) accepts the bid whereupon the municipality shall execute the Contract of Sale and both parties shall be held bound by the terms and conditions contained therein. The Contract of Sale shall be further contingent on the approval of the State of New Jersey State Agriculture Development Committee ("SADC") within 60 days of the auction date. In the event the SADC disapproves of same, the bidder's deposit monies will be returned. The balance of the purchase price shall be paid at closing which shall occur within ninety (90) days following the acceptance of the bid by the Township, unless the date is extended by the Township. The purchase shall be entitled to possession immediately following closing of title.

Section 5. At closing of title, the purchaser shall also pay a Buyer's premium in the amount of ten (10%) percent of the bid amount to the Auctioneer who conducted the sale.

Section 6. In the event the Township of West Amwell is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Township shall promptly return to the purchaser any and all deposit monies previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims that the purchaser may have against the Township of West Amwell in connection with the quality of title conveyed.

Section 7. The property herein sold shall be sold subject to existing easements, including the farmland preservation easements and public access easement described above, liens, any other easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefitting the Property. Neither the Township nor the Auctioneer shall make any representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser shall assume the risk of any such condition; all property shall be sold "as is".

Section 8. All conveyance by the Township shall be made by Bargain and Sale Deed with Covenants Against Grantor's Acts.

Section 9. In connection with the auction, the Township reserves the right to waive any and all defects and informalities in any bid and to accept or reject any and all bids at the public sale and to not award to the highest bidder. No bid shall be considered accepted until passage by the Township Committee of West Amwell of a resolution accepting the offer of the highest responsible bidder as set forth below.

Section 10. Acceptable bids shall be confirmed by resolution of the Township Committee no later than the first regular meeting of the Township Committee following the date of such sale or 14 days from the date of the sale, whichever is later, but shall not become effective until approved by SADC.

Section 11. On behalf of the Township Committee of the Township of West Amwell, the Mayor, Deputy Mayor, Township Clerk and Attorney, as appropriate, are authorized to prepare and sign any and all documentation necessary to effectuate the sale of the property to the successful bidder, once the contract is awarded.

Section 12. This Resolution shall constitute and serve as the public notice to be published in a newspaper circulating in the Township at least once a week for two (2) consecutive weeks, the last publication being not earlier than seven (7) days prior to the date set forth for the public sale.

Section 13. This resolution shall take effect immediately.

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

- *Open Space Invoices:* Attorney Dragan's invoice in the amount of \$823.20 for work on the Toll auction project was approved for further processing.

- *Project Status Updates:* Mr. Pfeiffer relayed that Bill Rawlyk is proceeding with appraisals on the Adam project. No Township funding is involved.

Environmental

- *2010 Annual Report:* Cathy Urbanski was unable to attend this evening. She requested that the Clerk explain that this report is in lieu of the newsletter prepared in previous years and was prompted by ANJEC. Fourteen items of accomplishment were noted which constituted considerable work for the year.

UNFINISHED BUSINESS

2011 Appointments – Mayor Molnar made the following appointment:

Deputy Court Administrator – Patricia Ahren. Mrs. Ahren is also the designated court administrator for absences.

Fisher motioned to approve the mayor's appointment, as well as the appointments made at the last regular meeting, and Rich seconded. Motion carried unanimously.

Stewardship Initiative – Mrs. Olsen reported on behalf of Mrs. Urbanski that Catherine Drake was contacted, per request at the last meeting, but relayed that she is not responsible for aspect. Also, the appropriate contact at Hunterdon Land Trust Alliance (HLTA) to answer questions on the MOU is on maternity leave. However, it has been learned that the MOU is optional and there is no reason for the Township to sign it unless they want to have input on whatever takes place on the property. HLTA can establish trails without an MOU, as they did on the Water Company property. Item held.

Award/Disposition of Cleaning Quote – The second round of quotes were rejected. Letters will be sent to the parties involved. Curtis Coleman was appointed Building Custodian for up to 7 hours/week, or as needed. The appointment was unanimously approved. Cleaning supplies and equipment need to be procured. An account at Home Depot was suggested and paperwork to obtain same will be acquired.

Updates –

SHREC: The following resolution was presented for consideration:

RESOLUTION #50-2011

“Authorizing the Mayor and Township Clerk to Sign the Power Purchase Agreement with Swan Creek Energy”

WHEREAS, after review and analysis of the proposals received in response to a request for proposals issued on behalf of the South Hunterdon Renewable Energy Cooperative, the governing body of West Amwell Township approved by Resolution the award of a contract with Swan Creek Energy for a Power Purchase Agreement with the South Hunterdon Renewable Energy Cooperative subject to approval of the Power Purchase Agreement by all the members of the South Hunterdon Renewable Energy Cooperative and subject to attorney review, and

WHEREAS, the contract has been reviewed by counsel on behalf of the South Hunterdon Renewable Energy Cooperative, and

WHEREAS, all of the members of the South Hunterdon Renewable Energy Cooperative have separately reviewed and approved the Power Purchase Agreement between Swan Creek Energy and the South Hunterdon Renewable Energy Cooperative.

NOW, THEREFORE, BE IT RESOLVED that the governing body of West Amwell Township, in the County of Hunterdon, State of New Jersey hereby approve the Power Purchase Agreement with Swan Creek Energy in the form annexed hereto; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to sign the Power Purchase Agreement between Swan Creek Energy and the South Hunterdon Renewable Energy Cooperative.

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

The proposed Lease for Township land was held. Attorney Faherty will contact Brad Campbell concerning de-commissioning the solar array and will refine the acreage in Exhibit A. Hal Shute offered that the location of the array will have to be determined and a plot plan developed. The latter will be Exhibit B to the lease.

Fuel Delivery Verification: Held

Gas Usage Verification: The possibility of getting the gas and diesel ‘gas boys’ repaired was discussed as the company is still in business. Mr. Molnar will investigate. Item held.

Going Rate for Hunting Rights: Mr. Rich reported that his real estate contact gave him a \$10,000 number for hunting rights to a 100 acre tract. A problem may exist with the ability to hunt the entire property due to the planned solar array. The idea can be pursued but may not pan out. Attorney Faherty questioned whether the Township has the right to charge and will pull his file. The two clubs will be notified about the possibility of a charge to hunt. Mr. Pfeiffer also noted that the back 30 acres is listed on the ROSI as having public access although there is no recorded easement.

Country Fair: The next meeting will be held March 1st. Mr. Molnar relayed that the event is looking good and that a DJ has been hired. A ‘dedicated by rider’ account is available but contains no money at this time.

Census Count Challenge: Mr. Fisher noted that the Census numbers depicting a 61% increase in population appear out of line over the 10 year period. In addition, the race percentages don’t make sense. He contacted the government office and got a website concerning challenges but nothing can be filed until June. Attorney Faherty added that there’s a lot of work required to back up a challenge. A suggestion was made about contacting Congressman Holt’s office for assistance and an e-mail requesting same will be sent. The Freeholders will also be contacted about the Township’s concern over the numbers given. Mr. Fisher offered that perhaps the senior facility on 518 has been credited, in error, to the Township.

Possible Amended Resolution re: Bender Block 8 Lot 23.01 – An amended resolution for the release of the performance bond was presented. This is to conform with how the bond was issued.

RESOLUTION #51-2011
(Amending Resolution #40-2011)

RELEASE OF PERFORMANCE BOND

WHEREAS, Michael Strober (Bender Realty LLC) has completed site improvements at Block 8 Lot 23.01; and

WHEREAS, said site improvements have been inspected and approved by the Township Engineer; and

WHEREAS, Michael Strober (Bender Realty LLC) has requested the release of their Performance Guarantee and acceptance of Maintenance Guarantee in the amount of \$52,496.00; and

WHEREAS, Attorney Faherty has approved the form of the proposed maintenance guarantee; and

WHEREAS, the Township Engineer has advised that the performance bond can be released to the applicant once the required maintenance bond has been provided

WHEREAS, a maintenance guarantee in the amount of \$45,649.00 with a cash deposit of \$6,847.00 has been received

THEREFORE BE IT RESOLVED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey the performance bond is hereby released and maintenance bond accepted for the referenced project.

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

Calton Bond – The bond has been extended through November 2011 for the original amount. However, Attorney Faherty relayed that he has an agreement with Mr. Anderson to limit the liability to the amount needed to correct the defects per the Engineer Clerico's letter. The company will not be responsible for more than that amount. The maintenance bond was delivered to the Clerk. As for the \$10,000 request to replenish the escrow, no check has been received.

April Township Committee Meeting Date – School board elections were moved from the third Tuesday of April to the fourth Wednesday due to Passover. This conflicts with the scheduled Township meeting and room use. A couple alternatives were given should the decision be to change the date. The decision was not to change the date but to move the meeting to the small meeting room.

Garbage & Trash

- *Garage Dumpster*: The dumpster at the DPW garage is to be discontinued.
- *Container Status*: Mr. Fisher has checked with a couple area haulers who will haul containers with township DEP permits for \$250-260 a pull. As for the purchase of a container(s), it may be cheaper to deal directly with the manufacturer. Depending on cost and number of containers desired, quotes will have to be obtained.

Resolution to Enter Closed Session –

RESOLUTION #52-2011

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:

CONTRACT NEGOTIATIONS – Police

3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This Resolution shall take effect immediately.

Fisher to approve the Resolution and Rich seconded. Motion carried unanimously.

NEW BUSINESS

New VCEA Municipal Service – A grant writing firm has been contracted by Van Cleef to assist Townships in identifying grants and other funding opportunities for specific projects and initiatives that may be of special interest. Specifically, there's a 2011 ANJEC Sustainable Land Use Planning Grant Program with an application submission deadline of March 31st. Discussion ensued over possibilities—updating the open space plan, GIS mapping, master plan map, tax maps, funding for Old York Road work, fire company equipment, etc. Mr. Pfeiffer relayed that Allison Somers-Sayer has volunteered to work on an open space plan application. Mr. Fisher will contact Engineer Clerico for more information.

Consideration of a Resolution Opposing Reduced Allocation of Open Space Tax Levy Funds to Municipal Grant Programs – The Freeholders have reduced the amount of funding available to municipalities allocated in the Municipal Grant Program from 15% to 10% of 2010 municipal contributions. A resolution in opposition to this reduction was received from Union Township and presented for consideration. Mr. Pfeiffer, speaking as Open Space Chairman, noted that Cathy Urbanski spent 40 hours last year on the application. Now, after all the work that was done, Township receipts will drop from \$27,133.82 to \$17,128. Personally, he's skeptical of programs with collection systems and would prefer that the money stay in the Township.

RESOLUTION #53-2011 Opposing Reduced Allocation of Open Space Tax Levy Funds to Municipal Grant Programs

WHEREAS, the Hunterdon County Board of Chosen Freeholders has authorized an annual levy not to exceed three cents (\$0.03) per One Hundred Dollars (\$100) of the total County equalized real property value for each County Questioned (CQ); and

WHEREAS, the Board of Chosen Freeholders sets the open space tax levy and amount to be raised each year and may, at their discretion, determine the appropriate amount or rate to be distributed and allocated for each open space, farmland and historic preservation purposes; and

WHEREAS, the Board of Chosen Freeholders by resolution dated February 2, 2010 reduced the amount of funding available to municipalities for CY2011 allocated to the Municipal Grant Program from 15% to 10% of the 2010 municipal contributions; and

WHEREAS, this municipal governing body is of the opinion that the previous municipal allocation of 15% is a more fair and equitable allocation to the municipalities whose taxpayers are the source of such funds, and good cause appearing

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of West Amwell, in the County of Hunterdon, State of New Jersey that this governing body requests that the Board of Chosen Freeholders restore the Municipal Grant Program to its previous allocation of 15% for the FY2011 year-end open space tax receipts for availability to municipalities in CY 2012; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Hunterdon County Board of Chosen Freeholders and to each of the other municipalities in Hunterdon County.

Fisher to approve the Resolution and Rich seconded. Motion carried unanimously.

Inquiry from JCP&L – As the meter at 259 Mt. Airy-Harb. Road has not registered any use of electricity, having it disconnected to avoid monthly charges has been offered for consideration. The decision was to decline. A brief discussion about the disposition of the property ensued, including a resolution of auction for the next meeting and/or involving a realtor. Mr. Rich will follow up.

Application for Raffles License – The annual application has been received from SHR Band Parents.

RESOLUTION #54-2011

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: South Hunterdon Regional Band Parents Association
BENEFIT: Marching Band Camp Fees
DATE: April 9, 2011
TIME: 5:30 - 11:00 p.m.
LOCATION: South Hunterdon Regional High School
301 Mt. Airy-Harb. Road, Lambertville NJ 08530

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

The ***Findings & Determination*** were reviewed and approved.

Fee for Special Meetings Ordinance – A proposed draft ordinance to provide for payment to the Board secretary and for attorney administrative costs for special meetings was reviewed. Attorney Palilonis and the Zoning Board have recommended that only the second section of the sample ordinance be adopted and that the fee be set at \$750.00. The ordinance will be prepared for introduction at the March 23rd meeting.

A-3766/S-2664 “Market Competition and Consumer Choice Act” – This legislation guts the municipal benefits that were part of the 2006 system-wide cable franchise. The League's letter listed several concerns that will result in increased costs for local governments. The Clerk was requested to prepare a letter for the mayor's signature.

Mandatory Diesel Retrofit Law – Mayor Molnar and Road Supervisor Hoagland will attend the March 15th workshop to gain insight into Township obligations under this law. There are authorized installers on State contract. The costs to acquire and install the Best Available Retrofit Technology (BART) are reimbursed by the State.

2010 Planning & Design Award Dinner – Invitations to this awards dinner, scheduled for March 30th, were received. RSVP's are due by March 15th. Township Committee members expressed no in interest in attending. The invitations will be offered to the Planning Board.

Texas Eastern Inquiry – A call was received from John Sheridan of the company who indicated a desire to meet with the mayor concerning some upgrades to the facility in Mt. Airy. Mr. Molnar spoke with Mr. Sheridan this afternoon and volunteered Mr. Fisher, as the latter is available during the day.

Police Needs (Radar & Vehicles) – Requests for new radar equipment to replace 20 year old units and two SUV's were received from Lt. Bartzak. As these items are capital expenses, an ordinance is needed. The information will be shared with the CFO. A brief exchange about a preliminary budget and meeting with department heads ensued. The latter will be held after the former.

OPEN TO THE PUBLIC

Mr. Pfeiffer suggested that when Mr. Rich speaks with Max Spann that the salt house be mentioned for possible inclusion.

ADMINISTRATIVE REPORTS

Treasurer –

Presentation of Bills for Approval: Questions concerning the cost or purpose of several items on the bill list were raised by Mr. Rich. Copies of the Audit, towing, phone and Lucarini/Van Cleef bills were requested. Payments to Trap Rock and DiFrancesco were held pending more

information. Police overtime by officer was requested. Fuel use at the police/fire building was mentioned but noted that an energy audit is pending. However, yearly cost was requested for heat and a/c.

Fisher motioned to approve the evening's bills for payment, with the holds as noted. Rich seconded and the motion carried unanimously.

Tax Collector – The monthly report for January 2011 was received showing receipts in the amount of \$746,832.26.

Clerk/Human Resources
- *Fire Official Resolutions*

RESOLUTION #55-2011

WHEREAS, the Township of West Amwell has need of a Fire Official/Inspector; and

WHEREAS, interviews were conducted with two potential applicants; and

WHEREAS, the Township Committee has determined that Jason Fretz is best qualified for the position of Fire Official/Inspector for West Amwell Township; and

WHEREAS, Jason Fretz has accepted the Township's offer for the position

THEREFORE, BE IT RESOLVED that Jason Fretz be appointed Fire Official/ Inspector, effective February 28, 2011

BE IT FURTHER RESOLVED that this appointment expires on December 31, 2011

BE IT FURTHER RESOLVED that Jason Fretz will receive a pro-rated salary of \$5429 in line with the S & W ordinance introduced on January 1, 2011.

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

RESOLUTION #56-2011

WHEREAS, the Township of West Amwell is in need of a Fire Official/Inspector in line with the Township's Uniform Fire Safety Code; and

WHEREAS, Jason Fretz is qualified to fill this position and has accepted the Township's offer for the position

THEREFORE, BE IT RESOLVED that Jason Fretz be appointed as Fire Official/Inspector effective February 28, 2011

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the Division of Fire Safety

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

Mr. Fretz was advised that a chain of command needs to be established as neither the Construction Official nor the Interim Fire Official was notified of the weekend fire, something that has happened several times in the past.

Construction – The Permit Fee Log details (9), Monthly Activity Report-Permits (7), Payment Audit Report (\$2,137), Monthly Activity Report-Certificates (2), Certificate Log Detail (2) were received for PermitsNJ.

Police – The December 2010 and January 2011 Monthly Reports showing 202/188 incidents, 71/67 summonses and 0/1 warnings were received.

Roads – The January 2011 report of activities was received. Salting, plowing and truck repairs were especially noted.

Zoning Officer Report -- The January 2011 report of activities was received. Numerous phone calls, interpretations and meetings were noted. Three permits were issued.

Rich motioned to accept the Collector, Construction, Police, Roads, and Zoning reports. Molnar seconded. The motion carried unanimously.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

The Committee entered their previously approved Closed Session at 9:38 p.m., returning to Open Session at 10:42 p.m.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 10:42 p.m. on motion from Fisher, seconded by Molnar.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk