

**WEST AMWELL TOWNSHIP COMMITTEE MEETING**  
**September 28, 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 7:05 p.m. Present were Mayor Molnar, Deputy Mayor George Fisher, Committeeman Zachary Rich and Attorney Philip J. Faherty III. Also in attendance were Peter Salvin, Pat Pittore, Shirley Skillman, Joe Ent, Dave Beaumont, Sean Pfeiffer, Cathy Urbanski, Bryce Thompson and son, Tom Allibone, Jay Watson, Lolly Hoagland, Jason Fuhr, Howard Hope, Harry Heller and reporters Christina Rojas (Democrat) and John Tredea (Beacon).

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.

**PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

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

**AGENDA REVIEW BY TOWNSHIP CLERK**

The following items were added: 10. New Business: Resolution for State Contract Purchase.

**ANNOUNCEMENTS**

The following announcements were made:

- Municipal Offices Closed October 10<sup>th</sup> in Observance of Columbus Day
- Roast Pork Dinner @ Firehouse, Oct 8<sup>th</sup>, 4-7 p.m.
- Computer & Electronics Collection, HC Rt. 12 Complex, Oct 8<sup>th</sup>, 9am-1pm
- Last Day to Register for November General Election, Oct 18<sup>th</sup>
- PSE&G Power Line Work, Various Lines, Begins Sept 2011 into 2012
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

Added to this list were:

- Regionalization Study Town Hall Meeting, Municipal Building, Oct 5<sup>th</sup>, 7 p.m.
- FAA Fall Fest, SHRHS, Oct 15<sup>th</sup>, 3-7 p.m.

**PRESENTATION OF MINUTES**

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

- August 22, 2011 (Re-scheduled) Regular Meeting
- August 29, 2011 Special Meeting
- August 29, 2011 Closed Session (Personnel-Interviews)
- September 1, 2011 Special Meeting
- September 1, 2011 Closed Session (Personnel-Interviews)
- September 1, 2011 Special Meeting
- September 13, 2011 Special Meeting

**OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA**

Sean Pfeiffer relayed receiving a call from Attorney Shurts about the Spectra application and inquired if Attorney Faherty is taking the lead on this with respect to jurisdictional issues. He was advised in the affirmative.

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

**Toll Auction Follow-up:** – Bryce Thompson came forward with several questions about the recent Max Spann auction that, although he was high bidder, he did not get the property. He inquired about the location of the residential exemption areas as this could not be determined in their searches. It was explained that these are on the existing survey—one around the existing house with the other being the 1.7 acres public access area that connects adjoining properties to the West and South. With the former, the buyer has the option of either restoring or demolishing the structure, subject to the zoning code. Mr. Thompson also inquired about the entity that holds and enforces the easement and was informed that, with the exception of the 1.7 acre public access, the agricultural development rights easement is held by the SADC. He noted that he has never built a house in 52 years nor has his family ever lived in a new house.

However, something purchased today may have to be sold in the future. He wouldn't be the ultimate user but would either sit on it or give it to the kids for them to hold. Mr. Thompson then inquired if anyone had questions for him.

Mr. Fisher noted that the chairman of the open space committee, Sean Pfeiffer, had put together a few discussion points and relayed that the reason the bid was turned down was due to appraisal numbers received prior to the auction. Although the vote was not unanimous to reject the bid, the disparity between the appraisal numbers and the bid was of concern. Whether Mr. Thompson was still interested or wanted to talk about it was questioned. Mr. Thompson indicated that he'd like to know what price would be asked as he'd be paying 10-11% on top of that to Max Spann; noted that the high tension wires hold the price down as the entrance goes right under them; and, if the Committee has some ideas, they were invited to write or call him. A brief discussion ensued over other possibilities with land preservation and how these discussions would be handled. As for Mr. Rich's question concerning what Mr. Thompson's plans for the property might be, Mr. Thompson offered that he intends to stay in the land business.

Mr. Thompson was informed that the Township Committee is still willing to talk about property sale as there is no interest in retaining it. The initial problem stemmed from the amount of money spent for appraisals--the spread between those and the price offered was too far apart. The Thompsons relayed that the value of land has not gone up in the past few years and were of the opinion that a legitimate bid was made. However, they, too, are still willing to talk. The Clerk is to be contacted to set up a meeting. Mr. Pfeiffer added that the SADC would have to approve any sale to ensure it was properly marketed.

**Hunterdon Medical Center** – The anticipated presentation on "*Investing in a New Generation of Care*" was a no-show.

**Municipal Alliance** – Jason Fuhr relayed that the Alliance still seeks more members; that the annual golf tournament brought in \$2500; and, that the group meets to fight drug and alcohol abuse—a challenging situation. Mr. Fuhr also reported that the Director of the Jersey Shore Hospital in New Jersey told him that one of the finest hospitals on the East Coast is the Hunterdon Medical Center.

**South County School District Regionalization Study** – Dave Beaumont reported that data collection will be completed within the week and analysis started. All is going well and nothing of concern has surfaced. Town hall meetings are scheduled for October 5<sup>th</sup> in the municipal building and October 12<sup>th</sup> at the Justice Center. An article has appeared in the Democrat about these meetings. Permission was granted to post a flyer on the website and to distribute same at the Saturday depot. The possibility of this being a community service opportunity for high school students was raised, which led to an exchange over a point of contact person at South and normal operating procedures for youth distribution activities at the depot.

**Website** (moved to this earlier slot) – Cathy Urbanski and Dave Beaumont reported on progress to date. Mr. Fisher re-iterated his desire for the end product to be manipulated in-house for instant updates and was given assurances that this will be user friendly and easy to follow. Mr. Beaumont relayed that guidelines and objectives have been set; the content of the home page is under discussion; and, that a map of the website is still needed. He further commented that the real issues are updates, maintenance and ownership of the content that will be posted. A brief discussion ensued about the communications issues involved with the recent storm and ways to get to the internet if power is down. External access would be needed as not everyone has a Blackberry. Also mentioned was adding a link to the e-mail for list serve capability but this may require a server.

**Lambertville Rescue Squad & Ambulance Association** – Pat Pittore and Shirley Skillman relayed that the Squad will start billing for services October 1<sup>st</sup> and that in addition to the newspaper articles, they are going to each municipality served to explain this change. Mr. Pittore noted that there was a long soul searching period prior to reaching this decision but with a 24/7/365 two EMT paid staff, as well as needed equipment, trucks, etc., this was a move that had to be considered for viability. The press release outlining the situation as well as a sheet of FAQs was provided as was a copy of their 2010 Annual Report showing a breakdown of the numbers of calls, medical emergencies and accidents per municipality served. The \$625 charge for ambulance service was arrived at through surveys of other squads, the market place and what was needed. They arrived at a price somewhere in the middle. The charge will be billed to the person's insurance company or, if no insurance, to the person but service will not be denied. He also noted that gifts have sustained the squad in the past but this not something that can be depended upon as it doesn't allow for a reserve; that they will continue with their

fund drives; and, municipal contributions are appreciated. Due to the fact that call volume is growing, and local volunteers to maintain 24 hour coverage is no longer available, a recruitment drive will be held. Times have changed; two EMTs are needed on each call; and, people are needed in-house and ready to respond.

**Verizon Phone Service** – Anna Lustenberg was unable to attend this evening’s meeting. However, Tom Allibone came forward and spoke about service and maintenance issues in Verizon’s network; noted that the copper is failing; and, that there have only been band-aid solutions to date. He also overviewed the promised FIOS that was due to all homes in New Jersey by 2010; the effect on Business Personal Property taxes when municipalities have 51% of residents migrate away from land lines; and, that he has still not been able to ascertain what inventory the yearly revenues to the State are based on. Mr. Allibone relayed that he’s had numerous conversations with service techs about the line problems and noted that since de-regulation of the phone company in 1996, there is no longer formal oversight of the industry by the BPU. He suggested that calls be placed to Dennis Bone. Mr. Allibone also commented on the missing OEM phone lines discovered during the recent storm event.

Lolly Hoagland came forward to relay that cross-talk is happening on the Court phones and sounds like the days of party lines. She noted that the State ran fiber into the municipal building for the Court specifically due to the phone problems here. However, she has now gone through seven modems and there won’t be another until the problem is fixed. She feels that the problem is in the building—not on the lines. Discussion ensued about water coming through the electrical conduit in the basement and if there is a connection with the cross talk experienced on the phone lines. The Clerk was instructed to contact Jim Meskill so that he and Mr. Allibone can check the basement situation. Mr. Beaumont suggested that the Township use internet phone service as then there would be no worry about water and it could lessen the expense. Another suggestion made was to have in-coming calls switched over from 397-2054 to 397-9773 until repairs are completed.

Harry Heller relayed that during the storm, there were only dead OEM lines. The only line available to him was one assigned to ABC, two miles down the road. The police lines were down and the fire house fax was out. His suggestion, which met with agreement, was to call the BPU.

**Public Hearing:** Ordinance 12, 2011 AN ORDINANCE AMENDING CHAPTER 68  
OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF  
HUNTERDON, STATE OF NEW JERSEY (Construction Codes – Uniform)

Proof of publication in the September 1, 2011 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the August 22, 2011 Township Committee meeting. Mr. Molnar read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was unanimously closed.

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

**Public Hearing:** Ordinance 13, 2011 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)

Proof of publication in the September 1, 2011 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the August 22, 2011 Township Committee meeting. Mr. Molnar read the Ordinance by title and opened the public hearing. It was explained that this is for Clean-up day operations and puts a charge in place for those not holding a current garbage permit. Up to one pick up load would be allowed. Residents without a garbage permit would pay \$30.00.

Mr. Beaumont commented that he only has a van and it’s not listed. He was informed that the size would be inclusive up to that of a pick up truck.

Mr. Fisher offered that at last evening’s Recycling meeting, the ordinance was discussed, especially in light of the problem with ascertaining the number of packers. There was agreement that this should be handled in a fashion similar to Delaware Township—a rolling clean up day based on a third of the permit holders with a fourth clean up for residents who do not use municipal service. Ken Hart is working up a flyer for review and hand out. This does not affect the ordinance under consideration, only that clean-up will be a four month process instead of all at once. Mr. Molner inquired whether the group discussed the purchase of

dumpsters in the future for this, adding that there is money available for this purpose but has not been acted on. It was also relayed that Porter Little will check with an electronics recycler to see if a local electronics day can be held sometime between now and the end of the year. The actual clean up rotation would not happen until the spring. All this will hinge on the Township obtaining a quote from the electronics recycler, finding out how much the dumpsters cost, and talking with Delaware Township to see if they're interested in a shared type of service—perhaps an inter-local agreement—whereby dumpsters could be traded back and forth.

Howard Hope questioned the dumpsters that have been sitting on the pad and was informed that these were for flood damaged items only.

Sean Pfeiffer questioned the listed exclusions, noting that 'trailer' is not listed. It was the consensus that this be added as a minor amendment.

Hearing no further comments, the public hearing was unanimously closed. Fisher moved for adoption of the Ordinance, with the minor change as noted, and Molnar seconded. Roll Call: Fisher-aye, Rich-aye, Molnar-aye

**Public Hearing:** Ordinance 14, 2011 AN ORDINANCE TO AMEND CHAPTER 1 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL

Attorney Faherty relayed that the device outlined in the Ordinance cannot be used anymore due to a memo received from the State. Therefore, the Ordinance was tabled.

**Introduction:** Ordinance 15, 2011 AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND THE LAND USE REGULATIONS OF THE TOWNSHIP OF WEST AMWELL, SPECIFICALLY CHAPTERS 109-94, 109-95 AND 109-96 "GENERAL REQUIREMENTS FOR CONDITIONAL USES," CHAPTER 109-97 "PUBLIC UTILITIES" AND CHAPTER 109-98 "WIRELESS TELECOMMUNICATIONS FACILITIES" OF THE GENERAL ORDINANCES OF THE TOWNSHIP.

A letter from the Planning Board recommending introduction was received; however, due to some lingering questions and concerns, the ordinance was held.

*The numbering of the remaining ordinances as listed on the agenda is now changed to reflect proper sequence order.*

**Introduction:** (New) Ordinance 15, 2011

As part of the designations made on the Best Practices checklist, the following ordinance was read by title and introduced on first reading:

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO ESTABLISH RULES REGARDING MEMBER ATTENDANCE AND VACANCIES AT BOARD/SUBCOMMITTEE/COMMISSION MEETINGS**

**WHEREAS**, the Legislature has enacted P.L. 2009, Chapter 141 on October 19, 2009, which in part standardized the rules regarding member attendance and for the determination of member position vacancy at municipal Board/Subcommittee/Commission meetings; and

**WHEREAS**, the Township Committee desires to add a new Chapter in the Administrative Section of the Ordinances in order to include the provisions of P.L.2009 Chapter 141 within the Code of the Township of West Amwell.

**BE IT ORDAINED**, by the Mayor and Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, that the Code of the Township of West Amwell shall be supplemented to include a new Chapter which shall be as follows:

**Section 1:** Vacancy in Board, Committee, Commission appointments

1. The office of any person appointed to a specific term, with or without compensation, by the governing body or Mayor, including persons appointed to any board, committee, commission, authority or other agency of one or more local units, shall be deemed vacant:

- a. Upon its being so declared by judicial determination;
- b. Upon the filing by such officer of his/her official resignation;
- c. Upon the refusal of a person designated for appointment to such office to qualify or serve;
- d. Upon the determination of the appointing authority that such officer shall have become physically or mentally incapable of serving;
- e. Upon the death of such officer;
- f. Upon the determination of the appointing authority that, in violation of lawful residency requirement, such officer no longer resides within the corporate limits of the local unit or other designated territorial area;
- g. In the case of a member of a board, committee, commission, authority or other agency, whenever the member, without being excused by a majority of such body for a period of six (6) consecutive weeks, or for three (3) consecutive regular meetings, whichever shall be of longer duration, at the conclusion of such period, provided that such body shall notify the appointing authority in writing of such determination; provided, further that such board, committee, commission, authority or other agency may refuse to excuse only with respect to those failures to attend and participate which are not due to legitimate illness;
- h. Upon the removal of such officer for cause in accordance with law or for any other reason prescribed by law, and in accordance with N.J.S.A. 40A: 9-12.1 as may be amended from time to time.

2. Filling the unexpired term

Whenever any of the circumstances set forth in Section 1 above shall occur, the appointing authority shall forthwith fill the office for the unexpired term in the manner prescribed by law; provided however that in the case of a person failing to qualify or refusing to serve pursuant to Section 1 (c) such office shall not be deemed vacant, if the incumbent officeholder is authorized by law to continue in such office until a successor is appointed and qualifies therefore.

**Section 2:**

If any provision of this Ordinance is invalidated by a Court of competent jurisdiction, the remaining provisions herein shall remain in full force and effect.

**Section 3:**

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

Fisher motioned to introduce the Ordinance on first reading and Rich seconded. Motion approved unanimously. The public hearing will be held October 26, 2011.

**Introduction:** (New) Ordinance 16, 2011

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

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO ESTABLISH RULES REGARDING THE AWARD OF PUBLIC PROFESSIONAL SERVICE CONTRACTS**

**WHEREAS**, professional service contracts are exempt from public bidding requirements under the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, it has become common for professional service providers to make substantial political contributions, whether directly or through intermediaries, including but not limited to Hunterdon County Party Committees, to the election campaigns of the local government elected officers who are ultimately responsible for awarding professional service contracts or other contracts or agreements which are not subject to public bidding; and

**WHEREAS**, local political contributions from professionals receiving discretionary contracts from the elected officials who receive such contributions may raise reasonable concerns on the part of taxpayers as to their trust in the process of local government, if not the quality or cost of services received; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-5 and N.J.S.A. 40:48-2, municipalities have the right to establish rules and procedures for contracting with professional business entities; and

**WHEREAS**, nothing contained herein shall be interpreted to impair in any way the right of a professional service provider secured by the First Amendment of the Constitution of the United States of America and further secured by Article 1, Paragraph 6 of the Constitution of the State of New Jersey to exercise its right to freedom of speech and its right to speak, write and publish its sentiments on all subjects.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of West Amwell, in the County of Hunterdon, and State of New Jersey, that the policy of the Township of West Amwell will be to create such a regulation which states that a professional service provider which makes political contributions to elected officials who are responsible for awarding professional service contracts shall be ineligible to receive a public professional service contract from the Township of West Amwell.

**BE IT FURTHER RESOLVED**, once established, a Township policy for the awarding of public professional services contracts, is to be incorporated within the Administrative Section of the Code of the Township of West Amwell as follows:

**Section 1: AWARDING OF PUBLIC PROFESSIONAL SERVICE CONTRACTS.**

**1. Prohibition on Awarding Public Contracts to Certain Contributors.**

- a) Any other provision of law to the contrary notwithstanding, the Township or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure services, including banking services/relationships or insurance coverage services, from any professional service provider, if that provider has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to a campaign committee of any Township of West Amwell candidate or holder of the public office having ultimate responsibility for the award of the contract, or to any Township of West Amwell or Hunterdon County Party Committee, or to any political action committee (PAC) that is organized for the primary purpose of promoting or supporting Township of West Amwell municipal candidates or municipal officeholders, within one (1) calendar year immediately preceding the date of the contract or agreement.
- b) No professional service provider which enters into negotiations for, or agrees to, any contract or agreement with the Township of West Amwell or any department or agency thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or any other no-bid consultants shall knowingly solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions to any Township of West Amwell candidate or holder of the public office within the Township having ultimate responsibility for the award of the contract, or to any Township of West Amwell or Hunterdon County Party Committee, or to any PAC that is organized for the primary purpose of promoting or supporting Township of West Amwell municipal candidates or municipal officeholders between the time of first communications between that service provider and the Township regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.
- c) For purposes of this section, a “professional service provider” seeking a public contract means: an individual, including the individual’s spouse, if any, and any child living at home; person; firm’ corporation; professional corporation; partnership; organization’ or association. The definition of a service provider includes all principals who own one percent (1%) or more of the equity in the corporation or business trust, partners, and

officers in the aggregate employed by the provider as well as any subsidiaries directly controlled by the service provider.

- d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be The West Township Committee, if the contract requires approval or appropriation from the Committee or a public officer who is responsible for the award of a contract if that public officer is appointed by Township Committee

## **2. Contributions Made Prior to the Effective Date.**

No contribution of money or any other thing of value, including in-kind contributions, made by a professional service provider to any Township of West Amwell candidate for Township Committee, or municipal or county party committee or PAC referenced in this Ordinance shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution or agreement was made by the professional service provider prior to the effective date of this section.

## **3. Contribution Statement by Professional Service Provider.**

- a) Prior to awarding any contract or agreement to procure services, including banking or insurance coverage services, with any professional service provider, the Township or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional service provider made under penalty of perjury that the bidder or offer or has not made a contribution in violation hereof;
- b) The professional service provider shall have a continuing duty to report any violations of this section that may occur during the negotiation or duration of a contract. The certification required under this section shall be made prior to entry into the contract or agreement with the Township and shall be in addition to any other certifications that may be required by any other provisions of law.

## **4. Penalty.**

- a) All Township of West Amwell professional service agreements shall provide that it shall be a breach of the terms of the government contract for a professional service provider, as previously defined, to violate that section or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries or any Hunterdon County Party Committee for the purpose of concealing or misrepresenting the source of the contribution.
- b) Any professional service provider, as previously defined, who knowingly fails to reveal a contribution made in violation of this section, or who knowingly makes or solicits contributions through an intermediary, including but not limited to a Hunterdon County Party Committee, for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future West Amwell Township contracts for a period of four (4) calendar years from the date of the violation.

### Section 2:

**BE IT FURTHER RESOLVED**, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

### Section 3:

**BE IT FURTHER RESOLVED** that this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

Section 4:

**BE IT FURTHER RESOLVED**, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Fisher motioned to introduce the Ordinance on first reading and Rich seconded. Motion approved unanimously. The public hearing will be held October 26, 2011.

**SPECIAL AND/OR STANDING COMMITTEE REPORTS**

**Open Space**

- *D&R Greenway*: Mr. Pfeiffer relayed the Greenway's interest in acquiring the **Adam** property at 24 Barry Road. This is a 21 acre parcel approved through a previous subdivision. Bill Rawlyk, who initially asked for Green Acres funding, has since left the organization and has been replaced by Jay Watson. Mr. Watson indicated that they are requesting funding for half of the purchase price as they have a motivated seller, appraisals have been sent to Green Acres and certified, and the phase 1 environmental assessment cost will be covered by the Greenway. The Township has \$400,000 in Green Acre funding which will be rescinded if there's no movement to draw down. The request to the Township is to fund 50% of the price from this account. There would be no municipal cost share other than the draw down. The price is \$350,000 but the cost would be \$175,000 as the seller is donating 50% in a bargain sale. Mr. Pfeiffer noted that there is a one lot potential in this six acre zone; the property has perc; and, the seller is liquidating his assets. His only question was who would hold title—D&R or the Township. If the latter, the property could be another hunting parcel. He also noted that the transfer of Green Acres funds to the Greenway would draw down the allocated funding; help with future funding requests; and, keep the spending in the Township. The only other potential Open Space Green Acres project is Bowers but there's no CMV as yet. His position was that the Greenway's request would be a good option for drawing down some of allocated funding and that it would have no effect on other projects in the pipeline.

Fisher motioned to approve the transfer of funding for this Green Acres purchase and Rich seconded. Motion carried unanimously.

- *Bridge on Toll Property*: Mr. Pfeiffer was advised that the culvert has been repaired following the damage incurred during the hurricane.

- *Foran Project Appraisal*: Approval has been received from Green Acres to proceed with appraisals on this project which is next to the lake. Seventeen of the twenty plus acres involved will have public access which will allow folks to walk and experience this beautiful area of the township which has been held by the Foran family since 1928.

**Country Fair**

- *Report of Recent Dinner*: Mr. Molnar noted that this was a great dinner! The date for the next fair has been set for May 19<sup>th</sup>, with a dinner date of September 14<sup>th</sup> anticipated. The group is looking for a 40' x 60' tent.

**Website** (Item moved and discussed earlier in the evening.)

**UNFINISHED BUSINESS**

**Appointments** – Mayor Molnar appointed Peter Buchanan as Substitute Electrical Sub-code Official/Inspector. The appointment approved by the Township Committee.

**Updates** – 1) Further information on the **Census Challenge** was held. 2) The problems experienced with the Court phone system were relayed by Mrs. Hoagland, as well as the lack of a new computer for Court and Roads, and the need for a cell phone for Court use. She believes that there's something wrong with the in-house phone system, which may be connected to the basement leak, and that someone who knows about phones and an electrician should checking. As for the computer, she needs one but was advised that the Committee had a problem with taking it out of her regular budget. In response to the mayor's e-mail, she obtained quotes from Dell and just needs a purchase order. The quotes run from \$700 to 800 each but with two departments functioning with no computers or phone lines, it is imperative to purchase equipment. Other than the state computer, her communication ability is limited at this point.



The quotes received are for decent computers, with Windows 7 Professional and a word program. A discussion ensued about computer needs vs cost, age of current computers and the disposal rather than repairable nature of same. It was agreed to move ahead with the purchase as proposed for Court and Roads. Also noted was that these are on state contract and will be charged to the capital ordinance. Computers are also needed for Construction and Open Space. The latter needs more power and Mr. Pfeiffer relayed that Marla Ashton is researching what is needed to run the necessary software, e.g., GIS. The computer requested by the Construction Official is \$2700 and was not acted upon. Five laptops, as well as three desk top computers, for the police department were also noted as being needed per a text message received from Lt. Bartzak. These too are state contract with free shipping and have been spec'd out for their program needs. As the need for a **cell phone**, Mrs. Hoagland relayed that it would make communications with the prosecutor much easier than with an e-mail or a fax. 3) The newer of the replaced **A/C** units at the firehouse has been rescued for use at the police department. The Clerk was instructed to contact Tillett to get it hooked up and to move forward on the Sanyo replacement. 4) The **computer** issue was discussed earlier. 5) The recent **Doherty forum** on school funding was well attended and he did a real good job. The mayor's message will be updated shortly and there will be a power point slide presentation as well. 6) An e-mail was received from Engineer Clerico stating that the Road Supervisor is satisfied with the center island work. Therefore, the landscape restoration has been accepted by the Township Engineer as well as all the work identified in the November 16, 2010 punch list, with the exception of misc item #5 related to the Hunterdon County Board of Health. The recommendation of Township Engineer is that the maintenance guarantee be released once notice is received from the County that the open well issue has been resolved. The **punch list** will then be completed. 7) The **dumpsters and clean-up day options** were discussed earlier in the evening. 8) In response to an e-mail from Chief Ent about damage at the Fire House by the contractors for the **energy audit program**, Mr. Fisher explained how this program was funded and the benefits to West Amwell. Originally municipalities had to have a population of over 20,000, but the League pushed for inclusion of small municipalities. The State then came up with a program that would allow a municipality to get a \$500 grant for energy updates. If a municipality took advantage of the program, and had the energy updates installed by a specified contractor, another \$20,000 was added to the grant. This is what transpired and the Township received \$50,000 for energy updates. However, these energy updates were not for re-doing electrical or a/c systems, only to swap out equipment to gain more efficient ones. The Township received \$119,500 worth of energy upgrades for nothing. Addressing the complaint that the contractors left a mess at the fire hall, Mr. Fisher commented on the broken grate over the fan, which will be fixed by Mr. Hoagland, the over-head heater swap-out, and the problem with lighting due to the installed heater. Originally two heaters were to be installed but due to physical space, only one was replaced in order to stay within code. As far as the florescent lights now covered by the new heater, these will have to be moved to compensate. Mr. Fisher re-iterated that the Township was on the receiving end of \$119,500, including a \$8000 radiant heater. He will speak with Chief Ent but noted that this was a deal that the Township couldn't pass up.

**Discussion** on the disposition of **Block 12 Lot 14** resulted in direction given to Attorney Faherty to prepare an appropriate letter to the people who have previously expressed interest in the property. Names and address will be provided.

As for **2012 professional services** direction, the Planning Board has expressed a desire for RFP's for all Board professionals; would like to piggy back with the Township to save money; and, would like to see this advertised on the Democrat as well as the website. Township professionals such as Auditor and Engineer were also mentioned as possibilities but tying these to the budget cycle was offered by Mr. Rich. The possibility of extending current contracts by six months was suggested. Item held for further discussion at the next meeting.

**Release of Performance Bond/Acceptance of Maintenance Bond** – Alexauken Creek Road/Elizabethtown

RESOLUTION #143-2011

WHEREAS, Elizabethtown Gas has completed their construction of a gas line on Alexauken Creek Road; and

WHEREAS, the street opening for the stated project has been inspected and approved by the Township Engineer; and

WHEREAS, Elizabethtown Gas has requested the release of their Performance Bond and acceptance of total Maintenance Guarantee in the amount of \$30,574.44; and

WHEREAS, Attorney Faherty needs to approve the form of the proposed maintenance guarantee; and

WHEREAS, Engineer Robert J. Clerico has advised in his e-mail of July 25, 2011 to Township Clerk Olsen that the performance can be released to the applicant once the following items are met:

1. the required maintenance bond has been provided
2. verification is made that all outstanding engineering inspection escrow monies have been paid, and
3. that a nominal balance of \$1,222.00 is kept by the Township during the maintenance period to cover the cost of any follow up inspection that may be necessary

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 upon receipt of a fully executed maintenance guarantee and a determination made of the status of items 2 and 3 above.

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

#### **Hurricane Irene**

- *Flooding on George Washington & Woodsville Roads:* The problem on the former was relayed to the Road Supervisor at the time and the mayor is sure this has been addressed. It was explained that the volume of water washed all the stone off the drainage pipe, leaving it exposed. Mr. Fisher has been in contact with Mr. Castagna on the latter road. An e-mail was received from Engineer Clerico in response to the questions raised by the resident noting that as far as he could recall, the easement was put in place to protect an existing ditch; he didn't recall that there was any requirement to widen, deepen or otherwise modify it at the time of the original subdivision. It appears that the complaint involves an existing ditch that has been filled in over time by mother nature, or the property owner, and needs to be cleaned out. It's the property owner with the easement on their property who is responsible for cleaning it out. Attorney Faherty advised that at the time of the subdivision, as is normally done, there are several easements that are part of the whole process. One of these was the easement that grants to the Township the right, but not the obligation, to do ditch work. The easement is not on the Castagna property, rather it is on the property of his neighbor. If the water is coming off of the Woodsville property onto the Castagna property, the Township has no responsibility. It's a private matter between the property owners. However, if the Township took advantage of that easement and put a ditch or something in there, it would be the Township's responsibility to do whatever would be needed to keep the ditch clean and running freely. Mr. Fisher relayed speaking with Attorney Shurts about the easement delineation and survey and that he visited the site. However, it is hard to tell if actual digging was done. That the easement itself doesn't refer to any ditch was noted by Attorney Faherty and re-iterated that all the easement does is to give the Township the right, but not the obligation, to do something there. If the Township Engineer were to inspect and find a problem, he might make a recommendation to the Township but that hasn't been done and the Committee is under no obligation to do anything. It's a civil matter. Also, as long as Mr. Wiacek has not done anything affirmative to cause that water to flow onto Mr. Castagna's property, he's not at fault either. Upon a question by Mr. Rich as what needs to be done, Mr. Fisher stated that it looks like there was a swale there at one time but nothing was found that indicated that work had actually been done. The subdivision involved one house on 12 acres which became the house and lands remaining, a flag lot and another lot on Woodsville Road. The property has been cleared so what was wooded and brushy is now a lawn. Mrs. Olsen relayed that Mr. Castagna indicated to her that he would be contacting Mr. Wiacek about easement responsibility; has contacted an attorney; and, has several questions, such as: was this ever built during development of the properties; did the township inspect to ensure the work was done according to the easement; who was responsible to ensure that this was done; who was responsible to ensure that it worked according to plan; was anything approved by the township with respect to his easement; and since the Castagna's were mentioned in the attachment, should they have been notified of this requirement. He is trying to get this ironed out before the insurance people come to inspect as this is not first time his place has flooded; wants to make sure that steps are taken to alleviate the problem; and, hopes that by talking with Wiacek, something can be worked out. The item was determined not to be a Township one.

- *Storm Damage, Remediation, Generators & Toll Culvert:* Mr. Fisher requested this be added, noting that he assumes that the Township Engineer and Road Supervisor will be out

this week to look at Mill Road.

Harry Heller came forward and overviewed documented Township damages, including roads, bridges, culverts and overtime, to be around \$298,000. Private damage assessment is approximately \$1,180,000. This number was arrived at by using the standard damage assessment format--5% for flooding in the basement and 5% of the property's improvement value. He and Deputy Mayor Fisher attended one of the kick off meetings to get registered and let FEMA know that the Township would be applying for funds. All steps in the process are up to date and where we need to be. The next meeting will involve FEMA coming out and advising of the forms to be filled out and what else has to be done. Mr. Heller noted that he's had conversations with the Clerk about what is needed and has been advised that the CFO has done this type of thing before as well. Mr. Rich commented on the large hit to the Township and stated that FEMA better come through! With the declaration being for both public and private losses, Mr. Heller indicated that the Township should be getting some money from FEMA.

A written quote for generator repair has been elusive but word is that if it will cost more to fix than to replace, there's a good possibility that FEMA may just replace it. The cost of a 60K diesel generator could run \$20,000. However, the current one has only 275 hours on it—hardly broken in--and may be worth fixing. Mr. Fisher relayed that SHREC is talking to third party energy providers and the possibility of using machines of that size for like peaking stations, so when they're turned on and hooked to the grid, a payment comes in. Mr. Molnar relayed that the problem with these new diesels is that they have low sulfur fuel which kills the injection pumps—something that Mr. Hoagland has had a problem with at the DPW. It was suggested that perhaps the contractor that DPW uses would come and provide a better price on the repair. Mr. Heller indicated that his contact is the one used at the 911 center; that he's had good interactions with them; and, they were the ones that came out. If he could have gotten it going, he would have. Mr. Heller continued that he's had dealings with the general public and found most folks to be very understanding. However, it is important to urge everybody to file with FEMA, no matter what. The deadline is 60 days from the day of the event—around the end of October. The disaster response center is open at the County Complex on Route 12. Mr. Heller strongly suggested that everyone register, even if they don't think they have damage, because in a couple of years, they may suddenly realize that their walls are filled with mold. Once FEMA has been contacted, a disaster assistance number is issued. Registration can also be made on line. In addition, once registered with FEMA, it becomes the property owner and FEMA with the Township out of the middle, although there will be a list of people that received damage. As for FEMA municipal assistance, this is an unknown until the to-be scheduled kick off meeting is held. Mr. Heller also noted that he's asked to have the Township Engineer come out and look at various things and is hopeful that this will materialize. He was advised that Rob Martucci is expected out this week for a preliminary estimate of construction costs.

Sean Pfeiffer inquired whether the bridge on the Toll property was a patch or a total re-build and was advised that it was latter. The cost amounted to \$11,380 and was completed under the emergency repair provision. This will go into the Township's damage file for submission to FEMA.

Other cost submittals to FEMA include dumpsters; engineering fees; and, anything to return the Township to pre-Irene status. The leaky firehouse roof was questioned but this can't be a FEMA submission. However, there's money in the bond ordinance and the consensus was that a measurement be sought in order to get quotes for a re-roofing. The Clerk was instructed to get a price on the required work.

A key communicators list was questioned and Mr. Heller advised that this is underway. His thought was to have 10 folks around the Township connected to residents and was open to suggestions for names. Also needed is another OEM person. The bench strength of the various positions was mentioned. Another item mentioned was the County list serve through Nixell. This would send text messages vs an e-mail list serve arrangement. A link on the Township website to the Nixell was also mentioned. As to who would send the Nixell messages, possibilities include the OEM Director, the Township Clerk, and the Police Department. A resident sign-up would be needed. Mrs. Hoagland suggested using the school's list serve as a lot of people are reached via e-mail.

Mr. Rich relayed that Lambertville sent a letter to BPU requesting an audit of United Water and has obtained a copy. He's concerned that United Water didn't stay in touch with our OEM Director because they were unaware that they were in the Township. Mr. Heller stated that even after all the smoke at the last meeting, he's not heard a word from them although he did distribute his business card with his home phone number. He agreed that somebody should look at them. Mr. Rich questioned whether the Committee would like to write to the BPU in support of our neighbor and was directed at the upcoming League resolution that welcomes an investigation into certain public utilities.

Mr. Molnar commented that Bill Comly contacted him about donating a generator to run the

DPW garage to be used in the event power is lost again. Mr. Comly will eventually be updating a generator at his home and would like to donate the old one. The time frame for this is unknown but the generator is probably a 5K which is enough to run the gas tank.

#### **NEW BUSINESS**

**Creekside Preserve Development** – Township Engineer Clerico is conflicted with the principals of the development group. Robert Lorentz of Heritage Consulting Engineers has provided a ***professional services contract*** and required paperwork for this appointment. This submission has been reviewed and approved by Attorney Faherty.

#### **RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR & OPEN CONTRACT FOR A SUBSTITUTE TOWNSHIP ENGINEER FOR THE CREEKSIDE PRESERVE DEVELOPMENT**

##### **RESOLUTION #144-2011**

WHEREAS, the Township of West Amwell has a need to acquire services of a Substitute Township Engineer as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

WHEREAS, the Treasurer has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year and may be extended as approved by this governing body; and

WHEREAS, Robert F. Lorentz, P.E., C.M.E. of Heritage Consulting Engineers has submitted a proposal dated September 26, 2011, indicating they will provide Engineering Inspection Services for the Creekside Preserve Development as a continuation of their work on stated project; and

WHEREAS, a Political Contribution Disclosure form has been received from Robert F. Lorentz of Heritage Consulting Engineers and is on file; and

WHEREAS, Robert F. Lorentz of Heritage Consulting Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that Heritage Consulting Engineers has not made any reportable contributions to a political or candidate committee in the Township of West Amwell in the previous one year, and that the contract will prohibit Heritage Consulting Engineers from making any reportable contributions through the term of the contract, and

WHEREAS, sufficient funds are available in the 2011 Municipal Budget for the Township of West Amwell under line item Engineering Services OE and various trusts and escrows

NOW THEREFORE, BE IT RESOLVED that the Township Committee of West Amwell authorizes the Mayor to enter into a contract with Robert F. Lorentz of Heritage Consulting Engineers as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FINALLY RESOLVED that the notice of this action shall be published in the newspaper of general circulation within the Township of West Amwell not more than ten days from the enactment thereof

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

The ***Developer's Agreement*** with BDNJ Limited, LLC has been reviewed by Attorney Faherty; is in proper form; and, ready for signature. It covers points that were put in the resolution allowing the project to go through. It's basically to protect the Township and was prepared by BDNJ attorney, Dan Haggerity of Stark & Stark.

The mayor was authorized to execute the agreement on motion by Fisher, seconded by Molnar.  
Roll Call: Rich-abstain, Fisher-aye, Molnar-aye

**Excess Police Vehicles** – Mr. Fisher offered that there may be excess vehicles by the looks of the parking lot at the police department. It was explained that this is because the cars are no longer parked at the DPW garage. However, the mayor will speak with Lt. Bartzak about the

possible use of the Explorer for an Animal Control car as the animals have to be in a temperature of between 45 to 75 degrees. There was consensus that since there are two new vehicles, two older ones should be removed from service.

**Future Fire & Police Facilities** – The Finance committee is doing another audit of all the buildings. Art Neufeld has completed the application. He has also acquired a couple prices for new buildings, which would run in the neighborhood of \$800,000. Kitchen facilities might also be included in that price. Joe Ent indicated that he was not in favor of this particular item. Mr. Fisher advised that the group will be looking at buildings and are still trying to get a handle on what the present building will cost to refurbish. Mrs. Hoagland questioned whether the basement project is still under consideration and was advised that it was not. Plans are on file.

**IT Services and Communications** – This item was mostly addressed earlier but Mr. Fisher noted that he'll be speaking with an IT guy at Staples.

**Consideration of Resolution Commending Municipal Response to Hurricane Irene and Welcoming An Investigation into that of Certain Public Utilities** –

**RESOLUTION #145-2011  
RESOLUTION COMMENDING MUNICIPAL RESPONSE TO HURRICANE IRENE  
AND WELCOMING AN INVESTIGATION INTO THAT OF CERTAIN PUBLIC  
UTILITIES**

**WHEREAS**, in preparing for, dealing with, responding to and recovering from the devastation brought to our State by the winds and rains of Hurricane Irene, New Jersey municipal officials and local police, fire, rescue and EMS personnel – both paid and volunteers - once again ably demonstrated their selfless commitment to their hometowns, their neighbors and their duty; and

**WHEREAS**, by that commitment, and by their cooperation with adjoining municipalities, with county coordinators, and with Federal and State emergency management agencies, local officials and first responders confirmed the need for a government close to the people and immediately available to them in their need; and

**WHEREAS**, when the needs of their fellow citizens called for a response beyond the power of local officials, immediate contact was made with responsible parties and the reaction of those concerned closely monitored by New Jersey Mayors and municipal governing body members; and

**WHEREAS**, the lengthy wait of thousands of their fellow citizens for the restoration of essential utility services, such as electric, has angered and frustrated local officials, leading to calls for an explanation; and

**WHEREAS**, in response to those calls, Board of Public Utilities President Lee Solomon has added his voice to theirs and he has, further, pledged that the Board of Public Utilities (BPU) will investigate and review thoroughly the conduct of all utilities, and their parent companies during this crisis; and

**WHEREAS**, President Solomon has stated that if the review, which will include public hearings, indicates that adequate preparations were not made in advance of the storm, or adequate resources not dedicated to deal with its aftermath, then the BPU will hold the utilities accountable; and

**WHEREAS**, we sincerely welcome those assurances and thank President Solomon for them;

**NOW, THEREFORE BE IT RESOLVED**, that the governing body of West Amwell Township does join in commending our courageous first responders and our fellow local officials, throughout the State, for their selfless commitment and tireless service before, during and after New Jersey endured the impact of Hurricane Irene; and

**BE IF FURTHER RESOLVED**, that we, likewise, commend State and Federal emergency management professionals and those at the county level who report to them, as we commend

BPU President Solomon for his leadership in holding accountable those parties responsible for delivering vital utility services to our fellow citizens; and

**BE IT FURTHER RESOLVED**, that we compliment and acknowledge the excellent efforts by Governor Christie and his administration, for their extraordinary efforts in dealing with this emergency and for their helpfulness and hands-on approach in working with our State and Local Officials; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to the New Jersey State League of Municipalities, to Governor Christie and to our State Senator and to those who represent us in the General Assembly.

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

**HC ESC Bid Renewal for Gasoline, Diesel & Heating Oil** – New bids are in. The Township has been using the co-op for these commodities and continuation was recommended by the Clerk. The bid is in effect from October 7, 2011 through October 6, 2012 and all that is required is to notify the vendor of Township participation. For the Township to solicit its own bids doesn't make sense when a better price can be obtained with a co-op. Mr. Fisher noted that he attended a meeting last week with Lambertville and third party providers of energy. They're looking into using the SHREC to purchase electricity as fuels as a group. He stated that Birdsall, the SHREC vendor, will be calling about gasoline and diesel usage but that they have the electric usage numbers already. His only concern with using the co-op was over being locked in should a better opportunity present itself. This should not be a problem.

**Letter from Jerrie Hoover re: Possible Township Interest in Block 12 Lot 30** – This is a landlocked parcel off of Rock Road West. No interest was expressed in obtaining this property. A letter to that effect will be sent.

**Survey Requests** – The ***Emergency Funding (DEP)*** survey was determined to apply only to water supply and wastewater treatment facilities and, therefore, not applicable. The decision was not to participate in the survey on ***Shared Services*** received from LaMont Rouse, the results of which were to be presented at the 2<sup>nd</sup> annual Northeast Conference on Public Administration.

**Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40a:11-12A** – The dump truck was authorized in the bond ordinance; however, there is no spreader. Mr. Hoagland will address that separately. The computers will also be included in the vendor listing. There was agreement for adding the 5 State contract lap top computers for the police. Mr. Fisher commented that a router is needed for the Township building in order to get wi-fi. A projector so that everyone can see the same documents as the Committee is also on the to-do wish list. A plan for equipment has to be formulated.

#### RESOLUTION #146-2011

WHEREAS, the Township of West Amwell, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.20 ©), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of West Amwell has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Township of West Amwell intends to enter into contracts with the attached Referenced State Contract Vendor(s) through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Township of West Amwell authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Township of West Amwell pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED, that the duration of the contract(s) between the Township of West Amwell and the Referenced State Contract Vendor(s) shall be from July 27, 2011 to December 31, 2011.

<u>Commodity/Service</u>	<u>Referenced State Contract Vendors</u>	
	<u>Vendor</u>	<u>State Contract #</u>
2011 Ford F-450 4WD Reg Cab 141" WB 60" CA XL	Warnock Fleet	A78848
Computers/Lap tops	Dell	WN88ABZ

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

#### **OPEN TO THE PUBLIC**

No one came forward.

#### **ADMINISTRATIVE REPORTS**

Treasurer

##### **RESOLUTION #147-2011**

WHEREAS, there is an old outstanding check more than one year old in the Housing Trust bank account in the amount of \$2,508.87 and said amount should be canceled

NOW, THEREFORE BE IT RESOLVED, that the Township Committee hereby authorizes the Chief Financial Officer to cancel the old outstanding check and return the funds to the Housing Trust surplus.

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

#### **Presentation of Bills for Approval:**

##### **RESOLUTION #148-2011**

BE IT RESOLVED by the Township Committee of the Township of West Amwell that the vouchers listed on the Bill List, in the amount of \$881,148.05 dated September 28, 2011, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

Rich motioned to approve the evening's bills for payment. Molnar seconded. Motion carried unanimously. The Verizon bill was left unsigned due to problems with service.

Treasurer Report and Statement of Cash: Appropriations through September 28, 2011 were provided and reviewed. As of August 31, 2001 there was a cash total in all accounts of \$5,660,927.34.

#### **Tax Collector –**

##### **RESOLUTION #149-2011**

WHEREAS the Tax Collector of West Amwell Township has been shown proof and in accordance with the Tax Assessor agrees that Daniel R. Shea, owner of Block 20 Lot 17.01 in the Township of West Amwell, is totally and permanently disabled as a result of service to the United States, and has been so declared by the Veteran's Administration; and,

WHEREAS in accordance with N.J.S.A. 54:4-3.32, the governing body of any municipality may refund the amount of taxes collected on any property owned by a 100% permanently disabled veteran, and declare the residence tax exempt for further property tax; and,

WHEREAS Mr. Shea has received such notification that he is a completely disabled veteran on January 6, 2011 from the Department of Veteran's Affairs

THEREFORE BE IT RESOLVED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey that Mr. Shea's residence be exempted from all property taxes and that the \$2,968.81 which has been paid in taxes for 2011 be returned to Mr. Shea; and,

BE IT FURTHERMORE RESOLVED that the property be tax exempt as long as it is owned and occupied by Daniel R. Shea or by his surviving spouse in accordance with the continuance of the right to exemption.

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

The monthly report for August 2011 was received showing receipts in the amount of \$2,660,709.99

**Clerk/Human Resources –**

A spreadsheet of costs125 Plan was presented. This is a health savings plan for employees and something that is mandated by the pension reform legislation. The CFO has recommended that the Township stay with ADP as they do the payroll. ADP would then administer the program and meet with employees for a sign up. Using the FSA would reduce the employee's salary by utilizing pre-tax dollars and provides a savings for the town in social security and FICA payments. The down side for the employee is 'use it or lose it' by the end of the year and, for those nearing retirement, a reduction could affect future Social Security payments. The downside for the town is that an operating account must be set up and funded up front, which could be tough on cash strapped towns. The Clerk stated that she contacted the League about this mandate as they have the authority to take complaints of this nature to the Council on Unfunded Mandates...if two or three municipalities are also concerned.

S & W Resolution Amendment

RESOLUTION #150-2011  
SALARY & WAGE RESOLUTION

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

Position	Salary/Compensation
<u>Add:</u> Substitute Electrical Sub-Code Official & Inspector Buchanan	\$32.19/hr

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

**Construction** – The Permit Fee Log details, Monthly Activity Report-Permits (15), Payment Audit Report, Monthly Activity Report-Certificates (8), Certificate Log Detail were received for PermitsNJ. The following **deposits** were made: June - \$6,884.00; July - \$4,732.00; August - \$2,998.00

**Police** – The August 2011 Monthly Report showing 203 incidents, 141 summonses and 3 warnings was received.

**Zoning Officer Report** – The August report of activities was received. Numerous phone calls, e-mail correspondence, office meetings and interpretations were noted. The following **deposits** were made: June - \$160.00; July - \$110.00; August – 0.00

Motion by Rich, seconded by Fisher to accept the reports as filed was carried unanimously.

RESOLUTION #151-2011

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:  
POTENTIAL LIGITATION
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.

Motion by Molnar to approve the Resolution, seconded by Rich, and carried unanimously.

*The meeting returned to Open Session at 11:30 p.m.*

The issue of the Salvin bridge was briefly reviewed. Mr. Salvin is apparently of the belief that the road caused his bridge problem. Mr. Molnar indicated that the engineer should decide, although Mr. Fisher is of the opinion that an engineer isn't needed to see that the bridge narrowed the creek. The consensus was that the Township Engineer will be requested to take a look.

#### **CORRESPONDENCE**

The correspondence as listed on the Agenda was ordered filed.

#### **ADJOURNMENT**

There being no further business, the meeting was unanimously adjourned at 11:31 p.m. on motion from Molnar, seconded by Fisher.

Respectfully submitted,

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Lora L. Olsen, RMC  
Township Clerk