

**WEST AMWELL TOWNSHIP COMMITTEE MEETING**  
**December 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     p.m. Present were Mayor Molnar, Deputy Mayor George Fisher, Committeeman Zachary Rich and Attorney Philip J. Faherty III. Also in attendance were Cathy Urbanski, Sean Pfeiffer, Chris Rose, Tom Carro and Democrat Reporter Christine Rojas.

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**

Christine Rojas led the assembled group in the pledge to the nation's flag.

**AGENDA REVIEW BY TOWNSHIP CLERK**

The following items were added: 9.A Letters Concerning Certified Recycling Coordinator; 10.G Resolution Awarding a Salt Spreader; 12.A Britton Unpaid Bill Status. 12.C was deleted.

**ANNOUNCEMENTS**

The following announcements were made:

- Annual Township Re-Organization Meeting – January 2 @ 1:00 p.m. DATE CHANGE
- Municipal Offices Closed January 2<sup>nd</sup> (New Year) & January 16<sup>th</sup> (MLK Day)
- 2012 Dog Licenses due by January 31<sup>st</sup>
- First Energy Tree Pruning Commences October 20<sup>th</sup>, Ongoing
- PSE&G Power Line Work, Various Lines, Ongoing Until 2012
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

**PRESENTATION OF MINUTES**

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

December 7, 2011 Special Meeting  
December 7, 2011 Closed Session (Purchase, Lease or Acquisition of Real Property)  
December 7, 2011 Regular Meeting  
December 15, 2011 Special Meeting  
December 20, 2011 Special Meeting

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

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

**Public Hearing:** Ordinance 20, 2011 AN ORDINANCE TO AMEND CHAPTER 94, SECTION 2 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY – Food Handling Establishments

Proof of publication in the December 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 November 23, 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 Rich seconded. Roll Call: Fisher-aye, Rich-aye, Molnar-aye

**SPECIAL AND/OR STANDING COMMITTEE REPORTS**

**Open Space**

- *Adam Project Update:* The closing was held on Friday with Green Acres funding received to cover the cost involved. A reimbursement form to recover soft costs will be submitted to Pam Thier at Green Acres and will include the two bills from Attorney Dragan (\$1087.80 and

\$1396.50), although the actual proof of payment will be delayed. Sean Pfeiffer noted that the reason for this is that Green Acres funds expire at the end of the year. He anticipates a return of about half of the total submitted. Mayor Molnar was unanimously authorized to sign the submission form.

- *2011 Preservation Total*: Eighty-eight acres were preserved this year bringing the total to 5,363.

- *Toll North (Amwell Chase) Project Update*: The farm was ranked top in the County for State and County funding. Based on our system and Master Plan, it's also the top farm in the Township. In order to continue with County procedures, Toll will have to sign an option agreement. The cost to the Township would be 20% of the land value. If it gets in the County PIG, there will be no soft costs except for Attorney Dragan's work on ordinances.

- *Preserved Properties Map*: Mr. Pfeiffer relayed that this item was discussed at the Planning Board. A first draft was received but over 1500 acres were missing due to the tax map at the County not being up-to-date. Sue Dziemara was contacted and they may help with preservation mapping, although there would be a charge. However, before anything could be done, the tax map layer would first need to be updated.

- *Open Space Bill List/Invoice*: Attorney Dragan's bills of \$1087.80 and \$1396.50 were approved for further processing.

- *Authorization to Post November 2011 Minutes*: Approved

### **Environmental**

- *Authorization to Post October 2011 Minutes*: Approved

- *Proposed Legislation, S1954/A4358, Timber Harvesting on State Lands*: Cathy Urbanski spoke about the resolution received from Readington Township concerning the proposed 'timber harvesting on state lands' bill that could see legislative action in early January. The legislation would permit the commercial logging of huge trees from State forests...lands that were paid for and preserved with support of public funds. Concern was expressed for the potential damage to the canopy, non-regeneration of hardwood species due to high deer densities, which in turn would lead to colonization of noxious weeds, etc. The topic was recently discussed at the Environmental meeting but a wait and see approach was advised. This will be an agenda for the January 25<sup>th</sup> meeting.

### **Community Forestry**

- *Management Plan*: Two-thirds of the report was distributed with the remainder to arrive shortly. The Clerk relayed that Mr. Robinson has advised he will request an extension. The plan was approved for submission.

- *2011 Annual Accomplishment Report*: Not received. Status will be checked.

The Township could lose its approved status if these items and the CEU requirements are not met.

### **Website**

This was viewed prior to the meeting and was well received.

### **UNFINISHED BUSINESS**

**Updates** – 1) There were only two responses to the solicitation sent out concerning the former **Perrine** property but only one actual offer received. Chris Rose offered \$75,000 and requested that Township be the lien holder. This is permissible but only with a 5 year window for total payment. Discussion ensued over the structure of terms and the type of protective measures needed by the Township should something happen to Mr. Rose. The well issue was also mentioned. Mr. Rose relayed that he is willing to accept the risk associated with the property, as opportunities like this do not come along too often, and his desire to move back to the area. Getting the property fixed up and back on the tax roll is a township goal. CFO Tom Carro addressed the issue of payment and provided information on the monthly cost for the scenario under discussion. Mr. Pfeiffer offered that with private mortgages, the minimum interest rate as 3.8%; questioned whether this would apply; and, suggested that IRS regulations be checked. He also noted that the rate changes on a monthly basis. Attorney Faherty relayed that the range is 2-4%. The unanimous consensus of the Committee was for Attorney Faherty to prepare the agreement of sale in the amount of \$75,000 @ 3% interest with yearly payments of \$15,000 with a final balloon payment to close the deal within the 5 year limit. Attorney expenses will be paid by Mr. Rose. 2) A January 9<sup>th</sup> meeting with the **JCP&L** representative is confirmed. Mr. Anderson has relayed that he has the engineering report and will bring two reliability engineers with him. There will also be a power point presentation on outage history, along with a Q&A session. The recent revelation that there is a customer well list will also be questioned. A reply from the **Verizon** representative is pending. 3) The anticipated **Tree Inventory** for the Toll property was held. 4) The selection criteria to be used in awarding Fair & Open contracts

was relayed. The **professionals** selected for 2012 through this process were announced—Township Attorney & Prosecutor, Phil Faherty; Open Space Attorney, Sharon Dragan; Bond Counsel, Andrea Kahn; and after a prolonged discussion, Engineer, Maser Consulting. Shirley Bishop will be requested to submit a contract for affordable housing consulting work for award later in January. A **preliminary agenda and resolution packet** for the Re-organization meeting was distributed for review. 5) New Jersey Clean Energy has advised that approval has been obtained for the facilities applied for and that a contract can now be executed with the auditing firm, Dome-Tech, for the **energy audit**. The total approved program incentive is 100% of total cost, which is \$11,050.00. Mr. Fisher relayed that the focus on this audit is on the building envelope. For actual building fix-up, the company will look for grants to cover the cost. A walk-thru of the buildings, starting with the Fire House, to begin the process will take place the 2<sup>nd</sup> week of January. A work order from Dome-Tech was presented. The mayor was authorized to sign on motion by Fisher, seconded by Rich. Motion carried unanimously. 6) The proposed letters to legislators and municipalities concerning the mandate for a Certified Recycling Coordinator were approved for processing. The possibility of partnering with Lambertville once their DPW person completes the course and passes the exam was mentioned.

## **NEW BUSINESS**

**Possible Alexauken Implementation Grant Resolution** – Mrs. Urbanski reported that \$540,000 was applied for but the amount approved was \$1300 more. Therefore, there's no budget form completed as re-allocation is needed. The proposed projects were shared and Princeton Hydro will make the recommendation. She relayed that the Clerk had to produce the packet this time and advised that she keep track of time spent on the project as there is \$20,000 in administration money.

### **RESOLUTION #191-2011** (See attached)

The Resolution was unanimously approved on motion by Fisher, seconded by Rich. The application packet will be hand carried to Princeton Hydro in order to make the January 5<sup>th</sup> date.

**Animal Control** – Mr. Fisher reported on the meeting with Lambertville and East Amwell concerning a shared service for this position. All agreed that it was a viable project and that West Amwell would be a lead agency. He and Mrs. Olsen then met with Nate Barson concerning salary. An \$18,000 salary as an employee was discussed, of which each municipality would pay \$6,000. FICA, gas, etc. would be in addition. It is expected that the ACO costs will be offset with additional revenues. A discussion this afternoon with Mr. Barson about using his LLC instead was then mentioned. This option would mean no administrative costs, no vehicle, equipment or insurance considerations. Mr. Barson was contacted via cell phone and the pros and cons of this option discussed by speaker phone. Specifically mentioned was the LLC would streamline with process because Mr. Barson could then hire another officer to cover when needed, there would be the ability to get a day off, only one vehicle would be necessary to serve all municipalities, and, only one set of paperwork would be needed for the administrative work. Mr. Barson's discussions with Delaware Township were reviewed and their non-shared service direction noted. Delaware has offered a salary of \$11,000 plus a vehicle, phone and uniform, contingent on their Board of Health discussions on January 4<sup>th</sup>. For the use of his LLC, Mr. Barson relayed that the cost would be \$7,500 for the municipalities of East Amwell, Lambertville and West Amwell. The purpose is to simplify the operation for all concerned. Mr. Fisher will speak with East Amwell and Lambertville about this proposal.

The purchase of software from FRA Technologies for their MACS animal licensing product was approved. The Township was offered a 20% discount because there are currently less than 500 animals licensed. The total cost is \$2,076 and includes unlimited telephone and remote access support and annual updates, installation, set-up and training, as well as a 2012 maintenance contract.

**Municipal Alliance Contracts for 2012** – Unanimously approved for execution by the mayor on motion by Fisher, seconded by Rich.

**Disposal Services Agreement for 2012** – The current contract expires December 31<sup>st</sup>. A renewal for 2012 was unanimously approved on motion by Fisher, seconded by Rich.

**DEP's Letter Concerning a Revised Flood Ordinance** – A draft ordinance must be received at DEP by January 13<sup>th</sup>. The changes required have been provided and Attorney Faherty was instructed to put this into ordinance form and circulate prior to submission.

**Proposed Resolution Concerning Affordable Housing Trust Funds** – Shirley Bishop is waiting to hear from the AG's office about whether the settlement agreement would be considered a firm commitment for the trust fund money. Although the initial recommendation was to table the resolution provided, it was decided to proceed with the understanding that it could be revoked if necessary.

RESOLUTION #192-2011  
**Resolution Committing Affordable Housing Trust Funds for  
Affordability Assistance**

**WHEREAS**, the Council on Affordable Housing (COAH) certified the West Amwell Township Housing Element and Fair Share Plan on May 14, 2009; and

**WHEREAS**, the certified plan contained 14 special needs bedrooms that were to address West Amwell's very low income obligation; and

**WHEREAS**, Fair Share Housing Center (FSHC) appealed COAH's grant of substantive certification because FSHC stated that half of the very low income obligation must be addressed with family housing, as per a COAH letter issued to municipalities on October 30, 2008; and

**WHEREAS**, as a result of the appeal, West Amwell entered into negotiations and a compromise settlement was reached on November 16, 2009; and

**WHEREAS**, in the Settlement Agreement, West Amwell agreed to designate two existing low income accessory apartments, when available, for very low income households; and

**WHEREAS**, West Amwell agreed to subsidize the difference between the low income rent and the very low income rent for 10 years; and

**WHEREAS**, as two low income accessory apartments become available, it was agreed that they will be marketed for a period of 30 days in accordance with the Township's approved marketing plan; and

**WHEREAS**, if no very low income households are found, the marketing will continue for an additional 15 days; and

**WHEREAS**, if no eligible very low income households are found during that 45 day period, then the unit may be rented to a low income household; and

**WHEREAS**, West Amwell has calculated the difference between the low income rent and a very low income rent; and

**WHEREAS**, the subsidy to the owner(s) of the accessory apartment(s) was discounted to present value with an upfront lump sum given to the owner in return for maintaining the accessory apartment as a very low income unit for 10 years; and

**WHEREAS**, there are both one and two bedroom existing low income accessory apartments in West Amwell; and

**WHEREAS**, the prospective subsidy was calculated using a COAH-calculated two bedroom low income rent and a COAH-calculated very low income rent; and

**WHEREAS**, the difference for one accessory apartment is \$373 per month which, when discounted to present value is \$35,792 per unit; and

**WHEREAS**, the cost of subsidizing two low income accessory apartments as very low income is approximately \$71,584; and

**WHEREAS**, this subsidy shall be paid from West Amwell's affordable housing trust fund; and

**WHEREAS**, the New Jersey Department of Community Affairs (DCA) has stated that all trust fund money that has not been expended or committed to be expended by June 30, 2012 will be taken by the State of New Jersey; and

**WHEREAS**, in light of the Settlement Agreement, the affordability assistance of \$71,584 to render the low income units as very low income is considered committed; and

**WHEREAS**, West Amwell Township shall transfer \$71, 584 from its affordable housing trust fund into a separate and distinct municipal trust account that is specifically dedicated for affordability assistance to subsidize two low income accessory apartments as very low income unit.

**NOW THEREFORE BE IT RESOLVED** that the Township Committee of West Amwell Township authorizes the transfer of \$71, 584 associated with the subsidy requirement of the Settlement Agreement into a separate and distinct municipal trust account that is specifically dedicated for affordability assistance for two very low income accessory apartments.

The Resolution was unanimously approved on motion by Fisher, seconded by Rich. The Clerk was instructed not to implement the directive at this time.

**Resolution Awarding a Salt Spreader** – Mr. Molnar relayed that this equipment is for the new truck.

**RESOLUTION #93-2011**

WHEREAS, there is a need for an inverted V stainless steel hopper salt spreader for DPW operations; and

WHEREAS, quotes were solicited by the Road Supervisor and received as follows:

Warnock Fleet	\$5597.00
U.S. Municipal	\$6566.00 + \$575 installation

WHEREAS, the quotes are under the bid threshold; and

WHEREAS, the apparent low quote was provided by Warnock Fleet; and

WHEREAS, a Business Registration Certification has been received

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the quote for an inverted V stainless steel hopper salt spreader for DPW operations be awarded to Warnock Fleet.

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

**OPEN TO THE PUBLIC**

No one came forward.

**ADMINISTRATIVE REPORTS**

**Treasurer –**

**RESOLUTION #194-2011**  
**Budget Transfers (See attached)**

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

**Presentation of Bills for Approval:** Zach Rich questioned several entries and was advised accordingly.

**RESOLUTION #195-2011**

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 \$294,367.80 dated December 28, 2011, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

Fisher motioned to approve the evening's bills for payment. Rich seconded. Motion carried unanimously.

A check to Britton Industries has been on hold. The company is calling concerning payment. The instruction given was to continue to hold and to pay before going to court.

Treasurer Report: Appropriations through December 28, 2011 were provided and reviewed.

**Tax Collector** – Eight resolutions were presented for consideration.

RESOLUTION #196-2011

WHEREAS, Tax Sale Certificate 2-2010 was acquired by West Amwell Township on July 13, 2010, and

WHEREAS, the State of New Jersey DEP has redeemed this certificate, in the amount of \$2,378.64.

THEREFORE BE IT RESOLVED, that this amount of \$2,378.64 be accepted by the Township for the redemption of this lien, and

BE IT FURTHER RESOLVED, that the Mayor endorse this certificate and that it be returned to the State of New Jersey DEP for cancellation.

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

RESOLUTION #197-2011

WHEREAS, there was a Tax Court judgment for Block 21, Lot 13 assessed to Bernard Costello by the New Jersey Tax Court, and

WHEREAS, the amount of the decreased assessment creates a credit of \$2,994.00 for overpaid 2011 taxes, and

WHEREAS, the Irwin Law Firm, as attorney for Bernard Costello has requested that this amount of \$2,994.00 be refunded to them,

THEREFORE BE IT RESOLVED, that a check be sent to Bernard Costello and/or The Irwin Law Firm as requested by Richard Danzis, accounting manager for the Law Firm for refund of these taxes.

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

RESOLUTION #198-2011

WHEREAS, there has been an overpayment for 2011 taxes for Block 17, Lot 8 in the amount of \$1,390.99 by Jonathan Janyszeski, and

WHEREAS, Jonathan Janyszeski has requested that his overpayment be refunded to him,

THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue a check in the amount of \$1,390.99 and this check be mailed to Jonathan Janyszeski.

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

RESOLUTION #199-2011

WHEREAS there an overpayment of taxes for the following blocks and lots, and

WHEREAS, it is the desire of the Tax Collector to return these small balances to surplus before the New Year,

THEREFORE, BE IT RESOLVED, that the following credits be cancelled:

BLOCK/LOT	AMOUNT
3/15	.04
3.01/10	.08
11/5.03	.01
12/8	.01
21/27 Q0225	.01
23/11	.01
28/1.04	.34
28/26	.01
29/16 Q0024	.04
30/2	.27
31/5	.20
32/15 Q0175	.12
44/22	.07
TOTAL:	\$1.21

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

RESOLUTION #200-2011

WHEREAS there exists taxes due for the following blocks and lots, and

WHEREAS, it is the desire of the Tax Collector to cancel these small balances before the New Year,

THEREFORE, BE IT RESOLVED that the following balances be cancelled:

BLOCK/LOT	AMOUNT
3/20.13	.05
8/23.04 C0014	.01
12/16	.40
12/38 Q0208	.24
12/43	.17
13/6 Q0040	.20
13/12	.50
16/4 Q0205	.55
17/25	.20
18/17.01	.05
18/19.01	.46
19/3	.96
19/4	.01
22/2	.01
49/7	.01
TOTAL:	\$3.82

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

RESOLUTION #201-2011

WHEREAS, there has been a duplicate payment for fourth quarter 2011 for Block 3, Lot 20.48 in the amount of \$2,773.97 by Core Logic, and

WHEREAS, Core logic has requested overpayment to be returned to them,

THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue a check in the amount of \$2,773.97 and this check be mailed to Core Logic for disbursement to the homeowners.

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

RESOLUTION #202-2011

WHEREAS the Tax collector of West Amwell Township has been shown proof and in accordance with the Tax Assessor agrees that Frank Trauger, owner of Block 19, Lot 12.01 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 Frank Trauger has received such notification on September 11, 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 Frank Trauger's residence at 544 Brunswick Pike be exempted from all property taxes and that the \$2,780.53 which has been paid in taxes for 2011 since September 11, 2011 be returned to Mr. Trauger and,

BE IT FURTHER RESOLVED that the property be exempt as long as it is owned and occupied by Frank Trauger or by his surviving spouse in accordance with the continuance of the right to exemption.

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

RESOLUTION #203-2011

WHEREAS, there has been a duplicate payment for fourth quarter 2011 for Block 12, Lot 3 in the amount of \$3,172.38 by Princeton Assurance Corp, and

WHEREAS, Princeton Assurance Corp had made this payment on behalf of the homeowners and will be returning the \$3,172.38 to them,

THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue a check in the amount of \$3,172.38 and this check be mailed to Princeton Assurance Corp for disbursement to the homeowners.

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

**Police** – The November 2011 Monthly Report showing 182 incidents, 150 summonses and 0 warnings was received.

**Roads** – The October and November 2011 report of activities were received. Blacktopping, grading, stoning and ditching of various roads, as well as truck maintenance and preparation were specifically noted for October. Tree work, leaf blowing and brush chipping on various roads as well as pipe and pothole work, along with machinery maintenance were noted.

**Zoning Officer Report** – The November 2011 report of activities was received. Numerous phone calls, office meetings, and interpretations were noted. Eleven permits were issued.

The reports were unanimously accepted as received.

**CORRESPONDENCE**

The correspondence as listed on the Agenda was ordered filed.

**ADJOURNMENT**

Reporter Christine Rojas inquired about the former Perrine property—how it was obtained, the salt issue, how long it's been vacant, the sale discussed earlier in the evening, the assessment, etc., and was appraised accordingly. Questions were also raised about the energy audit to be completed by Dome-Tech and the issue of the Animal Control Officer. These were also addressed.

There will be food provided by the Township Committee members at the January 2<sup>nd</sup> Re-organization meeting. Resolutions for retirees need to be prepared. The condition of the shed,



and the possible need for a heater for same, at the garbage depot was briefly discussed.

There being no further business, the meeting was unanimously adjourned at 9:36 p.m. on motion from Fisher with Molnar noting this was his last meeting as mayor.

Respectfully submitted,

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Lora L. Olsen, RMC  
Township Clerk