

WEST AMWELL TOWNSHIP COMMITTEE MEETING

December 29, 2010

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 7:01 p.m. Present were Mayor Molnar, Deputy Mayor Frank P. Masterson III, Committeeman George Fisher and Committeeman-elect Zach Rich. Also in attendance were Sean Pfeiffer, Cathy Urbanski, Betty Jane Hunt, John Dupuis, Dave Beaumont and an unidentified couple.

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 Lambertville Beacon, Hunterdon County Democrat and Trenton Times on January 1, 2010, 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

Frank Masterson led the assembled group in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

Nothing was added.

ANNOUNCEMENTS

The following announcements were made:

- Township Committee Re-organization Meeting – January 1st, 1 p.m.
- Municipal Offices Closed January 3rd in Lieu of New Year's Day
- Municipal Offices Closed January 17th – Martin Luther King, Jr. Day
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The following minutes were unanimously approved on motion by Fisher, seconded by Masterson:

December 1, 2010 Special; December 1, 2010 Closed Session (Personnel; Contract Negotiations); December 1, 2010 Regular; December 13, 2010 Special; December 13, 2010 Closed Session (Personnel-Interviews; Contract Negotiations-Police; Professionals); December 13, 2010 Special – SHREC; December 16, 2010 Special; December 16, 2010 Closed Session (Contract Negotiations-Police; Professionals); December 21, 2010 Special; December 21, 2010 Closed Session (Personnel-Interviews)

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Sean Pfeiffer recalled discussions from the summer concerning State aid cuts as well as the 'poison pill' provision in the legislation and inquired if there was anything new on this front. He was advised by Mr. Fisher this has gone nowhere. Mr. Pfeiffer was also interested in the Township's bond rating that was reported in the papers and relayed that he had gotten CFO Luhrs' perspective on the situation. Although most every municipality is impacted, it raises questions for next year and another cut to the telecommunications revenues. He also noted that he had read the Moody's report and offered that the Township Committee did a good job on the settlement issue. Mr. Pfeiffer also offered to help next year with the State money situation. He also stated that CFO Luhrs provided invaluable assistance to the Open Space committee; that she was great to work with; and, most patient with the paperwork needed for the State. Mr. Pfeiffer concluded by thanking Mr. Masterson for his service to the Township these past three years.

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

Public Hearing: Ordinance 15, 2010 AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF OFFICE EQUIPMENT FOR AND BY THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$15,000.00 FROM THE CAPITAL IMPROVEMENT FUND

Proof of publication in the December 9, 2010 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at

the December 1, 2010 Township Committee meeting. Mr. Molnar read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was unanimously closed on motion from Fisher, seconded by Masterson.

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

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Authorization to Post November 9, 2010 Minutes:* Approved
- *Kilmer Soft Cost Reimbursement Package – Authorization to Sign:* Mr. Pfeiffer explained that this project goes back to 2004, with initial discussions with the property owners instituted by Hal Shute and Jamie Kamph in 2003. Appraisals were completed on the property in 2004; re-done in 2006 & 2007; and, required multiple updates due to various negotiations with the four owners involved. The project finally went under contract last year and recently closed. Application can be made for partial reimbursement of soft costs as soon as the last 4 cancelled checks are obtained tomorrow. The mayor's signature for the reimbursement was unanimously approved.
- *ROSI Update:* A new ROSI is required as several updates have been made to page 5. The document will need to be recorded and sent to Catherine Drake. Mr. Pfeiffer relayed that the Planning Board has authorized his signature on the document but that the mayor also needs to sign. Approval for the mayor to sign was unanimously provided.
- *Project Status Updates:* Authorization has been given by Green Acres to proceed with appraisals on **Bowers**. A call has been placed to Mick Schaible for this work. Bill Rawlyk has been contacted concerning maps for the **Foran** trail project. The **Nunn** application is waiting on mapping from the County.

Environmental

- *Authorization to Post October 14, 2010 Minutes on Website:* Approved

A beautiful 2011 calendar prepared by Cathy Urbanski depicting the wildflowers in West Amwell was presented. Mrs. Urbanski relayed that the pictures were taken at the former water company property and noted especially that the wild orchid shown is very tiny. The calendar will be displayed in the meeting room.

Parks & Recreation

John Dupuis spoke on the following items:

- *Open Gym:* A few changes to the program have been made; that a new person is in charge; and, that this person is doing a good job. There are anywhere from 10 to 20 participants per session. The weight room is not always available as the room is scheduled for meetings due to space constraints.
- *Joint Summer Music Program/Lambertville:* Talk continues about the two groups getting together in January to discuss some type of joint music program. The emphasis is on reaching out to a wider variety of groups. His contact is Audrey Frankowski.
- *Tree Dedication Update:* This would be in memory of Gary W. Bleacher and a planting is scheduled for the spring.
- *Hewitt Park:* Dugout painting did not happen this year although paint donations were received from the softball league. Painting will be a spring project and all work will be coordinated with Road Supervisor Hoagland. Stone is still needed for the upper lot and they will try again to get a grant for this expenditure.
- *State Park in West Amwell; Safety Concerns:* A hike through the property was recently taken by Parks and Recreation members. Although the property is not owned by the Township, several safety concerns were noted. The dam and pond are falling in as is the house. The pond could not be seen but someone could fall into it and the house is not usable and rather scary. While his group was there, some 20+ other folks were present, so the area is being used for various activities, including a 'party' place. Mr. Dupuis recommended that a letter be written to the State concerning the safety issues relayed.

Mr. Pfeiffer offered that the State should have divided the property when it was acquired and that it is owned by Fish and Wildlife. There was talk in 2006 about having the house given to the Township for the school to utilize as a shop project but with only a 44 minute class schedule and the bureaucracy at Fish & Wildlife, as well as the school generating a plan, it was felt that there would be too much liability to the Township. He agreed that the property is a problem. If the house issue had been addressed 4 years ago, things would be different. He equated this to the Goat Hill Road property and trails funding. Catherine Drake was contacted; was

enthusiastic about a trails project; and, suggested that an application be written. The problem is that the Township doesn't own the property. Green Acres could do this but it would have to be in conjunction with Washington's Crossing State Park; however, the park service has been decimated. In addition, there is no money for an application or to maintain the 700 acre property. In short, the house cannot be salvaged as it's been open to the elements for too long. Discussion ensued about a possible mandate to demolish the house but there is no authority at this level to do so. The State of New Jersey would be liable for any problems occurring at the property. Again, a letter to Fish & Wildlife was discussed concerning the liability and deterioration issues. Mr. Pfeiffer noted that he had the name of a contact person. The information is four years old but he will check his records.

Mr. Molnar inquired about scheduled Parks & Recreation meetings and was advised that the committee meets fall and spring. Another meeting will be set up via e-mail. Mr. Dupuis inquired whether the Country Fair would be coming back. Item TBD.

UNFINISHED BUSINESS

SHREC Update – Mr. Fisher relayed that final contract changes are being reviewed by attorney David Blank. Once completed, the contract will be presented for signing so that the project can move forward.

Garbage & Trash – One bid was received. It was from Central Jersey Waste & Recycling and was for \$1685/week. As this function will now be handled by the Township, Molnar motioned to reject the bid and Fisher seconded. The motion was unanimously approved. The hauler will be so notified.

As a continuation of the discussion on a 'Plan B' for garbage service should the truck experience a breakdown, Road Supervisor Hoagland has been contacted about containers and agreed about the need for a fence. Also mentioned is that containers draw 'trash in the night.' The transport issue is also an open matter.

Mrs. Olsen advised that three quotes would be needed in order to purchase two 30-yard containers. The name of companies that sell these items is needed. Mr. Fisher will research.

Website – Continuing the discussion about the website, Mr. Fisher relayed that there are a couple of avenues to explore. He has had a conversation with the IT man at South who indicated that he will help. An exchange with Dave Beaumont about the status of the current website ensued, noting such items as areas that are not up-to-date; what is desired in the way of functionality; and, cost considerations to achieve the goal. Ideally, Mr. Fisher would like to see the Township able to handle the updates. Mr. Beaumont shared that he doesn't have the time to revamp the website or to recommend particular changes but would continue with what is in place. He also noted that the hosting cost through Brinkster is minimal—about \$5/month—but there are no bells and whistles nor is there any security. They also do not maintain an IP log, so there is no audit trail. However, Mr. Beaumont stated that he keeps a copy of everything that is sent to Brinkster on his computer. He also relayed that the update process involves converting the files submitted to *html* format and is a three step process. It was also noted that Assessor Gill is interested in website development for the Township and has offered his assistance. Mr. Fisher and Mr. Beaumont will continue to discuss ideas for moving this item forward.

A letter was received from the County with respect to an 'Interest Poll' for a **shared service** with municipalities for basic website/e-mail. Mr. Fisher offered to contact County Administrator Yard and/or Robert Thurgarland concerning this latest outreach.

Alexauken Creek Watershed Protection Plan – The final report for this 319 grant was received from PrincetonHydro and begins the 30-day public review period called for in the grant. A tentative date of **February 2, 2011** was set for the final public presentation and will be verified with Paul Cooper of the firm. A copy of the CD was distributed to the Committee members for their review and a copy will be provided to Mr. Beaumont for an upload to the website.

Vehicle Maintenance – Mr. Molnar requested that the requirement for ASE certified mechanics be dropped from the specs and that the radius be increased to 10 miles. This was agreeable to the committee members. A request for quote will be advertised.

Decision on Tax Collector Position Offer – An offer letter to the applicant discussed at last week's meeting was authorized.

Resolution to Enter Closed Session – not needed

NEW BUSINESS

Sourland Alliance, Brief Update – Cathy Urbanski relayed that there are two representatives from each of the five municipalities involved—East Amwell, West Amwell, Hopewell, Montgomery, and Hillsborough. At last year's April meeting, a draft report prepared by Bannish Associates was distributed. It was regulatory in nature. As the current chair of the group, Mrs. Urbanski noted that her goal is for this to be more user-friendly—an inter-municipality document with no hooks. She presented the Committee with a CD for review prior to the next meeting. A hard copy was given to the Clerk. Mrs. Urbanski requested that this be an agenda item for the next meeting and that she will explain it in more detail at that time. A sample resolution was provided. The purpose of the project is for the municipalities to 'hold hands' in a non-regulatory manner so that things are inter-locally, rather than State, driven. The area was considered a 'special resource area' early on; was Smart Growth funded; and, continuation is desired. However, DCA isn't interested in this being a 'special resource area.' Mrs. Urbanski relayed that the concern that 90% of the Township is located in this particular region but that this is negotiable. Her primary concern is the ridge.

Consideration of Resolutions –

The following resolution was read into the record in support of the exemption of the reserve for uncollected taxes from the 2% cap levy.

RESOLUTION #167-2010

RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO EXEMPT THE RESERVE FOR UNCOLLECTED TAXES FROM THE 2% CAP

WHEREAS, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

WHEREAS, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

WHEREAS, in addition to collecting property taxes for its own operations, the municipality also serves as the collection agent for the county, school districts, fire districts and other special local entities; and

WHEREAS, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

WHEREAS, due to myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

WHEREAS, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year; and

WHEREAS, without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

WHEREAS, those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

WHEREAS, Assemblymen McKeon and Burzichelli has recently introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of West Amwell hereby urge the swift passage and signing of A-3603;

BE IT FURTHER RESOLVED, that consideration also be given to providing a levy cap exception to account for the impact of tax appeals on local operations; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

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

The **National Radon Month Proclamation/Resolution** was not deemed necessary and possibly a waste of money.

Resolution to Cancel Certain Tax Title Liens – This resolution was recommended by the Auditor.

RESOLUTION #168-2010

WHEREAS there are several properties on the Township's records under tax title liens that have been merged with other properties prior to 1970 and not cancelled by the Township. The following properties are as follows:

| <u>Certificate Number</u> | <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|-------------------------------|--------------|------------|---------------|
| 5 | 38 | 65 | 46.67 |
| 42U | 44 | 17 | 33.25 |
| 50U | 4 | 34.3 | 18.16 |
| 4JD | 38 | 64 | 46.66 |
| 3JD | 38 | 63 | 46.67 |
| 15 | 8 | 50 | 49.18 |

NOW THEREFORE BE IT RESOLVED that the above properties be cancelled from the tax title liens of the Township.

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

Draft Packets for January 1st Re-organization Meeting – The Committee members were asked to review and call with any changes. The proposed introduction of a renewable energy ordinance has been included. Mr. Pfeiffer stated that Mrs. Urbanski has made the suggested Planning Board changes and that Tom Decker, the Zoning Board engineer, is reviewing same. The ordinance has also been sent to Planner Hintz for review; however, he and his associate are out of town until January 3rd. Therefore, comments may or may not be available in order to proceed with introduction. He continued that the ordinance was derived from that of Kingwood Township; that State statutes and SADC rules were consulted; and, that the ordinance complies with State regulations.

Mr. Pfeiffer also mentioned that the Conditional Use portion of the Land Use Ordinance concerning utilities is quite ambiguous and if power generation is covered, then something like nuclear power could be a conditional use. Clarification of the issues is needed sooner rather than later as there could be applications on the way. Specifications and guidance documents are also needed.

OPEN TO THE PUBLIC

Mrs. Urbanski came forward to express appreciation to Mr. Masterson for his service and wished him well as he departs the Committee. This sentiment was echoed by the members of the Township Committee.

Dave Beaumont came forward and also expressed appreciation to the departing committeeman. He then inquired of Mr. Fisher about the municipal work group at the high school that was put together to help get budgets passed. Mr. Fisher relayed that things are not making sense in that the group was formed to help the school get the annual budget passed but believes that the group is burying themselves and are not on the right track. The direction seems to focus on

some educational target when it's the people who vote that need to be convinced—non parents and senior citizens were specifically mentioned. He also noted being approached recently by a member of a senior citizen's group who expressed interest in having someone speak to the group about what is happening in the township. This is an opportunity for the members of the municipal work group but went nowhere when mentioned.

Mr. Beaumont concurred with this observation and suggested the elementary school's ambassador program as a possible model for high school's municipal work group. Such a group would provide a mechanism for two-way communications for those not currently associated with the school. He agreed that the high school group as a whole is not getting a sense of the community and what it is willing to support. At last meeting, the 5 year plan was reviewed.

Continuing on the previous discussion concerning the website, Mr. Beaumont relayed that as he runs through the Township, various landmarks of interest are found. He suggested that perhaps a contest be developed and posted on the website that would make use of these points of interest, which in turn would broaden resident awareness of the Township as a whole. Also mentioned was a possible mayor's page. It was suggested that he contact Ruth Hall about the video that was made.

John Dupuis offered a concern about side roads and maintenance thereof. Although he realizes that there are money issues to contend with, the schools cannot use some of the roads due to maintenance concerns. Considerable money has been invested in transportation software for bus runs but is wasted if the roads are not maintained for use. Mr. Dupuis was requested to provide information on the roads being flagged.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #169-2010 WEST AMWELL TOWNSHIP RESOLUTION December 29, 2010

WHEREAS, N.J.S.A. 40A:4-58 permits appropriation transfers during the last two months of the fiscal year between line items of the municipal budget, and

WHEREAS, it has been determined that certain line items are in excess of the sums needed and certain line items have insufficient funds to complete the operation of the fiscal year,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, that the following transfers be made between the Budget Appropriations as follows:

| | From | To |
|--|-------------|-------------|
| General Administration: Other Expenses | \$ 1,020.00 | |
| Revenue Administration: OE | \$ 340.00 | |
| Legal Services: Other Expenses | \$ 7,000.00 | |
| Agricultural Advisory Committee: | | |
| Other expenses | \$ 90.00 | |
| Engineering Services: OE | \$ 1,000.00 | |
| Historical Sites: OE | \$ 47.00 | |
| Planning Board: S&W | \$ 116.00 | |
| Other Code Enforcement Functions: OE | \$ 500.00 | |
| Liability Insurance: OE | \$ 342.00 | |
| Office of Emergency Management: | | |
| Other Expenses | \$ 65.00 | |
| Animal Control: S&W | \$ 580.00 | |
| Animal Control: OE | \$ 100.00 | |
| Electricity: Other Expenses | \$ 1,000.00 | |
| Telephone: Other Expenses | \$ 1,000.00 | |
| Municipal Clerk: Salaries & Wages | | \$ 300.00 |
| Tax Assessment Administration: OE | | \$ 200.00 |
| Zoning Board of Adjustment: OE | | \$ 500.00 |
| Municipal Prosecutor: OE | | \$ 250.00 |
| Streets & Road Maintenance: S&W | | \$ 6,000.00 |
| Public Health Services: OE | | \$ 3,000.00 |
| Water: OE | | \$ 950.00 |

| | | |
|--------------------------|-------------|--------------|
| Gasoline: Other expenses | | \$ 2,000.00 |
| Total | \$13,200.00 | \$ 13,200.00 |

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

RESOLUTION #170-2010
WEST AMWELL TOWNSHIP RESOLUTION
December 29, 2010

WHEREAS, the following Current Fund budget appropriation balances remain unexpended:

| | |
|---|------------|
| Affordable Housing: | |
| Salaries & Wages | \$2,400.00 |
| Other expenses | \$2,092.00 |
| Recycling Surcharge: | |
| Other expenses | \$ 62.00 |
| Social Security: OE | \$ 430.00 |
| Defined Contribution Retirement Program | |
| Other expenses | \$ 50.00 |
| Matching Funds for Grants: | |
| Other expenses | \$ 50.00 |
| Public Defender: | |
| Other expenses | \$ 175.00 |
| Bond Interest: | |
| Other expenses | \$ 1.25 |
| Green Acres Loan | \$.01 |
| Total | \$5,260.26 |

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Surplus;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, that the above listed unexpended balances of the Current Fund be canceled.

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

RESOLUTION #171-2010
December 29, 2010

WHEREAS, it has been determined by the Planning Board of West Amwell Township that the following applicant's escrow fees are in excess of what was needed to cover their charges, and

WHEREAS, the Planning Board has approved a refund of the following amounts;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell that the Treasurer is hereby authorized to refund the following amount to the applicants:

| | |
|-----------------------------|-----------------|
| Applicant | Amount Refunded |
| Mark Bowles | \$ 442.75 |
| Mr. Mrs. Robert Blanche | \$ 61.37 |
| Gulick Home Farm | \$ 45.80 |
| Hunterdon Christian Academy | \$ 670.35 |
| Jeffrey Mershon | \$ 102.29 |
| North Slope Farm | \$1,003.91 |

Bryce Thompson Foundation

\$ 219.00

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

Presentation of Bills for Approval: Fisher motioned to approve the evening's bills for payment, seconded by Masterson, and carried unanimously.

Mr. Fisher announced that both the CFO and the Tax Collector have retired and questioned what the Committee would like to do to acknowledge their service. The Clerk was instructed to draft a letter.

Construction – The Permit Fee Log details (14), Monthly Activity Report-Permits (10), Payment Audit Report (\$2,891), Monthly Activity Report-Certificates (14, including 6 UCCARS), Certificate Log Detail (8) were received for PermitsNJ, with 6 from UCCARS. Deposits for the month totaled \$2,700.

Court – An accounting through November 2010 showed 73 State Police tickets and 94 local tickets for the year with total monies to the Township of \$73,088.24.

Police – The November 2010 Monthly Report showing 211 incidents, 63 summonses and 0 warnings was received.

Roads – The November 2010 Work Log showing completed and ongoing activities was received.

Zoning Officer Report -- The November 2010 report of activities was received. Numerous phone calls, e-mail correspondence, office meetings and interpretations were noted, together with the issuance of several permits. Deposits for the month totaled \$30.00

Mr. Rich questioned the availability of the reports for viewing. He was advised that these are public documents and are available upon request.

The reports were unanimously accepted as received on motion by Fisher, seconded by Masterson.

As this is the last official meeting for Mr. Masterson, he was asked for parting remarks. He stated that he has enjoyed his three years as committeeman but that he now wants to take time to smell the roses.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 8:41 p.m. on motion from Molnar, seconded by Masterson.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk