

# **WEST AMWELL TOWNSHIP COMMITTEE MEETING**

**February 11, 2013 - 7:00 p.m.**

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

The regular meeting of the West Amwell Township Committee was called to order at 7:03 p.m. Present were Deputy Mayor Thomas J. Molnar, Committeeman George A. Fisher, Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance were Tom Hood, Betty Jane Hunt, Cathy Urbanski, John Cronce, Jim Powell and CTC Mary Hyland. Mayor Zachary T. Rich was absent.

Deputy 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 2, 2013, 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**

Tom Hood led the assembled group in the pledge to the nation's flag.

## **AGENDA REVIEW BY TOWNSHIP CLERK**

The following items were added: 10.G New Business: Police Car Lease

## **ANNOUNCEMENTS**

The following announcements were made:

- 2013 Dog Licenses Now Overdue – Late Fees Apply
- Municipal Offices Closed February 18<sup>th</sup> for President's Day
- County Hazardous Waste Clean Up – March 9<sup>th</sup>, 9 a.m.-1 p.m. Rt 12 Complex
- County Computer/Electronics Collection – April 13<sup>th</sup>, 9 a.m.-1 p.m. Rt 12 Complex
- Daylight Savings Time Begins – March 10<sup>th</sup>
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

## **PRESENTATION OF MINUTES**

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

January 23, 2013

January 23, 2013 Closed Session (Contract Negotiations; Purchase, Lease or Acq. Real Property)

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

Tom Hood of 60 Alexauken Creek Road commented on the speed bumps, acknowledging that although he understands why they were installed, they have become a safety hazard. They are being torn apart; more sections are now missing; and, the bolts exposed. Mr. Hood relayed that there is one stuck in his \$400 tire and that he is seeking reimbursement. Mr. Molnar advised that Road Supervisor Hoagland had contacted him about the situation and the bumps will be removed for the remainder of the winter. Having these bumps constructed of macadam so a plow can better navigate them was questioned...as was the \$4000 price tag. The matter was left for further discussion/decision.

Jim Powell of Brunswick Pike came forward to discuss an issue with his tax bill and interest late charges, as well as the additional 6% penalty. He moved into his new home under a TCO in May; received an added/omitted bill in October; appealed the assessment and won in December; and, was waiting for a new bill to arrive for the November payment. He has since learned that on payments received, the interest is paid first. He is requesting that this, and the 6% penalty, be waived.

Tax Collector Mary Hyland advised that the interest on the 4th quarter taxes due was \$500 and that the end of year 6% penalty is another \$1000. She also relayed that, by law, interest is paid first. A resolution of the Township Committee is in place for both the interest and the penalty. The total due from the added/omitted billing mailed on October 18<sup>th</sup> was \$17,000 and was due on November 1<sup>st</sup>. Mrs. Hyland also noted that 1<sup>st</sup> quarter taxes were due today, after which more interest accrues. Any payment made is applied first to the oldest bill and that her hands are tied due to the law.

Attorney Faherty was requested to check into the situation further and to advise accordingly.

**SPECIAL PRESENTATION(S)** - none

**INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING** - none

**STANDING COMMITTEE REPORTS**

**Open Space**

- *Authorization to Post April 10 and September 11, 2012 Minutes to Website:* Approved
- *Trails:* John Cronic relayed that there is grant money for trails. Cathy Urbanski has made application but further action has been postponed for the September round. He questioned whether the township would be liable for trail related matters and was advised in the affirmative. The possibility of a trail around the municipal property was indicated and both Mr. Cronic and Mrs. Urbanski indicated that this would have no effect on the ROSI.
- *Project Status Updates:* The State is reviewing the Nunn appraisals; approvals are in progress for a Green Acres purchase of Wooden North; talks are ongoing with the owner of Wooden South for a Green Acres easement; conflicting information is being received concerning the hold up on Toll North but this will hopefully be ironed out at the next monthly County meeting; the access requirement for Green Acres affects interest by Jingoli; movement of the current ADA is iffy as although the County says to go for it, information from the State is that a lot has to be done and it could be denied due to the soil classification; and, an amended PIG application to include Fozman, Halper and Lambert has been submitted.

**Environmental Commission/Citizens Advisory Subcommittee**

- *Flyer for Mailing to Property Owners with Easements/Approval:* Mrs. Urbanski presented a tri-fold flyer to be sent to all residents/owners with a conservation easement on their property to provide information on the 'do's and don'ts' of same and that these are subject to monitoring by the Township. This is part of the \$10,000 Sustainable Jersey grant received. A quote from Staples for the printing was deemed reasonable for the color copy. *Approved.*
- *Stormwater Insert for Tax Bill Mailing:* A requirement for the Township's stormwater permit is an annual mailing to all residents concerning this topic. A proposed insert was presented and the County will print a total of 1500 (3 per page) for \$100. Mrs. Urbanski requested that this cost be included in the Environmental Commission budget. *Approved.*

**UNFINISHED BUSINESS**

**Updates –**

- *County Surface Treatment Program/Chip Seal:* Mill and Gulick are the top contenders. Mrs. Olsen was requested to forward the information provided by the Road Supervisor to the Township Engineer for a cost estimate to assist with a participation and budgetary decision.
- *Township Dinner:* Approved for March 8<sup>th</sup>. Invitations similar to last year's will be sent out. Betty Jane Hunt relayed that there are new folding doors in place compliments of the Ladies Auxiliary. An extended exchange over the condition and needs of the former municipal building ensued. Specifically noted were the horrible gutters and downspouts, the safety issue they cause, the condition of the front and rear doors, trim, and the need for painting, both inside and out. Whether some of this work could be undertaken by volunteers and/or the DPW staff was questioned. Mr. Cronic continued with a few other items that concerned him. These included the lack of tree removal on the former Toll property; lack of weekly DPW reports; better communications; and, the need for the firemen to donate their time to help with such things as painting. He stated that current theory on the latter is that since the Township owns the property, the fire company shouldn't have to put money into the premises. He doesn't think this is right and working together is what is needed. That neighboring communities have fire districts supported with a tax was mentioned but as the fire company doesn't favor this, more volunteer effort was seen as being required.
- *Police/Roads Fueling:* From information received so far, the idea of using the County facility looks like a go.
- *Roll offs:* These will be re-bid.

**Form & Sale Resolution for Refunding Bond** – The approval given via motion at the last meeting was insufficient for this work. The following was presented for action:

RESOLUTION #45-2013

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$850,000  
PRINCIPAL AMOUNT OF REFUNDING BONDS OF THE TOWNSHIP OF WEST  
AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND PROVIDING  
FOR THE SALE AND THE DELIVERY OF SUCH BONDS**

(See Attached)

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

**Deed Restriction from SERV Home** – Attorney Faherty presented the restriction that will accompany the deed of transfer of the Frontage Road property to SERV. Once the document is signed, he'll make sure it gets to Keith Hamilton.

*Fisher motioned to authorize the mayor to sign the deed restriction. Molnar provided the second. Motion carried unanimously.*

**Website** – Item held as not all information has been received.

**Proposed Farm Contract** – Attorney Faherty presented a copy for review. A map will need to be attached and will be provided to the Committee. Mr. Fisher noted that room will need to be provided for the solar panels. He reported that a third contractor has been hired and the project has resurrected. Financing is a problem and the talk is now about doing this in stages with the municipal property being first and the high school last. This will utilize the two small arrays to help finance the big one.

## **NEW BUSINESS**

**South Hunterdon Regional Band Parents Association re: Raffle Application** – This is their annual fund raising effort. The following was presented for consideration:

### **RESOLUTION #46-2013**

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

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

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

TO: South Hunterdon Regional Band Parents Association  
BENEFIT: Marching Band Camp Fees  
DATE: March 16, 2013  
TIME: 5:30 - 11:00 p.m.  
LOCATION: South Hunterdon Regional High School  
301 Mt. Airy-Harb. Road, Lambertville NJ 08530

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

- Findings & Determination: The required questions were reviewed and the determination was that the applicant be granted a license.

**2013-2015 Police Contract** – Mr. Fisher reviewed the changes from the last contract which include increased salary, health benefits language, removal of Election Day from holiday pay, and the addition to the definitions section of the position of Corporal. Item held for the 2/27 meeting.

**Auto Repair Quotes for 2013** – Item held until the meeting on the 27<sup>th</sup>.

## **Resolutions for Consideration** –

- *Opposing A-1196 – Expansion of WC Law*: The bill was amended and held by the Assembly on January 28<sup>th</sup>. Information received from PAIC/MEL has indicated that this legislation could easily double municipal workers' compensation costs. The bill as written will make it almost impossible to contest claims that have nothing to do with injuries and illnesses caused on-the-job and places the burden of proof on the municipality. Although the resolution was written prior to the Assembly's recent action, it was presented for consideration and possible action.

### **RESOLUTION #47-2013**

#### **RESOLUTION OPPOSING A-1196**

WHEREAS, Public safety employees and volunteers should be adequately compensated for on-duty accidents and illnesses; and

WHEREAS, New Jersey's current Workers' Compensation law is already one of the broadest in the country; and

WHEREAS, A-1196, as currently drafted, will make it almost impossible to contest claims from injuries and illnesses caused off-the-job; and

WHEREAS, this bill places the burden of proof on governmental employers to establish that an injury or illness, such as cancer, heart attack or hyper tension did not occur on the job; and

WHEREAS, the actuary for the Municipal Excess Liability Joint Insurance Fund (MEL) has estimated that A-1196 could easily double municipal Workers' Compensation expense of \$400 million per year; and

WHEREAS, the MEL and the League of Municipalities have offered to sit down with the supporters of this legislation to develop less expensive ways of improving the compensation to first responders;

NOW THEREFORE BE IT RESOLVED that the Governing Body of West Amwell Township urge the legislature to reject A-1196 and urges the supporters of this legislation to work with the MEL and the League of Municipalities to develop less expensive ways to improve compensation to first responders; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to send certified copies of this resolution to Senate President Sweeney, Assembly Speaker Oliver, their Assembly representatives and Senator, Governor Christie and the League of Municipalities.

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

- *Opposing S-2511 – Changes to Open Public Meetings Act (OPMA):* Mrs. Olsen relayed that she had sent her opposition to Senator Turner earlier concerning the provisions of this legislation. This bill is a cost driver for local governments and the onerous provisions once again will not apply to the legislature.

RESOLUTION #48-2013  
**RESOLUTION OPPOSING SENATE BILL 2511 AMENDMENTS TO  
OPEN PUBLIC MEETINGS ACT**

**WHEREAS**, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-2511); and

**WHEREAS**, the governing body of West Amwell Township agrees with and supports the statement that "the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process"; and

**WHEREAS**, the changes, however, proposed in S-2511 will not only be a cost driver for local and State government but make government less effective; and

**WHEREAS**, S-2511 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process; and

**WHEREAS**, S-2511 creates a new definition of subcommittees that expands subcommittees to be overly inclusive; and

**WHEREAS**, subcommittees would be required to provide public notice of subcommittee meetings, if the governing body determines them to be open; and

**WHEREAS**, subcommittees would be required to submit at least one report to the governing body detailing the number of meetings, names of members of the committee and a concise statement of the matters discussed. The governing body would be required to establish a schedule of when the subcommittee reports shall be filed; and

**WHEREAS**, subcommittees do not commit the governing body to action or expend public funds; and

**WHEREAS**, the requirements for subcommittees meetings would, among other things, necessitate additional administrative support for all subcommittees as well as increased legal advertising cost; and

**WHEREAS**, the new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, will delay the award of contracts and could lead to the loss of grant monies; and

**WHEREAS**, the new requirement that the governing body may act upon an item brought up by a citizen at a public meeting if it was not published as an agenda item only if: (1) there is a vote of 2/3 of the members present to proceed, (2) the municipality demonstrates that it is in the public's best interest and includes the reasons why it is in the public best interest in the minutes; is impractical, ineffective and unnecessarily inhibits the operations of municipal government and runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it; and

**WHEREAS**, the new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and

**WHEREAS**, the new requirement that comprehensive minutes must include each member's stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 60 days after the meeting will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

**WHEREAS**, the new requirement that the public be allowed to speak for a minimum of three minutes, at the start of the public meeting, without the ability of the public body to limit the length of the public comment could disrupt public meetings, lead to filibustering and prevent the governing body from conducting business; and

**WHEREAS**, the provisions of S-2511 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

**WHEREAS**, the totality of the new requirements of S-2511 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

**WHEREAS**, the provisions of S-2511 continue to exempt the Legislature from the requirements placed on municipalities; and

**WHEREAS**, while we appreciate Senator Weinberg's efforts to address our concerns, we must continue to oppose the amendments to the Open Public Meeting Act as the changes proposed in S-2511 will not only be a cost driver for local and State government but make government less effective;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY** of West Amwell Township for reasons stated above, does hereby oppose S-2511, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills, and

**BE IT FURTHER RESOLVED** that the governing body of West Amwell Township does hereby strongly urge the Legislature, in the interest of transparency and openness, to remove the various exceptions in the Open Public Meetings Law that apply to the Legislature. The rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials; and

**BE IT FURTHER RESOLVED** that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Senator Shirley K. Turner, Assemblyman Reed

Gusciora, Assemblywoman Bonnie Watson Coleman, State Legislative Districts, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

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

**Open MHL/AA Position** – The position will be advertised again. The recommendation received from Mrs. Walsh was that the free service of the NJ Affordable Housing Professionals be utilized. The ad will also be sent to surrounding municipalities.

**Discussion Concerning Possible Addition of a Third Voting District** – A call was received from the Board of Elections about adding a third voting district due to there being 2168 registered voters in the Township with over 1000 voters in each of the two existing districts. The rule of thumb is that when there are over 700 voters in a district, a new one is created. This would make three districts with 600+ people in each and would entail 4 more poll workers and one machine, as well as another County Committee group. The other option is to provide two extra machines. The question here is if the room can accommodate 4 machines plus the additional tables. The creation of a new district can wait until next year; however, the Board is looking towards the 2016 Presidential election. Although the initial reaction was to go with extra machines, the item was held for further discussion when the mayor is present.

**Police Car Lease** – A vehicle is available for lease.

#### RESOLUTION #49-2013

WHEREAS, the West Amwell Township Police Department has need of a new vehicle; and

WHEREAS, the money for a lease was included in the 2013 temporary budget; and

WHEREAS, Winner Ford, under state contract #82925, has a 2013 Police Sedan Interceptor, all wheel drive car, complete with light package available for lease; and,

WHEREAS, the 3 year lease annual payments are \$11,902.67; and

WHEREAS, the CFO has certified that funds are available

THEREFORE BE IT RESOLVED by the West Amwell Township Committee, that a 3 year lease is hereby approved.

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

#### OPEN TO THE PUBLIC

#### ADMINISTRATIVE REPORTS

**Treasurer –**

#### RESOLUTION #50-2013

WHEREAS, it has been determined by the Zoning 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 Zoning Board has approved a refund of the following amount;

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
Gustavo & Aleyda Reyes	\$978.19
(Buddies Diner, LLC)	

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

RESOLUTION #51-2013

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

WHEREAS, the Township Committee has approved a refund of the following amount;

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
Michael Strober	\$7,564.02
(Block 8 Lot 23.01)	

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

RESOLUTION #52-2013

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 amount;

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
Bender Realty, LLC	\$18.49

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

**Tax Collector** – The monthly report for January 2013 was received showing receipts in the amount of \$726,347.60.

**Court** – The December 2012 monthly report was received showing a ticket total of 133 (88 local) and the receipt of \$10,893.88. In addition, there were a 88 criminal cases. Ticket totals for 2012 were 4400 (State – 1249; local – 3143) with total revenue received of \$162,584.72.

**Website Review** – Held

The reports were unanimously accepted as filed.

RESOLUTION #53-2013

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

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

Returning to Open session at 8:26 p.m., a brief discussion ensued concerning the Hood tire issue and ramifications of same. A decision is pending upon receipt of a bill.

**CORRESPONDENCE**

The correspondence as listed on the Agenda was ordered filed.

**ADJOURNMENT**

There being no further business, the meeting was unanimously adjourned at 8:32 p.m. on motion from Fisher.

Respectfully submitted,

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Lora Olsen, RMC  
Township Clerk

APPROVED: February 27, 2012