

WEST AMWELL TOWNSHIP COMMITTEE MEETING
March 28, 2012

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 7:09 p.m. Present were Mayor George A. Fisher, Deputy Mayor Zachary T. Rich, Committeeman Thomas J. Molnar and Attorney Philip J. Faherty III. Also in attendance were Jason Fuhr, Dave Beaumont, Dan Malek, Barbara Walsh, Cathy Urbanski, John Cronic, Hal Shute, Sean Pfeiffer, Jennifer Andreoli, Dan Goodman and Jean Allured

Mayor Fisher 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 3, 2012, 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

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

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: Closed Session Resolution for Litigation after Open to the Public (#6); 8.C Change to Update Report. 8.A5 moved to 8.E. Deleted were: 8.C items 1 & 2

ANNOUNCEMENTS

The following announcements were made:

- 2012 Dog Licenses – Late Fees Apply
- Resident Electronic Recycling Dates: March 31st & April 14th
- Municipal Petitions for Township & County Committees Due April 2nd by 4 p.m.
- Municipal Offices Closed April 6th for Good Friday
- First Energy Tree Pruning, Ongoing
- PSE&G Power Line Work/Lewis Tree Service, Various Lines, Ongoing Thru March/April 2012
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting
- Fire Company Roast Beef Dinner, April 14th, 4-8 p.m. Volunteers needed.

PRESENTATION OF MINUTES

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

February 22, 2012 Special Meeting
February 22, 2012 Regular Meeting
February 22, 2012 Closed Session
February 27, 2012 Special Meeting (Budget Workshop)
March 7, 2012 Special Meeting
March 21, 2012 Special Meeting

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Jean Allured, a Hunterdon County Library Commissioner and member of the Friends of the Hunterdon County Library, spoke about the South County branch lease expiring the end of April; that no agreement has been reached between the Freeholders and the landlord to continue it; and, that Mark Titus, the Library Director has been directed by the Freeholders to look for other rental properties in case an agreement cannot be reached. Ms. Allured had two requests of the Committee: 1) to let her know of a possible 2500 sq. ft. building available to rent (they currently pay \$22/per sq. ft.), and 2) to get the word out to the community so users of the South County branch know what is going on in order for them to contact both Mr. Titus and the Freeholders. A resolution of support was suggested. The possibility of room at the new facility on Route 179 was suggested as was the June closing of the PNC Bank in Ringoes.

Cathy Urbanski relayed a conversation with Allen Hershey of D&R concerning trails; their need of 450 feet of lumber; and, whether the Township could provide money for the latter. They will also be trying for a donation from Loew's. No money was committed but that chips are available was mentioned.

The public portion was closed. The following resolution was presented.

RESOLUTION #63-2012

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:
LITIGATION
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 adopted on motion by Molnar, seconded by Fisher.

The meeting returned to Open Session at 7:55 p.m.

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

Municipal Alliance: Jason Fuhr mentioned the Lenten season and extended wishes for a joyous Easter. Although there was not a lot to report, Mr. Fuhr relayed that the Alliance is starting a cookbook as a fund raiser. He requested that the Committee submit recipes for inclusion. A form was provided. Brochures concerning the Alliance will be arriving soon for display in the municipal lobby. There will be an April 19th meeting at Copper Hill Country Club to discuss drugs and alcohol in the schools.

FFA – Ms. Albinar was not in attendance. No report.

Regionalization Study – Dave Beaumont reported on the recommendations in the study and that there's some confusion in the community about what was proposed, stating that there were suggestions made but these were not part of the proposal. There's a resolution requesting that the County Executive Superintendent report of the advisability of the regionalization and to answer questions. The next hurdle in the process is getting this report from the County Superintendent, after which it would go to the State for its blessing. Support from at least two towns and two schools is needed to move this process forward and there is broad support for same.

Public Hearing: Ordinance 5, 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Proof of publication in the March 1, 2012 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the February 22, 2012 Township Committee meeting. Mr. Fisher read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was unanimously closed.

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

Introduction: Ordinance 6, 2012

The following ordinance was read by title and introduced on first reading. It was explained that the deputy court administrator position is being eliminated and replaced with a violations clerk.

AN ORDINANCE TO AMEND ORDINANCE 1, 2012 TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, NEW JERSEY.

SECTION 1

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

Violations Clerk \$16.00-\$20.00/hr

SECTION II

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

SECTION III

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

Molnar moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held April 25, 2012.

Introduction: Ordinance 7, 2012

The following ordinance was read by title and introduced on first reading. Mr. Rich offered that the issue concerns when a site plan approval is needed for solar ground mounted panels. The issue of where large systems are allowed and in what zones will be given to a subcommittee to research.

AN ORDINANCE TO AMEND ORDINANCE 3, 2011 AMENDING CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL (Renewable Energy Facilities)

BE IT RESOLVED by the West Amwell Township Committee that Ordinance 3, 2011 providing regulations regarding renewable energy facilities be amended by replacing Section II, Permitted Accessory Uses for 109-79, the SRPD District; 109-80, the RR-6 District; 109-81, the RR-5 District; 109-82, the RR-4 District; 109-83, the R-9 District; 109-84, the NC District; 109-86, the HC District and 109-87, the LHC District and replacing Section II, Permitted Accessory Uses for 109-85, the LI District and amending item 12 under Section III, Solar, Conditional Use Standards as follows:

Section II – SOLAR, ZONING

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

1. Permitted Accessory Uses – Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” beyond the edge of the roofline or 12” above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line.

In the case of a surface level or ground mounted system, the system shall be situated more than 50 feet from the nearest property boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.

Minor solar ground mounted facilities of more than 10 panels **and** located less than 50’ from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 Kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations and shall be fenced as per Section III.5.c.4 of this ordinance, unless the system is located a minimum of 8 feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.

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

Chapter 109 of the Ordinances of West Amwell Township, Article II, District Regulations,

Permitted Uses, Accessory and Conditional uses in the 109-85, the LI District is hereby amended and supplemented, by adding the following new subsections in the above District, as follows:

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

2. Permitted Accessory Uses – Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” beyond the edge of the roofline or 12” above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line.

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Section III – SOLAR, CONDITIONAL USE STANDARDS

12. The use of lead-acid batteries shall not be permitted in major solar energy systems and facilities except as standby power supplies for control systems. ~~Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.~~

ADOPTION

Upon adoption this Ordinance will be incorporated into and become part of the Code of the Township of West Amwell.

REPEALER

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

EFFECTIVE DATE

This Ordinance shall take effect immediately upon final passage and publication as provided by law, and upon filing a copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

Molnar moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held April 25, 2012.

Introduction: Ordinance 8, 2012

The following ordinance was read by title and introduced on first reading. A change to a flat fee of \$25 per dog for late registration will be added prior to publication.

AN ORDINANCE TO AMEND CHAPTER 75 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL (Dogs and Other Animals)

BE IT ORDAINED, that Chapter 75 is hereby amended and/or supplemented as follows:

Section 1:

§75-2. License fees; renewals; additional charge.

§75-2C is hereby deleted and replaced with the following: "For any license not renewed in the month of January there shall be an additional late fee of \$25.00 per dog."

§75-8. Violations and penalties.

Delete current paragraph and replace with:

Violation of Sections 75-1, 75-3, and 75-6 shall be \$40 for first offense; \$75-\$100 for second offense; \$150-\$1250 for subsequent offenses

Violation of Sections 75-4 and 75-7 shall be \$75 - \$1,250

§75-9. Statutory authority.

This article is adopted pursuant to P.L. 1941, c 151 (N.J.S.A. 4:19-15.1 et seq) and amendments and supplements thereto.

§75-12. Violations and penalties.

This section is hereby deleted.

Section 2:

An ARTICLE III is hereby added to Chapter 75 entitled **Enforcement.**

§75-12. Access to property.

Any officer or agent authorized or empowered to perform any duty under this ordinance is hereby authorized to go upon any premises to seize for impounding any dog or dogs which he may lawfully seize and impound when such officer is in immediate pursuit of such dog or dogs, except upon the premises of the owner of the dog if said owner is present and forbids the same. (N.J.S.A. 4:19-15.17)

§75-13. Interference with performance of duties

No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this ordinance

§75-14. Violations and penalties.

Except as set forth in N.J.S.A. 4:19-15.19, or 75-8 above, any person, firm or corporation violating any provisions of this article shall, upon conviction be subject to a fine of not less than \$100 nor more than \$1,250, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof.

Section 3: Adoption

Upon adoption, this Ordinance will be incorporated into and become part of the Code of the Township of West Amwell.

Section 4: Repealer

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

Section 5. Effective Date

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

Molnar moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously.

SPECIAL AND/OR STANDING COMMITTEE REPORTS

Open Space

- *Toll Trees*: John Cronic reported that three quotes were obtained for the removal and restoration project but that all were above the bid threshold. A public bid is needed to move forward with this endeavor but removing the trees will enhance the sale of the property. Mr. Cronic will provide specifications for inclusion in the bid packet. Hal Shute offered that another possibility would be to lease the property out for several years while putting together a business package which might be an attractive option to ride out the current market.

- *Nunn*: A walk of the property was undertaken followed by a long discussion at a recent meeting about whether or not to move forward. The Committee was questioned as to whether quotes should be solicited for appraisal work. Mr. Cronic stated that he was not in favor of proceeding due to property set up, wetlands, and the low number of building opportunities...but was just one vote. A brief discussion over the 5 acre exception area; access; the 300 ft. buffer shown on the map, although this may only be 150 ft.; and, inquiring of SADC about whether they had a problem with the application based on this ensued. The project will be re-visited if the buffer is found to be reduced to 150 ft.

As for other properties in the pipeline, Hunterdon Land Trust will attend the next meeting to speak about Mountford and there's also Bowers. Mr. Cronic noted his position that the Township needs to focus its energy on big properties...the ones that would produce a 30-40 house subdivision.

- *Open Space Map for Website Posting*: Approved

- *Open Space Debt Service Funding*: Mr. Fisher spoke about the Calton appraisals and the questions in the Township over whether using trust fund monies for the debt is legitimate. Prior to last year, the Township had paid the debt out of the operating budget and that a quarter million dollars has been paid on the principle. Attorney Faherty relayed that his read of the ordinance and resolution is that use of the trust fund is legitimate as open space was purchased by the Township. As for the legal fees involved, Mr. Shute offered that with CMV there is usually a report that Green Acres reviews to come up with a mid-value. He has reached out to Pam Thier to locate this missing piece of information.

Sean Pfeiffer came forward about the Nunn conversation stating that this is not fair to the Nunn family as they had signed an option agreement and tied up their property since 2007. Mr. Bleacher had formerly embraced this project as an extension of Holcombe and the County and State have awarded funding. As the owners have tied up their property and received approval, it's not particularly fair for the Township not to proceed and that an appraisal will determine value. In addition, he noted that there are 5 building rights on the property and the State encourages preservation along Category C streams.

Environmental

- *Authorization to Post February 9, 2012 Minutes on Website*: Approved

- *Report on Watershed Ambassador*. This person attended the last meeting and will be preparing an article for homeowners on stormwater.

- *West Amwell Elementary - Invasives/Earth week*: Justin Holohan will work this into Earth week and Arbor Day. A copy of the binder was given to Sweet Valley for educational purposes.

- *Sourland Alliance*: The group is working on lots of reports and sharing these between members. West Amwell donated the invasives and Hopewell Township provided the 'Living Greener Guide' that was accomplished through an ANJEC grant. Barry Ableman has nominated them for a NJ Future Smart Planning Award. Approved for posting on website with some title changes.

- *Sustainable New Jersey Award*: The Township received certification after 18 months of work. The certification was at the Bronze level with 200 points received. Approved for posting on the website. A press release on this accomplishment will be forwarded to the Democrat.

Mr. Fisher inquired about the status of the website. Mrs. Urbanski stated that if she had known about the amount of work involved, she wouldn't have done it. However, most areas are populated but the remainder will take some time. Environmental and Ag Advisory information has been forwarded but other Boards need a push.

Affordable Housing

Barbara Walsh responded to questions asked at the last meeting involving Township housing obligations, which is 4 re-habs, 29 new units, 15 accessory apartments and 14 group home bedrooms. As the State plans to take trust fund money that is not committed, everyone is working to avoid this scenario. Late last year, there was a recommendation to utilize the re-hab program re-payment fund to fulfill the 4 unit obligation and to use \$90,000 to enter into the State Supportive Housing Partnership Program to purchase a group home with Community Options.

A change to the spending plan is needed to do this. However, the original Partnership Program required a minimum contribution of \$250,000 for matching funds but this was not clear in the documentation describing the program. The program has been revised to include municipalities with no affordable housing trust funds and those that have less than \$250,000 to be effective March 16th. For this program, the municipality and provider must contribute 20% of the cost of the group home (including any required rehab expenses) and the state will contribute the balance up to \$500,000. With a \$90,000 contribution, West Amwell would more than likely meet the required threshold for purchase and any repairs necessary. In the meantime, Mrs. Walsh stated that she had contacted SERV, who, independently will partner with the municipality to provide a group home with a \$90,000 contribution. A representative of SERV recently reviewed available housing in the Township; found a three bedroom possibility; and, another representative is to look at it. Mrs. Walsh continued that she is working on two potential routes to utilize the funds in order to obtain the biggest bang for the obligations and has to determine which route take. Therefore, a decision is being postponed until April and she hopes to have a recommendation for the Township to amend its spending plan to create a group home with either a definitive site with SERV as the provider or to partner with Community Options in the State Partnership Program. As for the question raised on ownership of a group home, the answer is that it would be owned by the provider, not the Township.

Ag Advisory

- *Authorization to Post February 2, 2012 Minutes on Website:* Approved

Finance Advisory

- *Authorization to Post February 2, 2012 Minutes on Website:* Approved
- *Deer Management/Hunting Program for 2012:* Mr. Shute relayed that Dan Malek walked all hunting properties and has made some recommendations to tweak the current program. Hopefully, these will be easy to administer and profitable. Mr. Malek offered that the individual parcels be leased out on a yearly basis instead of issuing individual permits. If a parcel is not leased, individual permits would then be available. A single point of contact gives ownership by the leasee who would then become the steward of the property and would post and manage. How this would proceed is still being worked out. A proposal to send a questionnaire to last year's permit holders and local clubs was approved.

Parks and Rec

- *Proposed Hewitt Park Improvements:* The concrete steps in front of both bathrooms need to be dug out and a handicap entrance provided. Painting is needed; however, the baseball league is doing a good job. Numbers for the budget are forthcoming.
- *Report:* Future improvements involve a T-ball field and playground equipment. A copy of the insurance reports concerning the latter will be distributed. Sweet Valley will supply mulch and bill later. The park is used a lot and neglected areas need to be addressed. Paving or stoning the driveway is also under consideration. Funding improvements with Open Space Trust money was discussed.

Recycling/Solid Waste

- *Agreement with DonJon for E-cycle:* This agreement has been signed and the box will be delivered on Friday. Collections will be held March 31st and April 14th. A reminder call will be made to Curtis Coleman about working these Saturdays. The elementary school has indicated to Mr. Fisher that they have a lot of donations for this effort. Road Supervisor Hoagland will be asked to facilitate a pick-up.
- *Bulky Clean Up:* The idea was advanced and will be discussed at Saturday's budget meeting.

UNFINISHED BUSINESS

Appointments –

Mr. Fisher made the following appointments:

Bob Bordon – unexpired 4 year term on Zoning Board

PB subcommittee for solar issues - Fisher, Nella Hamtil, Steve Bergenfeld. Also, Cathy Urbanski and Jennifer Andreoli

Porter Little – Recycling Coordinator

Emergency Management – Fisher (Public Information); Rich (Public Health); Molnar (Social Services). John Hoff was appointed to Damage Assessment and will be informed of such by the mayor.

The appointments were unanimously approved on motion by Rich, seconded by Fisher.

Updates – 1) Dave Beaumont relayed that he has been researching **List Serve** opportunities with Vince Ciffelli who has advised that this requires local software and support. There are some free vendors on the web, e.g., 'Mail Chimp,' that are easy to implement and use. A pilot was suggested and approved. Although the schools were supportive of Nixle, according to Mr. Fisher, and would put it on their e-mail, it is not focused primarily on the town. 2) The **Energy Audit** program is waiting on DomeTech and they need the February bills. 3) A conversation was had with Congressman Lance concerning the **Census** numbers. An aid advised that the congressman will push this. A response from the Hopewell Township mayor as to their interest is pending. 4) The **ACO agreement** has been completed. 5) The **refund** of the requested Dog License fee cannot be made from the dog trust as the money has been sent to the State. Approval for a refunding from the general fund was approved. 6) No further suggestions for **Community Service** projects were forthcoming and there's been no word from the seniors group as to possible needs. An inquiry into the status of the Hewitt park bleachers received a response that they've been scrapped. Insurance company comments on the matter will be distributed. It was noted that there's only limited opportunities for this. 7) The word from PAIC on **Public Official Training** is that "with the move from XL/MEL to Chartis, PAIC members are not eligible for the MEL's \$250 elected officials training credit, nor are we required to meet the MEL's April 30th deadline for the checklist." Other updates to come. 8) Quotes were solicited from the County for the **printing** of the Ag Advisory booklet & various pieces of stationery and forms. Approved for obtaining Freeholder okay. 9) The **A/C** in the patrol room is not working. Quotes for a new Sanyo-type unit will be obtained. 10) The **Energy Tax Receipts** discussion revolved around how to affect/pressure the legislators. As they control the money, chances are slim that they will give it up as they have the power to retain. Contact has been made with our district legislators. The Senate is pushing a bill requiring that the funds to municipalities be no lower than 2010 levels but these are as low as they've ever been. The only way to influence a decision is to bring the legislators here, get residents to attend, and discuss the State's skim. A special meeting would be advertised once the availability of the legislators is determined. Mr. Fisher will call for their schedule. 11) Dave Beaumont relayed that a framework for the charter of a **Technology** committee has been drafted. A sufficient number of members with commitment and expertise will be needed. Mr. Tomenchok has expressed interest and there should be staff representation, including Harry Heller and Mr. Rich, as well as identification of community members. The group should comprise 6 or 7 people. 12) The next meeting of the **Swan Creek/SHREC** group will be held March 30th. There is still forward movement, albeit slow. There is a third party resolution for electricity procurement that was done through a reverse auction. 1.3 kilowatts were obtained for the Co-op at 7.68 cents for two years.

Firehouse Roof Bid – Five bids were received. Attorney Faherty has reviewed the bid packets submitted and found them to be complete. The building sub-code official will also be requested to review the submissions. The apparent lower bidder was BMV. Funds available to award will have to be verified.

Sign Management Plan Resolution –

RESOLUTION #64-2012 *WEST AMWELL TOWNSHIP SIGN MANAGEMENT PLAN*

WHEREAS, on August 31, 2011, the Federal Highway Administration (FHWA) published in the Federal Register a proposal to eliminate, revise, or extend a variety of the existing compliance dates for road signs; and

WHEREAS, the final rule has not yet been published in the Federal Register, so all existing compliance dates are still in effect, although some of all of the proposed changes to eliminate, revise or extend a variety of the compliance dates could potentially be changed in the final rule; and

WHEREAS, West Amwell Township seeks to formalize a Sign Management Plan in order to comply with federally mandated road sign standards that address upper and lower case lettering on street name and other guide signs, letter heights on street name signs, and retroreflectivity of signs.

NOW, THEREFORE, BE IT RESOLVED BY the Township Committee of the Township of West Amwell in the County of Hunterdon, New Jersey that it hereby approves the West Amwell Township Sign Management Plan as follows:

1. The West Amwell Township Sign Management Plan will apply to all West Amwell Township roads under West Amwell Township jurisdiction.

2. The West Amwell Township Department of Public Works will conduct a road sign inventory in year one of the program to determine what signs must be replaced and where they are located.

3. The West Amwell Township Department of Public Works will begin a sign replacement program to comply with the new FHWA letter height requirements and reflectivity standards based on the following schedule:

a. Broken and illegible signs will be replaced in year one of the sign replacement program.

b. Road signs damaged due to normal wear and tear will be replaced as the damage occurs.

c. The remaining road signs shall be replaced in years two through six with approximately twenty percent of the Township road signs being replaced each year.

d. The Township reserves the right to accelerate the road sign replacement program, but it is not required to do so.

4. If a change in the Road Sign Management Plan timetable is required due to a change in the FHWA regulations, this plan shall be revised accordingly.

The Resolution was unanimously adopted on motion by Molnar, seconded by Rich

Bleacher Memorial – Mr. Shute noted that purchasing a bench on-line is cheaper than acquiring something locally. The hang up is that open space trust fund money cannot be used so the money has to be raised elsewhere. Mr. Shute will continue to look into it, along with Karen Rissmiller, and Mr. Molnar volunteered to assist.

Recognition of FEMA Work – A public recognition of Harry Heller's FEMA work is tentatively planned during the Country Fair. As to exactly what form this will take, Mr. Rich will work on some ideas. The theme of this year's fair is Honoring our Scouts and will end with a flag burning ceremony in conjunction with the bon fire.

NEW BUSINESS

Ordinance Revisions – A possible omission from the Right to Farm ordinance has been located and will be sent to Ag Advisory for review.

Dog Census – The Clerk was instructed to check with East Amwell and Delaware as to how to proceed and an idea of cost.

Request by US Geological Survey to Collect Water Samples/Permission to Access – The water level is checked periodically by this group due to the Orleans development. Request approved.

County All Hazard Mitigation Plan & Possible Resolution – In order to qualify for certain FEMA money, the Township has to adopt the County's plan or prepare one of their own. The following resolution was presented for consideration.

RESOLUTION #65-2012

WHEREAS, the Hunterdon County Department of Public Safety, Division of Emergency Management and 9-1-1 Coordination engaged with the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of the State Police in conducting the Northern Delaware River Region All Hazards Pre-Disaster Mitigation Planning process pursuant to a FY 08 Pre-Disaster Mitigation (PMD) Planning Grant; and

WHEREAS, the purpose of the PDM planning process was to develop all-hazards mitigation plans for the four counties of the Northern Delaware River Region; namely Sussex, Warren, unterdon and Mercer, and all municipalities within the said four counties; and

WHEREAS, the period of performance to develop the PMD Plans with a six month extension was from January 9, 2009 through June 30, 2011; and

WHEREAS, the Sussex County Sheriff's Office, Division of Emergency Management and 9-1-1 Coordination took the lead role in coordinating the development of all-hazards mitigation plans for all four counties and their municipalities through James Lee Witt Associates; and

WHEREAS, the spending plan included a 25% in-kind match in the form of non-supplanted employee salaries, wages and benefits, and expenses related to the planning process; and

WHEREAS, said 25% in-kind match was more than achieved by contributions of in-kind services from all four counties and approved by the New Jersey State Police, Hazard Mitigation Unit; and

WHEREAS, the New Jersey State Police, Emergency Management Section, Hazards Mitigation Unit, approved said plans and forwarded them to the Federal Emergency Management Agency, Region 2, New York City; and

WHEREAS, the Federal Emergency Management Agency, Region 2, has approved all plans developed under the FEMA grant; and

WHEREAS, all participating municipalities were urged to draft a similar resolution to adopt the plan.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of West Amwell Township does hereby adopt the Hunterdon County All Hazards Pre-Disaster Mitigation Plan directing applicable county agencies to pursue appropriate PDM project funding; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of the State Police, SFC Robert Little, State Hazard Mitigation Officer, Post Office Box 7068, West Trenton, New Jersey 088628-0068; one copy to the Sussex County Sheriff's Office, Division of Emergency Management, 39High Street, Newton, New Jersey 07860 and one copy to the Sussex County Treasurer, c/o Lauri L. Gallant, One Spring Street, Newton, New Jersey 07860.

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

Resolutions for Consideration –

- Older Americans Month Proclamation:

RESOLUTION #66-2012

WHEREAS, this Municipality includes a number of citizens aged 60 and older; and

WHEREAS, the 2012 theme is **“NEVER TOO OLD TO PLAY!”** in honor of older Americans; and

WHEREAS, the older adults in this Municipality have an important role in sharing knowledge, wisdom, and understanding of the history of our community through interactions with children, youth, and adults from other generations; and

WHEREAS, the fruits of knowledge and experience can be effectively transferred from generation to generation through meaningful social interactions; and

WHEREAS, their interactions with family, friends, and neighbors across generations enrich the lives of everyone involved; and

WHEREAS, our community can provide opportunities to enrich citizens young and old by:

- Emphasizing the value of including elders in public and family life
- Creating opportunities for older Americans to interest with people of different generations

- Providing services, technologies, and support systems that allow older adults to participate in social activities in the community

NOW THEREFORE, we of this Municipality do hereby proclaim May 2012 to be Older Americans Month. We urge every citizen to take time this month to engage with our older citizens through enjoyable social interactions such as sports, games, contests, and other forms of play.

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

- *Energy/Electricity Procurement (SHREC):*

Resolution #67-2012

A Resolution to Authorize the Agreement with Hudson Energy Services, LLC for the SHREC

WHEREAS, the City of Lambertville, Township of West Amwell, Lambertville Municipal Utilities Authority, Lambertville Public School, and the South Hunterdon Regional High School are members of the South Hunterdon Renewable Energy Cooperative, and

WHEREAS, the City of Lambertville is designated as the lead agency for the South Hunterdon Renewable Energy Cooperative, and

WHEREAS, the City of Lambertville, the Township of West Amwell and the Lambertville Municipal Utilities Authority adopted resolutions authorizing the participation in an online auction for procurement of electrical services and utilized the services of Birdsall Services, and

WHEREAS, on February 28, 2012, the City placed the required bid advertisement in the legal section of the Star Ledger, and

WHEREAS, on March 13, 2012, there were two auctions held, one for a twelve month agreement and one for a twenty-four month agreement, and

WHEREAS, Hudson Energy Services, LLC participated in both auctions, with a 12-Month Fixed Bid Price of \$0.07240 and 24-Month Fixed Bid Price of \$0.07680, and

WHEREAS, Birdsall Services, the consultant for the SHREC, advised it was best for each entity to enter into the 24-Month Fixed Bid Price at a rate of \$0.07680 per kWh with a termination date of May of 2014.

NOW THEREFORE, BE IT RESOLVED BY the Governing Body of West Amwell Township, that the Mayor and/or City Clerk of the City of Lambertville are hereby authorized to sign the 24-Month Agreement prepared by Birdsall Services, for the procurement of electricity with Hudson Energy, LLC at a rate of \$0.07680 per kWh.

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

- *Regionalization Advisability Report:*

RESOLUTION #68-2012

WHEREAS, the Board of Education of the South Hunterdon Regional School District, a limited purpose regional school district, organized under N.J.S.A. 18A:13-2b, and the Boards of Education of Lambertville, Stockton, and West Amwell, all operating as K-6 local school districts, have formally conducted a study to explore the feasibility of forming a regional school district, as provided in 18A:13-33; and

WHEREAS, the respective Boards of Education believe that school district regionalization is in accordance with the goals of the New Jersey Department of Education, and could produce educational benefits to the students of the region, as well as financial savings to the taxpayers of the region;

NOW THEREFORE BE IT RESOLVED, by the Township of West Amwell, that the Executive County Superintendent issue a report on the advisability of proceeding with regionalization

options; and

BE IT FURTHER RESOLVED, that the report be inclusive of, but not limited to, the advisability of dissolution of the existing South Hunterdon 7-2 Regional School District and formation of an all-purpose regional school district serving students in Pre-K through 12 from the Borough of Stockton, the City of Lambertville and the Township of West Amwell; and

BE IT FURTHER RESOLVED, that the report be inclusive of, but not limited to, the advisability of an all-purpose regional school district funded through regional tax levies allocated by 57% property valuation and 43% enrollment; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Executive County Superintendent of Hunterdon County Office of the New Jersey Department of Education, the municipal offices of the municipalities of Lambertville, Stockton and West Amwell, and the other boards of education upon action by this body.

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

- *Requesting Amendment to OPRA Law:*

RESOLUTION #69-2012

WHEREAS, in its enactment of the Open Public Records Act ("OPRA"), *N.J.S.A. 47:1A-1 et seq.*, the New Jersey Legislature identified, among others, the following public policies regarding government records:

- Government records shall be readily accessible for inspection, copying, or examination by the citizens of this State;
- A public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy;

WHEREAS, in fact, at the time OPRA was enacted, the Legislature was so concerned with the privacy implications of OPRA upon the citizenry that it simultaneously established a temporary Privacy Study Commission ("Privacy Commission") to study the privacy issues raised by the collection, processing, use and dissemination of information by public agencies and recommend specific measures, including legislation, to address these issues and safeguard the privacy rights of individuals [*P.L.2001, c. 404, §15*];

WHEREAS, the Privacy Commission duly convened and submitted a report in December 2004 wherein it concluded, "The Commission believes an individual's reasonable expectation of privacy in his or her home address and telephone number may be violated in certain circumstances when the government discloses this information to the public;"

WHEREAS, with respect to home phone numbers and addresses, the Privacy Commission made the following recommendations to the Governor and Legislature:

- Home telephone numbers, including cell phone numbers, should not be disclosed.
- Public agencies should notify individuals that their home addresses may be disclosed pursuant to OPRA request.
- Individuals should be permitted to provide an "address of record" for disclosure purposes, in addition to their home address when interacting with public agencies.
- The Governor or Legislature should establish objective guidelines defining when and from which government records home addresses should be redacted.
- Individuals should be permitted to opt out of disclosure of their home addresses.
- In the future, computer systems and applications should be programmed to collect but not disclose home addresses and telephone numbers.

WHEREAS, the Privacy Commission's report has been ignored by successive Governors and Legislatures;

WHEREAS, in the meantime, New Jersey's courts have issued multiple decisions condoning the release of citizens' private information;

WHEREAS, in *Renna v. County of Union*, No. A-1811-10 (App. Div. Feb. 17, 2012) the Appellate Division of the Superior Court of New Jersey held that, under the provisions of OPRA, Union County must release the names and addresses of senior citizens who signed up to receive Union County's "Senior Newsletter;"

WHEREAS, in *Geier v. Township of Plumstead*, No. OCN-L-3718-09 (Law Div. Oct. 27, 2009) a judge held that Plumstead Township's newsletter email subscription list and the home addresses of individuals filing tort claim notices with the Township must be released under OPRA;

WHEREAS, in *Atlantic County Society for the Prevention of Cruelty to Animals v. City of Absecon*, No. A-3047-07 (App. Div. June 5, 2009) a judge directed the release of a town's list containing the names and addresses of all dog license holders;

WHEREAS, in *Burnett v. County of Bergen*, 198 N.J. 408 (2009), the New Jersey Supreme Court has held that public access to records and protection of citizens' personal information are "twin aims" and has directed the implementation of a complicated, cumbersome, burdensome, overly legalistic, seven-step balancing analysis that municipal clerks and other public records custodians must apply on a case-by-case basis to determine how to treat a records request that implicates a privacy interest;

WHEREAS, OPRA mandates the imposition of attorney fee awards against public agencies whose records custodians apply this seven-step balancing analysis and, in good faith, deny records requests for citizens' personal information, when a court subsequently decides that the records should be released;

WHEREAS, according to the Federal Bureau of Investigation's Internet Crime Complaint Center ("IC3"), in 2009 fraudulent internet schemes cost consumers \$559.7 million;

WHEREAS, the New Jersey IC3 2010 Internet Crime Report reflects a reported State-wide loss of \$12,396,583.13 and New Jersey ranks fourth in the nation in Internet crime complaints per 100,000 population;

WHEREAS, fraudulent scams such as the "Grandparents Scam," sweepstakes and lottery scams, phishing/spooking and home repair scams are regularly committed against senior citizens by criminals who use senior citizens' home addresses, phone numbers and/or email addresses to perpetrate their crimes;

WHEREAS, from time to time, government obtains its citizens' home addresses, phone numbers and email addresses for various public health, safety and welfare purposes including, among countless others, reverse 911 emergency notifications; dissemination of newsletters or containing information about government programs and community news; advice about pet licensing, rabies clinics, flu shot clinics, recycling schedules and road closures; publication of senior citizen activities, juvenile recreational programs and town-wide events such as Memorial, Independence and Veteran's Day celebrations; and providing notices and agendas of public meetings;

WHEREAS, parents should be able to register their children for youth sports programs and other activities without fear that the names and addresses of their children will be subject to public dissemination;

WHEREAS, senior citizens should be able to sign up for activities at their local senior centers and receive local newsletters without fear that personal information such as their home addresses, phone numbers and email addresses will be released to those who prey on the elderly;

WHEREAS, records custodians should be able to review records requests and grant or deny them according to clear standards that do not require the advice of counsel and undergoing a seven-step overly legalistic balancing analysis that will result in the imposition of legal fees against

the local government when a court rules the records custodian reached an incorrect result, albeit in utter good faith;

WHEREAS, citizens are largely unaware of the fact that availing themselves of government newsletters, notices and programs puts their personal information at risk, and as they gain awareness of this undesirable consequence, many will likely withdraw from such participation, including receipt of notices of public meetings, thereby reducing transparency in government;

WHEREAS, many commercial enterprises desire convenient and cheap access to lists of resident phone numbers, email and home addresses so that they may target their advertising; and

WHEREAS, the commercial harvesting of citizens' personal data results in taxpayers funding the collection and distribution of information for commercial, non-governmental purposes in addition to the invasion of citizens' personal privacy.

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

1. The Legislature and Governor should immediately adopt legislation amending OPRA so that citizens' home addresses, phone numbers and email addresses are deemed exempt from disclosure;

2. The Clerk shall forward a copy of this resolution to Governor Chris Christie, State Senators Shirley Turner, Loretta Weinberg and Barbara Buono, Assemblypersons Reed Gusciora and Bonnie Watson Coleman, the Hunterdon County Board of Chosen Freeholders, the New Jersey State League of Municipalities, the New Jersey Clerks Association, the AARP, and Union County Clerk, Joanne Rajoppi, and all Hunterdon County Municipal Clerks.

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

- *Calling for Restoration of Energy Taxes:*

RESOLUTION #70-2012
Resolution Calling for the Restoration of Energy Taxes to Municipalities

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policy makers should not exercise that right automatically; and

WHEREAS, while that right should be the exception, it has become the rule; and

WHEREAS, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

WHEREAS, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Governing Body of West Amwell Township, that we join with the League of Municipalities in calling for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

BE IT FURTHER RESOLVED, that we, respectfully, call on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

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

- *Calling on the State Legislature and the Governor to Restore Municipal Energy Tax Receipts:*

RESOLUTION #71-2012
*Resolution Calling on the State Legislature and the Governor
to Restore Municipal Energy Tax Receipts*

WHEREAS, the Energy Tax Receipts Property Tax Relief program is the direct descendant of the Public Utility Gross Receipts and Franchise Tax (PU-GRAFT), which was a tax on regulated public utilities originally assessed and collected at the municipal level; and

WHEREAS, in the early 1980's, when at the request and for the convenience of the taxpaying utilities, the State became the collection agent for this assessment, the law that effected this change promised that the proceeds would be distributed back to the municipalities which provide services to utility facilities and are the source of the utility profits; and

WHEREAS, the State of New Jersey never honored that commitment, immediately diverting large and growing portions of the proceeds to its own general fund; and

WHEREAS, modernization and deregulation led to a major State "reform" of utility taxes in the mid-1990's, which legislation validated and, supposedly capped the State's annual skim, and which included a "poison pill," requiring the State to annually increase the municipal distribution of Energy Tax proceeds or to risk the forfeiture of the State's authority to collect the tax; and

WHEREAS, in the late 1990's, a State law was passed requiring the Energy Tax distributions to be annually increased by the rate of inflation; and

WHEREAS, as State budget-makers viewed this situation, the problem was not how to comply with this requirement, but rather how state officials might evade compliance; and

WHEREAS, in order for the State to increase Energy Tax distributions by the rate of inflation for five straight years without providing municipalities with one new dollar in property tax relief, State officials reduced the CMPTRA distribution by the same amount that it increased the Energy Tax distribution; and

WHEREAS, just in the past ten years, the State has withheld almost \$3,642,918 million in Energy Tax Receipt funds belonging to West Amwell property taxpayers; and

WHEREAS, stunningly, the Governor and New Jersey Legislature wrongfully withheld another \$897,702 of our municipal Energy Tax Receipts (and CMPTRA) in 2010 and again in 2011, which funds belong to West Amwell Township and would reduce local property taxes; and

WHEREAS, the Township Committee of the Township of West Amwell have long supported and called for State actions to reduce oppressive property tax burdens on our residents, since as noted, State officials in fact are the biggest drivers of increasing municipal property taxes

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

1. The Governor, State Legislative leadership and all members of the State Senate and Assembly should immediately restore in full all Energy Tax Receipt funding, thereby respecting and affirming the historic and fiduciary obligation as collector of municipal revenues.
2. The Municipal Clerk is hereby authorized and directed to provide a certified copy of this Resolution to the following: Governor Chris Christie, New Jersey Senate President Stephen Sweeney, New Jersey Senate Minority Leader Thomas Kean, Jr., New Jersey Assembly Speaker Sheila Oliver, New Jersey Assembly Minority Leader John Bramnick, New Jersey State Legislators of the 15th District, Mercer County mayors(?), Hunterdon County mayors, and the New Jersey League of Municipalities.

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

- *Special Patrolman Vacancy:*

RESOLUTION #72-2012

WHEREAS, the West Amwell Township Committee has determined that an additional Class II Special Officer would be beneficial to the Police Department; and

WHEREAS, the Township Committee, upon recommendation from Lt. Stephen J. Bartzak, decided that Anthony R. Goccia would be an excellent choice for the stated position; and,

WHEREAS, Anthony R. Goccia has been offered, and accepted, this position

THEREFORE, BE IT RESOLVED that Anthony R. Goccia be hired as a Class II Special Officer, effective April 16, 2012

BE IT FURTHER RESOLVED that Anthony R. Goccia receive \$20.91/hr in line with the S & W ordinance currently in effect.

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

- *Opposing A1338 & S743 Extending & Expanding Permit Extension Act of 2008:* Held. To be sent to Planning Board for advice.

- *Proclaiming April as Alcohol Awareness Month:*

RESOLUTION #73-2012

Proclaiming April as Alcohol Awareness Month in West Amwell

WHEREAS, alcohol is a primary factor in the four leading causes of death for young persons ages 10-21 and

WHEREAS, almost 100,000 persons die each year from alcohol-related causes: drinking and driving crashes, other accidents, falls, fires, alcohol-related homicides and suicide and

WHEREAS, approximately 15 million current drinkers in the United States are dependent on alcohol; and

WHEREAS, adolescents use alcohol more than tobacco or illicit drugs; and

WHEREAS, young people begin drinking, on average, at 13.1 years of age; and

WHEREAS, young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

WHEREAS, alcohol is involved in fifty percent of criminal assault, traffic, theft, fraud, vandalism and sex crime cases in the juvenile justice system. Older friends and siblings are the primary source by which underage youth obtain alcohol. Providing alcohol to minors is against the law, and that together we should work to keep it out of their hands, and

WHEREAS, it is imperative that we join with others in advancing efforts to strengthen the enforcement of our underage drinking laws, and build partnerships among local agencies, elected officials, law enforcement, businesses, schools, and communities to prevent underage drinking and alcoholism;

NOW, THEREFORE, I, George A. Fisher, join the National Council on Alcoholism and Drug Dependence, Inc. (NCADD) and The New Jersey Division of Alcohol Beverage Control and do hereby proclaim that April 2012 is Alcohol Awareness Month in West Amwell Township.

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

- *Opposing Senate Bill 1451 (OPMA):*

RESOLUTION #74-2012
Opposing Senate Bill 1451

WHEREAS, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-1451); and

WHEREAS, the governing body of the Township of West Amwell 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-1451 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A 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, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and

- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A 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
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that 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 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the provisions of S-1451 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-1451 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, while the governing body of the Township of West Amwell strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 will make government inefficient;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of West Amwell, County of Hunterdon, and State of New Jersey for reasons stated above, does hereby oppose S-1451, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; 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, Assemblyman Upendra Chivukula, the legislators of the 15th Legislative District, State Legislative District, 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 by Molnar, seconded by Rich.

- *Opposing Senate Bill 1452 (OPRA):*

**RESOLUTION #75-2012
Opposing Senate Bill 1452**

WHEREAS, legislation has been introduced to reform and modernize the Open Public Records Act (S-1452); and

WHEREAS, the governing body of the Township of West Amwell agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens' reasonable expectation of privacy; and

WHEREAS, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for "advisory, consultative or deliberative" material that may be contrary to the well established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include 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 that is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
- The inclusion of a subjective definition for "reasonable" that may be contrary to the well established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians' Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency's website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by "access to a computer"; and
- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and
- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

WHEREAS, the provisions of S-1452 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-1452 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, while the governing body of the Township of West Amwell strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1452 will make government inefficient;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of West Amwell, County of Hunterdon, and State of New Jersey for reasons stated above, does hereby oppose S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, the legislators of the 15th District, State Legislative District, 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 by Fisher, seconded by Molnar.

Process for Conflict Resolution within the Township – Mr. Fisher sought guidance from Attorney Faherty for problems in the Township between residents and certain departments that need a formalized process for mediation and if there were guidelines for same. Basically, he would like to just get the parties together and then move on.

OPEN TO THE PUBLIC

Mr. Pfeiffer came forward to address an earlier discussion concerning Toll trees and the SADC. He relayed that the latter sent a letter that should be in the file stating that the Township has the right to remove the trees in line with Agricultural Best Practices.

As a continuation of the Nunn discussion, Mr. Pfeiffer noted that 80% of the funds are outside money and cannot be allocated elsewhere. The Township's only concern would be their 20%. He expressed concern over a possible public relations problem; suggested that the Nunns be invited in to speak with Open Space; that there be communication with the land owner as they've waited 5 years; and, that Holcombe wants the property preserved as he farms it. The price breakdown would be in the neighborhood of \$200,000 with a Township share between \$35,000/\$40,000. As the option agreement was signed and the Township Committee authorized appraisals for both Bowers and Foran, the latter with no development potential only public access, Mr. Pfeiffer suggested that caution be exercised on Nunn due to development rights and the minimum clustering ordinance with transfer provisions. He re-iterated the position that it is unfair to the Nunns as they've waiting 5 years.

Mr. Rich responded that the Nunns have never come in and that the Committee has not said no. At this point not enough is known and the Open Space committee is being cautious. Due diligence is needed and that all parties involved should talk.

Mr. Pfeiffer continued that the SADC looks at development potential and that there's a written policy with a ranking system. The top 1/3 get funding at the County level and that they use the same eligibility criteria as State. It would benefit all to invite the Nunns into talk; they may be open to donating a portion of the value of the easement; and, again urged fairness to the landowner.

Mr. Beaumont relayed that South has a budget hearing tomorrow evening at 6 p.m. It might be good to someone to attend to see how the extra \$500,000 in State aid was utilized. As for the Bleacher memorial, he inquired whether the intent was to use public funds and was answered in the negative. He then stated that he felt bad about the website after Cathy's remarks and estimated that it'll be 6 months before there will be a working site. He was also curious about why things had to be hand entered. Some statistics for 2012 concerning taxes was then broached. His figures align with the over all 15% drop due to the re-assessment, although some were less and some were greater than that. There may be some resident concern with the drop and inquired whether Mr. Gill will provide information in the tax bills as people don't know their valuation. Mr. Beaumont will forward his calculations to the Clerk.

ADMINISTRATIVE REPORTS

Treasurer –

RESOLUTION #76-2012 (See Attached)

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

Presentation of Bills for Approval: Questions were raised concerning several bills on the list and were answered satisfactorily.

RESOLUTION #77-2012

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 \$1,048,964.13 dated March 28, 2012, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

Molnar motioned to approve the evening's bills for payment. Motion seconded by Fisher, and carried unanimously.

Treasurer Report: Appropriations through March 28, 2012 were provided and reviewed.

Tax Collector –

RESOLUTION#78-2012

WHEREAS, Martha Shea's deceased husband had been declared a fully exempted veteran; and,

WHEREAS, Mrs. Shea still resides at 250 Mt Airy-Harbourton Road, block 20, lot 17.01; and,

WHEREAS, the homestead rebate for 2012 1st quarter taxes had been paid in the amount of \$535.53 by the State of New Jersey; and,

WHEREAS, there are no taxes due and owing on this property; and,

WHEREAS, Mrs. Shea has requested that the overpayment of \$535.53 be returned to her

THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue a check in the amount of \$535.53 and this check be mailed to Martha Shea.

The **monthly report** for February 2012, was received showing receipts in the amount of \$1,991,083.54.

Clerk/Human Resources

- *Resolution Appointing ACO:*

RESOLUTION #79-2012

WHEREAS, Saul Nathaniel Barson has been serving as temporary Animal Control Officer for West Amwell Township; and,

WHEREAS, the Township Committee has determined to bring Saul Nathaniel Barson on staff as a Township employee to handle the ACO duties

THEREFORE, BE IT RESOLVED, that Saul Nathaniel Barson be appointed West Amwell Township Animal Control Officer, effective February 1, 2012, and upon adoption of an amended Salary & Wage ordinance.

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

- *Resolution Amending S & W:*

RESOLUTION #80-2012 SALARY & WAGE RESOLUTION

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2012 Salary and Wage Resolution, adopted January 9, 2012 be amended as follows:

Position	Salary/Compensation
<u>Add:</u> Violations Clerk Augustine	\$18.00/hr

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

Construction – The February 2012 Permit Fee Log details (24), Monthly Activity Report-Permits (24), Payment Audit Report (\$10,199.00 collected), Monthly Activity Report-Certificates (3), Certificate Log Detail (4) were received for PermitsNJ. A Profit/Loss report for 2011 showed a profit, after salaries and other expenses, to be \$13,334.00.

Police – The February 2012 Monthly Report showing 207 incidents, 336 summonses and 1 warning was received.

Roads – The January and February 2012 report of activities was received. Ditch, road/pot hole, tree line trimming/clearing and maintenance activities on various pieces of equipment were specifically noted.

Zoning Officer Report -- The February 2012 report of activities was received. Numerous phone calls, office meetings and interpretations were noted. Thirteen permits were issued.

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

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 10:35 p.m. on motion from Molnar.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk