

WEST AMWELL TOWNSHIP COMMITTEE MEETING
October 4, 2023, 2023
Regular Meeting – 7:30 PM

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

The regularly scheduled meeting of the West Amwell Township Committee was called to order at 7:40 PM. Present were Mayor Gary Hoyer, Deputy Mayor Stephen Bergenfeld, Committee Members James Cally, John Dale and Meghan Hudson along with Township Clerk Maria Andrews and Township Attorney William Pandos.

Mayor Hoyer announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was faxed to the Hunterdon County Democrat and Trenton Times on January 11, 2023, was posted on the bulletin board in the Municipal Building on that 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 Township Clerk.

FLAG SALUTE

Mayor Hoyer led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

Clerk Andrews noted there were no changes to the posted agenda.

ANNOUNCEMENTS

The following announcements were made:

- Township Offices will be CLOSED Monday 10/9/23 – Columbus Day
- There is only ONE Township Committee Meeting in November: 11/15/23
- Kindly Turn Cell Phones Off During the Meeting

PRESENTATION OF MINUTES

A motion by Cally, seconded by Dale to approve the Committee's 9/6/23 regular session minutes as revised, was unanimously approved by voice vote.

A motion by Cally, seconded by Dale to approve the Committee's 9/6/23 closed session minutes with no revisions noted was unanimously approved by voice vote.

A motion by Cally, seconded by Dale to approve the Committee's regular session minutes with no revisions noted was approved by voice vote with Mr. Bergenfeld and Ms. Hudson abstaining.

PROCLAMATION: National Fire Prevention Week 10/8/23 – 10/14/23

Mayor Hoyer read the following Proclamation into the record:

National Fire Prevention Week
October 8 - 14, 2023

WHEREAS, since 1922, on the 40th anniversary of the Great Chicago Fire, the Fire Marshals Association of North America determined that the anniversary should henceforth be observed in ways to keep the public informed about the importance of fire prevention; and

WHEREAS, Fire Prevention Week honors and remembers the heroic firefighters and first responders who made the ultimate sacrifice to save and protect our citizens, homes and communities; and

WHEREAS, West Amwell Township is committed to ensuring the safety and security of all those living in and visiting our municipality; and

WHEREAS, each year, an average of 1.4 million fires burn in the United States, resulting in thousands of deaths and injuries along with billions of dollars in direct property damage; and

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WHEREAS, our Nation's firefighters are heroes, and they deserve our deepest respect and gratitude for the selfless service they provide to our communities; and

WHEREAS, as we mark Fire Prevention Week, everyone must be vigilant and take precautionary measures to reduce the risk of fire and to protect their families and property; and

WHEREAS, the National Fire Protection Association's "*Look.Listen.Learn*" campaign reinforces the essential practices that everyone must follow to ensure fire safety; and

WHEREAS, Firefighters, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to acknowledge the value and the accomplishments of Firefighters by recognizing National Fire Prevention Week; and

NOW THEREFORE BE IT RESOLVED that the West Amwell Township Committee does hereby support the week of October 8th through October 14th, 2023 as "National Fire Prevention Week."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Township of West Amwell to be affixed this 4th day of October 2023.

ATTEST: October 4, 2023

Maria Andrews, Township Clerk, RMC

Gary Hoyer, Mayor

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Mayor Hoyer opened the floor to public comment.

Pamela Bland of 121 Rock Road West came forward and questioned the continued amendments to the cannabis ordinance stating no one has ever spoken up at a meeting in favor of cannabis in West Amwell. Mayor Hoyer explained there are residents who support cannabis and the Committee is always trying to provide for continued ratables. Committeeman Cally added that 64% of West Amwell residents voted in favor of cannabis and the Committee viewed that as an opportunity to provide for a ratable. Ms. Bland remarked that 64% of the voters approved having cannabis in NJ but the vote was not to specifically allow cannabis businesses in the Township. Mayor Hoyer commented there were no objections raised at any of the public hearings when the original ordinance was introduced. Committeewoman Hudson noted there were people who questioned when they could comment on the ordinance but didn't seem to understand the process at the meeting. Committeeman Cally stated the residents are more than capable of educating themselves.

Ms. Bland then asked about the status of the sound attenuation walls at the GMNJ site. Mayor Hoyer commented that the Township Engineer's Office is handling this matter. He remarked that Engineer Burr has the discretion to determine when a change to the approved plans is significant enough for the applicant to have to return to the Board for additional approvals. Committeeman Cally commented that the applicant apparently purchased better HVAC equipment and may not require sound barriers to the extent of what was originally approved by the Planning Board.

Dave Beaumont of 205 Rock Road West came forward and commented on his continued review of the housing sales and equalized valuation chart, noting he believes West Amwell's valuation is too high. He indicated if the calculation is contested it could result in a savings of up to \$100,000.00. The Committee suggested Mr. Beaumont reach out to County Tax Administrator Tony Porto. Mayor Hoyer noted he will speak with Assessor Izzo for a sales listing so she can coordinate with Mr. Beaumont on the valuation data.

Seeing no other members of the public who wished to speak, a motion was made by Bergenfeld and seconded by Cally to close the floor to public comment. The motion was unanimously approved by voice vote.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

It was noted for the record that there were no ordinances listed on the agenda for action.

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RESOLUTIONS

Resolution #86-2023: Authorization of Rocktown-Lambertville Rd. Improvement Project: Section V

Resolution #86-2023

WHEREAS, the Township of West Amwell plans to improve Rocktown-Lambertville Road (Section V); and

WHEREAS, the Township has obtained a grant from the municipal aid portion of the Transportation Trust Fund (FY2022) to help fund the project; and

WHEREAS, the Township has appropriated monies to construct the improvements on Rocktown-Lambertville Road (Section V); and

WHEREAS, the Township plans on utilizing Tilcon New York, Inc. ("Tilcon"), Denville Line Painting, Inc. ("Denville") and Road Safety Systems, LLC ("Road Safety") through its membership in the Morris County Cooperative Pricing Council ("MCCPC") to perform the required milling, paving, striping and guiderail work on Rocktown-Lambertville Road; and

WHEREAS, Tilcon, Denville and Road Safety are qualified contractors and have been found to be in compliance with the contract documents and technical specifications; and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of West Amwell that the Township shall utilize Tilcon, Denville and Road Safety for the improvements on Rocktown-Lambertville Road through the Township's membership in the MCCPC as follows:

HMA Milling, 100 square yards at a 0-2" depth at a unit price of \$2.75 per square yard for a total of \$275.00 (Tilcon);

HMA Milling, 1469 square yards at a 2-4" depth at a unit price of \$2.00 per square yard for a total of \$2,938.00 (Tilcon);

HMA 9.5M64 Surface Course, 2" thickness, 1364 tons at a unit price of \$84.15 per ton for a total of \$114,780.60 (Tilcon);

HMA 19M64 Base Course, 3" minimum thickness, 340 tons at a unit price of \$60.00 per ton for a total of \$20,400.00 (Tilcon);

Fuel Price Adjustment at \$5,000.00 (Tilcon);

Asphalt Price Adjustment at \$2,500.00 (Tilcon);

Traffic Stripes, 4" wide, 8012 linear feet at a unit price of \$.91 per linear foot for a total of \$7,290.92 (Denville);

Removal of Beam Guiderail, 165 linear feet at a unit price of \$8.00 per linear foot for a total of \$1,320.00 (Road Safety);

Beam Guiderail, 40 linear feet at a unit price of \$36.00 per linear foot for a total of \$1,440.00 (Road Safety);

Tangent Guiderail Terminal, 4 units at a unit price of \$3,500.00 per unit for a total of \$14,000.00 (Road Safety);

Beam Guiderail Bridge Attach, 4 units at a unit price of \$2,500.00 per unit for a total of \$10,000.00 (Road Safety).

Certified as a true copy of the Resolution adopted by the Committee.

On this 4th day of October, 2023

Maria Andrews, Township Clerk, RMC

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

Maria Andrews, Township Clerk, RMC

Gary Hoyer, Mayor

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A motion by Bergenfeld, seconded by Dale to approve Resolution #86-2023 was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Dale: Yes, Hudson: Yes, Hoyer: Yes

Resolution #89-2023: Hiring DPW Road Class C: S. Carom

RESOLUTION #89-2023

WHEREAS, the Township Committee wishes to hire Stephen Carom as a Road Class C to perform various public works and road projects as well as general maintenance of equipment, buildings and grounds, mowing and snow removal duties; and,

WHEREAS, an interview was conducted and DPW Superintendent Chris Gabel has recommended Mr. Carom for the position because he holds both a Commercial Pesticide Applicator Certification as well as a valid CDL license; and

NOW THEREFORE BE IT RESOLVED, by the West Amwell Township Committee that Stephen Carom be hired as a Road Class C for the DPW at a rate of \$24.00 per hour, to be re-evaluated for possible adjustment after 180 days, effective October 23, 2023 with a 6 month probationary period and pending satisfactory results of both a physical and a drug/alcohol test.

Certification

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at a meeting held on October 4, 2023.

Maria Andrews, Township Clerk, RMC

Committeewoman Hudson commented that she understands Mr. Carom is the sibling of Grounds Maintenance Manager Tommy Carom who has an amazing work ethic and is a terrific employee. She remarked if Steve Carom is anything like his brother West Amwell is lucky to have both of them! However, she is concerned with the initial rate of pay. Committeewoman Hudson remarked the hourly wage is higher than what the Committee had previously discussed. The position was to start at \$22.00 per hour. She noted that in June the rate was raised from \$18.00 per hour to \$22.00 in an effort to find qualified candidates. She believes this will affect morale because even though other DPW staff were just given a bump in hourly wages, they have been with the Township much longer.

Deputy Mayor Bergenfeld stated Steve Carom holds a pesticide license which no other DPW member has. He believed this certification warranted a higher hourly wage and asked why the Committee shouldn't pay someone with certifications more than other staff who have no desire to better themselves. Committeeman Cally remarked that this is an incentive for others in the Department to grow and obtain certifications.

Mayor Hoyer added that Steve Carom also has extensive mechanic experience and had strong references.

Committeewoman Hudson asked if there will be a legal issue if Steve Carom is working under his brother due to the fact that his brother is the Township's Grounds Maintenance Manager. Attorney Pandos said no because Chris Gabel is the DPW Supervisor. He explained this is not considered nepotism because Supervisor Gabel can always appoint someone else in the Department, other than Tommy Carom, to handle grounds if necessary.

A motion by Cally, seconded by Bergenfeld to approve Resolution #89-2023 was approved by roll call vote with Committeewoman Hudson opposing.

Bergenfeld: Yes, Cally: Yes, Dale: Yes, Hudson: No, Hoyer: Yes

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Committeewoman Hudson stated she voted against the resolution only because she is concerned with the starting rate and the potential ripple effect it may have on the Public Works Department but indicated she is looking forward to working with Mr. Carom.

NEW BUSINESS/OTHER

It was noted for the record that there were no new business items listed on the agenda for discussion.

UNFINISHED BUSINESS

It was noted for the record that there were no unfinished business items listed on the agenda for discussion.

ADMINISTRATIVE

A motion by Dale, seconded by Hudson to approve the 10/3/23 bill list was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Dale: Yes, Hudson: Yes, Hoyer: Yes

REPORTS BY DEPARTMENT HEADS

OEM Director Harry Heller came forward and informed the Committee that he attended the “Dam Breach Drill” at Merrill Creek. He also advised FEMA is still holding \$105,000 in funding for the Stymiest Road repairs. Attorney Pandos stated he sent a letter to Veola Water demanding action and is still trying to coordinate with Engineer Burr on the matter.

STANDING COMMITTEE REPORTS

- A. Open Space: No report was given.
- B. Environmental: No report was given.
- C. Ag Advisory: No report given.
- D. Finance Committee: No report given.

OPEN TO THE PUBLIC

Mayor Hoyer opened the floor to public comment. Dave Beaumont of 205 Rock Road West came forward again and commented on the “Stay in NJ” program for people age 65 and over which will come into effect in 2024. He explained it is a tax break that will encourage people to retire and stay in New Jersey. Mr. Beaumont noted there are about 300 known residents over the age of 65 in West Amwell and wanted get the word out.

Seeing no other members of the public come forward, a motion was made by Cally and seconded by Dale to close the floor to public comment. The motion was unanimously approved by voice vote.

OTHER

Resolution #90-2023: Closed Session – Contracts/Possible Litigation: Prescriptive Easement for DPW and Land Acquisition/Personnel and Matters Falling Under Attorney Client Privilege

A motion was made by Cally and seconded by Hudson to approve Resolution #90-2023 and enter into closed session. The motion was unanimously approved by voice vote.

Resolution #90-2023

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 the expected 30 minute discussion of and action upon the hereinafter specified subject matter.

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2. The general nature of the subject matter to be discussed is as follows: Township Easements and contract negotiations, personnel and matters falling under attorney client privilege. Action may be taken.
3. As nearly as can be ascertained, the matter or matters to be discussed during this closed session will be disclosed to the public when such matters are resolved.
4. This resolution shall take effect immediately.

Maria Andrews, Township Clerk, RMC

It was noted for the record that the Committee was in closed session from 8:35 PM – 9:46 PM.

ADJOURNMENT

A motion by Bergenfeld, seconded by Cally to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 9:46 PM.

Maria Andrews, Township Clerk, RMC

Approved: 10/18/23