

WEST AMWELL TOWNSHIP COMMITTEE MEETING

April 19, 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 7:30 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 the approval of Resolution #50-2023 authorizing a settlement agreement will be listed under Resolutions.

ANNOUNCEMENTS

The following announcements were made:

- Kindly Turn Cell Phones Off During the Meeting

PRESENTATION OF MINUTES

A motion by Hudson, seconded by Dale to approve the 4/5/23 regular and closed session meeting minutes with no revisions noted was unanimously approved by voice vote.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Mayor Hoyer opened the floor to public comment.

Kiyle Osgood 139 Rocktown-Lambertville Road asked if the public will be able to ask questions on the resolutions listed on the agenda for approval. Mayor Hoyer said yes.

Dave Beaumont of 205 Rock Road West thanked the Police and Fire for their services during the SHRS 4-K Run.

Seeing no other members of the public who wished to speak, Mayor Hoyer closed the floor to public comment.

UNFINISHED BUSINESS

It was noted for the record that no Unfinished Business matters were listed on the agenda for action.

RESOLUTIONS

Resolution #45-2023: Hiring Assistant Tax Assessor – (Held from 4/5/23 Meeting)

West Amwell Township
Resolution #45-2023

WHEREAS, an opening exists for a part time Assistant Assessor; and

WHEREAS, Nicole Izzo has submitted her resume for consideration; and

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WHEREAS, Nicole Izzo has been recommended by Assessor Burd to fill this open position; and

WHEREAS, the Township Committee is in agreement with Assessor Burd that Nicole Izzo be hired as a part time Assessor to assist with the annual re-assessment program requirements; and

NOW THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, that Nicole Izzo be hired as the part time Assessor effective 4/20/23, at an hourly rate of \$30.00 not subject to pension or health benefit coverage.

Certification

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at their meeting on April 19, 2023.

Maria Andrews, Township Clerk, RMC

Kiyle Osgood of 139 Rocktown-Lambertville Road spoke up from the public and asked why the Assessor needs an Assistant. Mayor Hoyer explained it is to get the Township caught up on the required re-assessments that were not being done under the previous Assessor.

A motion by Cally, seconded by Bergenfeld to approve Resolution #45-2023 was unanimously approved by roll call vote.

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

Resolution #47-2023: Amending Resolution #25-2023 OEM Committee

RESOLUTION #47-2023
Amending RESOLUTION 25-2023
APPOINTING AN EMERGENCY MANAGEMENT COMMITTEE

BE IT RESOLVED that the following appointments be made for the revision of the West Amwell Township Emergency Management Council:

Emergency Mgmt. Coord.	Harry J. Heller III	3 yr. term – (12/31/25)
Comm. Off. (Alert+Warning)	Matthew Skrebel	1 year term
Emergency Mgmt. Council	David Burd	1 year term
Emergency Mgmt. Council	Craig Reading	1 year term
Damage Assessment Officer	Phil Rosso	1 year term
Emergency Medical Services	Jason Strauss, Chief, LNHA&RS Patrick Eckard, Chief AVAC	1 year term
Public Information Officer	Mayor Hoyer	1 year term
Deputy PIO	Committeeman Cally	1 year term
Fire	Jeffrey Ent, Chief, W.A.F.Co	1 year term
Law Enforcement	Lieutenant E.J. Skillman, WATPD	1 year term
Public Health Officer	Committeeman Cally	1 year term
Deputy PHO	Committeeman Dale	1 year term
Public Works	Ryan Rollero	1 year term
Resource Management	Alex DeAngelis, Ass't Treasurer	1 year term

Shelter/Reception	County of Hunterdon/Red Cross	1 year term
Social Services	Committeewoman Hudson	1 year term
Radiological Officer	Hunterdon County Health Dept.	1 year term
Evacuation/Sheltering	Rob Tomenchok	1 year term
Evacuation Officer	Rob Tomenchok/Lt. E.J. Skillman	1 year term
EOC Manager	Dan Schulze	1 year term
Planner/Admin. Asst.	Amanda Burd	1 year term
Animal Response Coord.	Kim Kilmer	1 year term

BE IT RESOLVED that the Township Coordinator of Emergency Management be authorized, upon adoption of this resolution, to call necessary meetings, arrange for appropriate training sessions, and to set deadlines for responses in writing of the various sections of the plan as well as any further related requirements.

Certification

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Committee of the Township of West Amwell on April 19, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Bergenfeld to approve Resolution #47-2023 was unanimously approved by roll call vote.

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

Resolution #48-2023: Budget Self Examination Resolution

**Resolution #48-2023
SELF-EXAMINATION OF BUDGET RESOLUTION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of West Amwell has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of West Amwell that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes

- e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
- 2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
 - 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 - 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
 - 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 - 6. That all other applicable statutory requirements have been fulfilled.
- :

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Certification

I, Maria Andrews, Township Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Township Committee on April 19, 2023.

Maria Andrews, Township Clerk, RMC

Committeewoman Hudson asked when the last time the State reviewed the budget was. Township Auditor John Mooney explained the State reviews the budget every 3 years and just did so in 2022.

A motion by Dale, seconded by Bergenfeld to approve Resolution #48-2023 was unanimously approved by roll call vote.

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

Resolution #50-2023: Auth. the Execution, Severance, Settlement and General Mutual Release Agr.

**RESOLUTION #50-2023
TOWNSHIP OF WEST AMWELL
HUNTERDON COUNTY, NEW JERSEY**

**RESOLUTION OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, AND
STATE OF NEW JERSEY AUTHORIZING THE EXECUTION, SEVERANCE, SETTLEMENT, AND
GENERAL MUTUAL RELEASE AGREEMENT**

WHEREAS, an Employee of the Township of West Amwell has offered to enter into a mutually beneficial Severance, Settlement, and General Mutual Release Agreement wherein said Employee shall tender a resignation from employment in accordance with the terms thereof; and

WHEREAS, a Severance, Settlement, and General Mutual Release Agreement has been negotiated by and between the Township and said employee, upon the advice of the Township Attorney and separate legal counsel representing the Employee; and

WHEREAS, the Township is desirous of executing same; and

WHEREAS, the details of the facts giving rise to the issuance of the preliminary notices of disciplinary action and subsequent negotiations regarding the resignation of said Employee were discussed in executive session, as appropriate pursuant to the statutory exemption permitting closed discussion regarding personnel matters.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey that the Mayor and/or the Township Attorney is hereby authorized to execute the Severance, Settlement and General Mutual Release Agreement in the form disclosed in the executive session.

Gary Hoyer, Mayor

ATTEST:

Maria Andrews, Municipal Clerk

A motion by Cally, seconded by Dale to approve Resolution #50-2023 was approved by roll call vote with Committeewoman Hudson abstaining.

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

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Introduction: Ordinance 03, 2023: AN ORDINANCE FOR THE CALENDAR YEAR 2023 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)
Mayor Hoyer read Ordinance 03, 2023 by title.

TOWNSHIP OF WEST AMWELL
ORDINANCE 3, 2023

AN ORDINANCE FOR THE CALENDAR YEAR 2023 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township of the West Amwell in the County of Hunterdon finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5 % increase in the budget for said year, amounting to \$33,116.62 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget, shall be retained as an exception to final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the township of West Amwell in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of West Amwell shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$115,908.17 and that the CY 2023 municipal budget for the Township of West Amwell be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

STATEMENT

This Ordinance to permit an increase in the Municipal Budget to 3.5% over the previous year's final in cap appropriations and to establish a CAP bank in accordance with law.

RECORDED VOTE:

AYES} *Bergenfeld, Cally, Dale, Hudson, Hoyer*

ABSENT} No one

I hereby certify that the attached ordinance is a true and correct copy of an ordinance entitled **ORDINANCE FOR THE CALENDAR YEAR 2023 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK** which was introduced at the meeting of the West Amwell Township Committee on April 19, 2023 and adopted at the meeting of the West Amwell Township Committee on May 17, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Cally to introduce Ordinance 03, 2023 upon first reading was unanimously approved by roll call vote.

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

It was noted for the record that the public hearing on Ordinance 03, 2023 will be listed on the Committee's 5/17/23 agenda.

Minutes: 4/19/23

Introduction: 2023 Municipal Budget

A motion by Cally, seconded by Dale to introduce the Township's 2023 Municipal Budget was unanimously approved by roll call vote.

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

It was noted for the record that the public hearing on the budget will be listed on the Committee's 5/17/23 agenda.

NEW BUSINESS

It was noted for the record that no New Business items were listed on the agenda for action.

ADMINISTRATIVE

A motion by Hudson, seconded by Bergenfeld to approve the 4/4/23 bill list was unanimously approved by roll call vote.

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

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.

Director of OEM Harry Heller spoke up from the public and thanked everyone for their cooperation on reviewing the various sections of the Emergency Operating Plan that must be updated prior to 5/19/23.

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 limited number of people in the Township taking advantage of the "senior freeze." He remarked that there are at least 300 homes in the Township where 1 resident is 65 years old or older. He suggested something be included in the tax bill mailing to spread the word. It was noted for the record that the Committee supported Mr. Beaumont's suggestion.

Seeing no other members of the public who wished to speak, Mayor Hoyer closed the floor to public comment.

OTHER

Resolution #49-2023: Closed Session – Contracts/Possible Litigation/Matters Falling Under Attorney Client Privilege

Resolution #49-2023

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 discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Contracts, Possible Litigation – Eminent Domain and Prescriptive Easement for DPW and matters falling under Attorney Client Privilege. Action may be taken.

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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

A motion by Bergenfeld, seconded by Dale to approve Resolution #49-2023 and enter into Closed Session was unanimously approved by voice vote.

A motion by Bergenfeld, seconded by Dale to return to Open Session was unanimously approved by voice vote.

The Committee was in Closed Session from 7:59 PM – 8:29 PM.

Upon Returning to Open Session, DPW Director Rollero had arrived at the meeting to provide his department head report.

SPECIAL PRESENTATIONS

Reports by Department Heads

DPW Director Rollero provided an update on the catch basins in the Township that need to be repaired. He explained how he intends to go out to BID on the project and utilize the funds received under the American Rescue Plan. The Committee authorized Director Rollero to go out for BID for the catch basin project.

Attorney Pandos noted that the State has granted West Amwell an administrative hearing on the reassignment from a Tier B municipality to a Tier A, but has not provided a date for the hearing as of yet. Director Rollero commented that West Amwell and Alexandria Townships are the only 2 municipalities that have started entering mapping information into the GIS system.

Director Rollero also commented that he would like to hire 2 summer helpers and noted Waste Security Laborer Noel Frances is interested in working up to 2 days per week as needed. The Committee supported Director Rollero hiring extra help for the summer.

Committeeman Cally brought up the dead ash trees again and Director Rollero explained again that the County contracted with Riches Tree Service in S. Plainfield, NJ who will be working throughout Hunterdon County to cut trees down.

Committeewoman Hudson asked about “curve” signs for Rock Road West. Deputy Mayor Bergenfeld noted there are no safety issues on that road per Lieutenant Skillman and DPW Director Rollero.

CORRESPONDENCE

It was noted for the record that the Committee ordered the correspondence listed on the agenda to be filed.

ADJOURNMENT

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

The meeting adjourned at 8:56 PM.

Maria Andrews, Township Clerk, RMC

Approved: 5/3/23