

WEST AMWELL TOWNSHIP COMMITTEE MEETING
May 3, 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 approval of the 5/2/23 bill list will be added under Administrative reports for the Treasurer.

ANNOUNCEMENTS

The following announcements were made:

- Proclamation: Police Week 5/14/23 – 5/20/23
- Kindly Turn Cell Phones Off During the Meeting

PRESENTATION OF MINUTES

A motion by Dale, seconded by Bergenfeld to approve the 4/19/23 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.

John Dupuis came forward and gave his annual Municipal Alliance update highlighting the following items:

1. Hunterdon County Finance Department is now handling all billing and disbursement of grant funding
2. The "Red Ribbon Walk" program will be hosted by the High School and the "Footprints for Life" program will be hosted by the elementary school
3. This year there will be new health and welfare programs for the middle school students

Mayor Hoyer asked if more funding will be available for the municipality. Mr. Dupuis said no, but indicated there will be more programs offered.

James Legg of 26 Music Mountain Boulevard came forward and asked Committeewoman Hudson why she switched parties. Committeewoman Hudson sought counsel from Attorney Pandos as to whether or not it would be appropriate to answer the question in this forum. Attorney Pandos did not provide any guidance on the matter. Committeewoman Hudson went on to explain that she has always been a Democrat and that Diane Yoder, her former running mate, has always been a Republican. She remarked they ran a split ticket focused on the issues in the last election and now Ms. Yoder is on the ballot in the Republican primary. Committeewoman Hudson explained she switched parties to be able to vote for her former running mate. Committeewoman Hudson noted she had spoken with County Clerk Mary Melfi prior to confirm it would not negatively affect her position as an elected official and Clerk Melfi advised she was able to switch parties temporarily.

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Mr. Legg remarked the act of switching parties seems disingenuous to voters and the Democrats who supported Ms. Hudson. She stated she ran on a bi-partisan ticket. Deputy Mayor Bergenfeld and Committeeman Cally agreed with Mr. Legg and commented on the morality and appropriateness of an elected official switching parties.

Dave Beaumont of 205 Rock Road West thanked Township Clerk Andrews for making the agenda more detailed. He then commented on the outside work being done at the GMNJ site. Mayor Hoyer and Deputy Mayor Bergenfeld suggested he reach out to the Zoning and Construction Officials if there is a question about anything being done on the site. Mr. Beaumont also indicated Dan Hofstetter's wife is very upset over their property being butchered up by someone trying to turn around not realizing the road is a dead end. He suggested a "No Outlet" or "No Turn Around" sign be posted. Mayor Hoyer remarked he had spoken with DPW Director Rollero about putting up another chevron.

Fire Chief Jeff Ent came forward and asked Attorney Pandos the status of the letter he was sending to JCP&L regarding their poor response time to emergencies within the Township. Attorney Pandos indicated he will draft the letter and copy the Fire Company.

Next, Chief Ent inquired on the status of the mutual aid agreement forms he asked for. Attorney Pandos explained that there is no standard form and the Fire Company can continue to utilize the ones they have. He also stated he would be happy to review any forms Chief Ent provides.

Lastly, Chief Ent noted his 1996 fire truck is now 27 years old and when he brought up replacing it 10 years ago it would have cost the Township \$400,000. Now the prices have increased drastically. He referenced a quote from 2 years ago reflecting a cost of \$795,954 if the truck is purchased prior to 8/1/23. Chief Ent explained that after that date new emission regulations go into effect for diesel motors and the truck will cost \$954, 834.

The Committee thanked Chief Ent for his update and commented on a potential referendum question.

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 #51-2023: Issuance of Plenary Retail Consumption/Theatre License

RESOLUTION #51-2023

RESOLUTION OF THE WEST AMWELL TOWNSHIP COMMITTEE TO APPROVE THE APPLICATION OF MUSIC MOUNTAIN THEATER FOR THE ISSUANCE OF A NEW PLENARY RETAIL CONSUMPTION LICENSE (#37 THEATER EXCEPTION) PURSUANT TO N.J.S.A. 33:1-19, ET SEQ., AND TO ISSUE SAID LICENSE

WHEREAS, pursuant to N.J.S.A. 33:1-19, *et seq.*, the West Amwell Township Committee is empowered to issue a new Plenary Retail Consumption License (#37 Theater Exception) to a theater with no less than 50 seats without regard to any other restriction on the number of such licenses existing in the Township; and

WHEREAS, on March 1, 2023, the Township Committee passed Resolution #34-2023 establishing a new Plenary Retail Consumption License (*#37 Theater Exception*), and authorizing the Township to accept applications therefor; and

WHEREAS, the Township received only one application, from Music Mountain Theater, in response to its solicitation of applications; and

WHEREAS, the Township Committee, as the issuing authority, has thoroughly reviewed the application received from Music Mountain Theater, and in accordance with N.J.A.C. 13:2-2.9, affirmatively finds as follows:

1. The submitted application form is complete in all respects; and

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2. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or Division-approved conditions; and
3. The applicant has disclosed and the authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED by the West Amwell Township Committee, County of Hunterdon, State of New Jersey that the application received from Music Mountain Theater for the issuance of a new Plenary Retail Consumption License (#37 Theater Exception) is hereby approved, and the Clerk is directed to take all necessary actions to facilitate the issuance of said license.

CERTIFICATION

This is to certify that the foregoing Resolution was adopted by the Township Committee of the Township of West Amwell during a public business meeting held on May 3, 2023.

MARIA ANDREWS, TOWNSHIP CLERK, RMC

A motion by Hudson, seconded by Dale to approve Resolution #51-2023 was unanimously approved by roll call vote.

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

NEW BUSINESS

Acknowledgement/Approval – Updated Emergency Operating Procedures Manual

OEM Director Harry Heller presented the Committee with the Township's Updated Emergency Operating Procedures Manual for signature and noted he must get it over to the County prior to May 19, 2023. The Committee took a moment to sign off on it and thanked Director Heller for all of the time he put in updating the manual.

ADMINISTRATIVE

Committeewoman Hudson question the \$42,000 open space payment to the County on the 4/25/23 bill list. Clerk Andrews believed it was an open space tax payment but advised her to follow up with CFO Mustafa for specific details.

A motion by Hudson, seconded by Dale to approve the 4/18/23, 4/25/23 and 5/2/23 bill lists 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.

Mayor Hoyer commented that the re-assessment program will be occurring soon and an alert will be posted on the website with letters going out to residents so they are aware the Assessor and his assistant will be reaching out to conduct property inspections.

OPEN TO THE PUBLIC

It was noted for the record that there were no members of the public who wished to make any comments.

OTHER

Resolution #52-2023: Closed Session – Contracts/Possible Litigation/Matters Falling Under Attorney Client Privilege

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Resolution #52-2023

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: Possible Litigation – Prescriptive Easement for DPW 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

A motion by Cally, seconded by Bergenfeld to approve Resolution #52-2023 and enter into Closed Session was unanimously approved by voice vote.

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

The Committee was in Closed Session from 8:18 PM – 9:54 PM.

Upon Returning to Open Session, a motion was made by Dale and seconded by Hudson to approve the various staff title change(s) and compensation matters discussed in closed session. The motion was approved by roll call vote with Deputy Mayor Bergenfeld abstaining.

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

ADJOURNMENT

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

The meeting adjourned at 9:56 PM.

Maria Andrews, Township Clerk, RMC

Approved: 5/17/23