

WEST AMWELL TOWNSHIP COMMITTEE MEETING
September 20, 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, Committee Members James Cally and John Dale 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:

- Kindly Turn Cell Phones Off During the Meeting

Clerk Andrews noted DPW Director Rollero had sent an email about the successful 6th Annual Delaware River Clean-up Day that took place on 9/16/23.

PRESENTATION OF MINUTES

It was noted for the record that approval of the open and closed session minutes from the Committee's 9/6/23 meeting will be tabled to the 10/4/23 agenda because they have not yet been drafted.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

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

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Introduction: Ordinance 09, 2023 – AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 38 "POLICE DEPARTMENT," PART 1 "GENERAL PROVISIONS," ARTICLE III "PROMOTIONS," OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO CLARIFY THE PROMOTION PROCESS

Mayor Hoyer noted the ordinance will be tabled to the 10/4/23 meeting in order to give the Committee time to review the comments received from the Police Union.

RESOLUTIONS

Resolution #81-2023: Corrective Action Plan for CY2022 Audit

**RESOLUTION OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
APPROVING A CORRECTIVE ACTION PLAN FOR CY2022 AUDIT**

Resolution #81-2023

WHEREAS, the Township of West Amwell, County of Hunterdon, State of New Jersey received its CY2022 Audit, dated May 29th, 2023; and

WHEREAS, the Township will implement the CY2022 Corrective Action Plan for the findings therein as follows:

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Finding 2022-01 – Segregation of Duties.

Action – The Township is aware that there are limited segregation of duties relating to the receipt and deposit of funds due to the small number of staff in the Administrative Offices. Deposits are sent to the bank by the Department Heads with the CFO entering the receipts into the general fund accounting system and reconciling same to the bank statements.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of West Amwell, implement the Corrective Action Plan as outlined above by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the Township Clerk of the Township of West Amwell, be directed to forward certified copies of this resolution to the New Jersey Division of Local Government Affairs, in compliance with State statute.

Certification

I hereby certify that the foregoing is a true copy of a Resolution approved by the West Amwell Township Committee at their regular meeting on September 20, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Dale to approve Resolution #81-2023 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Resolution #82-2023: Items of Revenue & Appropriation for CY2023 Budget

Resolution #82-2023
RESOLUTION REQUESTING APPROVAL OF
ITEMS OF REVENUE AND APPROPRIATION
NJSA 40A:4-87

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of West Amwell in the County of Hunterdon, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget for the year CY2023 in the sums of:

Body Armor Grant - \$1736.00

BE IT FURTHER RESOLVED, that the like sums of:

Body Armor Grant - \$1736.00

Be appropriated under the caption ***Public and Private Programs offset by Revenues.***

Certification

I hereby certify that the foregoing is a true copy of a Resolution approved by the West Amwell Township Committee at their regular meeting on September 20, 2023.

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Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Dale to approve Resolution #82-2023 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Resolution #83-2023: Authorizing the Purchase of Road Salt

RESOLUTION #83-2023

WHEREAS, a master contract was awarded to Morton Salt (Rock Salt) by the Hunterdon County Board of Commissioners, Bid No. 2022-14 for the contract for the 2023/2024 season; and

WHEREAS, West Amwell Township has indicated a need of up to 900 tons @ \$72.84/ton of snow and ice control materials that were the subject of said bid; and

WHEREAS, the Township Committee has authorized the purchase of up to 900 tons of said materials, **with quantities ordered as needed by DPW Superintendent Gabel**; and

WHEREAS, funds are available in the 2023 Budget under the category of Public Works, Streets and Road Maintenance, Other Expenses, as certified by the CFO; and

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey that Morton Salt, 444 West Lake Street, Tue 3000, Chicago IL 60606 be awarded the snow and ice control materials bid for the 2023/2024 season.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at a meeting held September 20, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Dale to approve Resolution #83-2023 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Resolution #84-2023: Appointment of Tax Assessor N. Izzo

RESOLUTION #84-2023

RESOLUTION OF THE MUNICIPALITY OF WEST AMWELL TOWNSHIP,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE
APPOINTMENT OF NICOLE IZZO AS TAX ASSESSOR

WHEREAS, N.J.S.A. 40A:9-146 requires every Municipality to provide for the appointment of a Tax Assessor; and

WHEREAS, IT IS THE DESIRE OF THE Mayor and Township Committee of West Amwell Township to appoint Nicole Izzo as Tax Assessor effective October 1, 2023 with an annual salary of \$35,000.00 to complete the current Assessor's term ending June 30, 2027; and

WHEREAS, after June 30, 2027 Nicole Izzo would be eligible for appointment to a new 4 year term beginning July 1, 2027 through June 30, 2031; and

WHEREAS, the assessor will hold public office hours by appointment; and

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NOW THEREFORE BE IT FURTHER RESOLVED, Resolution #84-2023 was duly adopted by the Township Committee at a public meeting held on September 20, 2023 to appoint a part time Tax Assessor; and

BE IT FURTHER RESOLVED THAT, certified copies of said Resolution shall be forwarded to the following:

Director, Division of Taxation
Administrator, Board of Taxation
Administrator of the Municipality
Tax Assessor

Certification

I, Maria Andrews, Municipal Clerk of West Amwell Township, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held on September 20, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Dale to approve Resolution #84-2023 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Resolution #85-2023: Approval of Theatre License for Music Mountain Theatre

RESOLUTION #85-2023

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL 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 Township Committee of the Township of West Amwell 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 August 16, 2023, the Township Committee passed Resolution #74-2023 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 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
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 Township 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 Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey that the Township Committee supports the application

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received from Music Mountain Theater for a new Plenary Retail Consumption License (#37 Theater Exception).

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 September 20, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Dale, seconded by Cally to approve Resolution #85-2023 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Resolution #87-2023: Auth. Tax Collector to Negotiate Contract with Edmunds for Collection Software

Mayor Hoyer noted that the VITAL Software is being phased out and the Township must find a new vendor for the Tax Collection Office.

RESOLUTION #87-2023

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL AUTHORIZING THE TAX COLLECTOR TO NEGOTIATE AND EXECUTE A CONTRACT WITH EDMUNDS GOVTEC FOR A ONE (1) YEAR SOFTWARE SUPPORT AND MAINTENANCE AGREEMENT

WHEREAS, the Office of the Township Tax Collector presently utilizes and relies upon software that will no longer be supported by the software provider; and

WHEREAS, the Township of West Amwell is desirous of authorizing the negotiation and execution of a one (1) year software support and maintenance agreement with Edmunds GovTech in an amount not to exceed \$20,000.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(a)(dd) a contract may be executed without competitive bidding by reason that such services constitute support of proprietary computer hardware and software; and

WHEREAS, sufficient funding is available as evidenced by a certification of available funds that has been provided to the governing body in accordance with N.J.A.C. 5:30-5.4; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey that a one (1) year software support and maintenance agreement with Edmunds GovTech in an amount not to exceed \$20,000.00 is hereby approved; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey that the Tax Collector is authorized to negotiate and execute the agreement as required.

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 September 20, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Dale to approve Resolution #87-2023 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

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Resolution #88-2023: Opposing H.R. 3272 Pilot Program Allowing 91,000 Pound Trucks on Roadways

Mayor Hoyer commented that the County is seeking support for this resolution.

RESOLUTION #88-2023

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL OPPOSING H.R. 3372, WHICH WOULD ESTABLISH A 10-YEAR PILOT PROGRAM ALLOWING STATES TO PERMIT 6-AXLE VEHICLES WEIGHING UP TO 91,000 POUNDS TO OPERATE ON ROADWAYS

WHEREAS, the United State House of Representatives introduced H.R. 3372 on May 16, 2023, which would establish a 10-year pilot program allowing states to permit 6-axle vehicles weighing up to 91,000 pounds to operate on roadways; and

WHEREAS, this increase in gross weight limits to 91,000 pounds represents a nearly 14% increase over current regulations which allow 6-axle vehicles up to 80,000 pounds in gross weight; and

WHEREAS, a 2023 joint study authored by the National Association of Counties and National Association of County Engineers found that 72,000 local bridges across the country are unable to safely carry 91,000-pound trucks, and that it would cost \$61 billion to replace them; and

WHEREAS, according to USDOT, even with a 6th axle to distribute the load, 91,000-pound trucks would pay for only about 55% of their damage to roads and bridges; and

WHEREAS, since Congress last raised gross weight limits, the number of trucks registered in the United States and the miles they drive have increased by 91%; and

WHEREAS, Hunterdon County is home to numerous small and historic bridges that currently cannot handle existing heavy trucks that are operating on our roadways; and

WHEREAS, existing truck traffic presents numerous challenges to Hunterdon County's 26 municipalities including their numerous small, historic downtowns; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey hereby opposes H.R. 3372, and calls upon its federally elected representatives to oppose this legislation.

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 September 20, 2023.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Dale to approve Resolution #88-2023 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

NEW BUSINESS/OTHER

Discussion: Ordinance 9, 2023 – Review of Response from Police Union Regarding the Promotion Process

Mayor Hoyer noted this matter is tabled until the Committee's 10/4/23 meeting in order to give everyone enough time to review the comments received from the Police Union.

UNFINISHED BUSINESS

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

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ADMINISTRATIVE

A motion by Dale, seconded by Cally to approve the 9/5/23 and 9/19/23 bill lists was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

REPORTS BY DEPARTMENT HEADS

OEM Director Harry Heller came forward and advised FEMA is still holding \$105,000 in funding for the Stymiest Road repairs. He asked what the status is with the Engineers. Attorney Pandos stated he will send a letter to Veola Water demanding action.

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 and commented on the equalized valuation and the “usable” and “non-usable” lists, highlighting the following properties:

- 1. 54 Hancock Street – Appears to be part of a package deal for a selling price of \$25,000 and should be deemed non-usable
- 2. 7 Holcombe Grove – Appears to be in both the usable and non-usable list because it looks as though the property sold twice in the same month
- 3. 18 Terrell Road – Does not reflect the correct assessed value
- 4. The following properties sold for 40%+ higher than the assessed value which should be investigated:
 - 218 Mt. Airy Harbourton Road
 - 120 Hancock Street
 - 322 Rock Road East
 - 591 Brunswick Pike
- 5. 22 Rocktown-Lambertville – Appears to be coded as a family sale, but cannot be confirmed
- 6. 1353 Route 179 & 416 Route 31 N – Both appear to be coded as non-usable but cannot determine why

Mr. Beaumont commented that reasonable adjustments to these lists could result in a \$90,000 difference which averages to be about \$90.00 per average taxpayer.

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 #80-2023: Closed Session – Contracts/Possible Litigation: Prescriptive Easement for DPW and Land Acquisition/Personnel and Matters Falling Under Attorney Client Privilege

It was noted for the record that the Committee did not go into closed session.

ADJOURNMENT

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

The meeting adjourned at 8:15 PM.

Maria Andrews, Township Clerk, RMC

Approved: 10/4/23