

WEST AMWELL TOWNSHIP COMMITTEE MEETING
September 7, 2022
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 James Cally, Deputy Mayor Gary Hoyer, Committeemen Stephen Bergenfeld, John Dale and Lucas Lyons along with Township Clerk Maria Andrews and Township Attorney William Pandos.

Mayor Cally 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 13, 2022, 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 Cally led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

Clerk Andrews noted the Tax Sale has been scheduled for November 11, 2022 at 10:00 AM.

ANNOUNCEMENTS

The following announcements were made:

- Kindly Turn Cell Phones Off During the Meeting
- The Municipal Offices are back to Regular Hours 8:30 AM to 3:30 PM: Monday – Friday
- 5th Annual Delaware River Clean-up is 9/17/22 – Register on the Township Website
- DPW Director Rollero Rec'd FEMA Certification for "Planning & Disaster Debris Management"

SPECIAL PRESENTATION

Resolution #83-2022 In Memory of Tax Assessor David M. Gill

Mayor Cally read Resolution #83-2022 into the record.

RESOLUTION #83-2022
A RESOLUTION IN MEMORY OF DAVID M. GILL
September 8, 1942 – August 22, 2022

WHEREAS, the Governing Body of West Amwell Township wishes to record its deep sorrow over the passing of David M. Gill who served as the Township's Tax Assessor for 29 years; and

WHEREAS, David devoted his life to Municipal Government starting his career as a Field Tax Assessor in East Amwell Township in 1982 and then later taking on West Amwell Township, Frenchtown and Milford Boroughs in Hunterdon County as well as the Town of Belvidere, Liberty Township, Oxford Township, Washington Township, Frelinghuysen Township, Hardwick Township and Pahaquarry Township in Warren County; and

WHEREAS, prior to becoming a Tax Assessor David served in the National Guard assigned to the 4th Battalion 112th Artillery as a Battalion Clerk achieving Top Secret security clearance; and

WHEREAS, David also was a real estate investor, a retail business owner of an office furniture and supply store and a self-employed custom home builder and kitchen cabinet designer. His skills included designing and constructing the home he resided in for many decades on Mountain Road in East Amwell Township; and

WHEREAS, David was a technical wizard creating many computer programs over the years to assist with his assessing duties, but none more cherished than his "Flip Book" program for which he was most proud of; and

WHEREAS, David loved his cats, his community and his numerous co-workers often giving his old computer equipment to many fellow colleagues after purchasing the latest and greatest upgraded hard drive or monitor; and

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WHEREAS, the Governing Body is grateful for David's many contributions as an outstanding citizen, friend and Assessor to our community; and

WHEREAS, David's service was given with such devotion that he has earned the respect, admiration and friendship of all the citizens in our community through his professional leadership and dedication; and

NOW THEREFORE BE IT RESOLVED that in recognition of David's contributions to the Governing Body, the Municipality and its citizens, we hereby express our deep appreciation for his service to this community and extend to his family our sincere sympathy upon his passing.

Certification

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at a regular meeting of the Committee held September 7, 2022.

Maria Andrews, Township Clerk, RMC

James Cally, Mayor

PRESENTATION OF MINUTES

A motion by Hoyer, seconded by Dale to approve the Committee's 8/17/22 open and closed session meeting minutes with no revisions noted was unanimously approved by voice vote.

A motion by Hoyer, seconded by Dale to approve the Committee's 8/24/22 special meeting minutes with no revisions noted was approved by voice vote with Committeemen Bergenfeld and Lyons abstaining.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Mayor Cally opened the floor to public comment.

Holly Abitz of 201 Rock Road West came forward and asked for an update on the school referendum lawsuit. Mayor Cally explained that the school has bonded for the proposed project and the Township's lawsuit is in the appeal process with oral arguments scheduled for what he believes will be January.

Seeing no other members of the public come forward, Mayor Cally closed the floor to public comment.

RESOLUTIONS

Resolution #52-2022: Resolution Requesting the County Superintendent Investigate the Advisability of the Municipality Withdrawing from the all Purpose SHRSD

RESOLUTION #52-2022

A RESOLUTION OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TO APPLY, PURSUANT TO N.J.S.A. 18A:13-66, TO THE COUNTY SUPERINTENDENT OF SCHOOLS TO INVESTIGATE THE ADVISABILITY OF THE FULL OR PARTIAL WITHDRAWAL OF WEST AMWELL FROM THE SOUTH HUNTERDON REGIONAL SCHOOL DISTRICT.

WHEREAS, the municipalities of West Amwell, Lambertville, and Stockton were regionalized as a limited purpose regional school district for high school only until 2014; and

WHEREAS, in 2014, the municipalities of West Amwell, Lambertville, and Stockton regionalized as an all-purpose regional school district (the "District"); and

WHEREAS, the regionalization promised each municipality a cost savings while promising each municipality representation in the decisions of the District; and

WHEREAS, the promises made to the municipalities prior to regionalization were not honored; and

WHEREAS, the representation on the Board of Education (the "Board") was set at five seats for Lambertville, three seats for West Amwell, and one seat for Stockton; and

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WHEREAS, the result is a Board that only looks out for the interests of the residents of Lambertville, with little to no consideration given for the wellbeing of the West Amwell and Stockton students or for the financial implications of the residents of these two municipalities; and

WHEREAS, some Lambertville members of the Board of Education have publicly admitted that their only motivation is to only do what is in the best interest of Lambertville residents and students; and

WHEREAS, the West Amwell Township Committee is appalled at the way that some members of the Board have conducted themselves, and so the Township reached out to the Executive County Superintendent in February of 2021 asking him to review and re-adjust the school board seat allocation based upon powers provided to him under the law; and

WHEREAS, the Executive County Superintendent refused to review the allocation despite numerous instances of inappropriate and biased behavior by the Lambertville members of the Board; and

WHEREAS, the improper conduct of the Lambertville members of the Board only seemed to be exacerbated by the Township's request; and

WHEREAS, the Board put forth a \$32 Million referendum to create a school in Lambertville without considering viable options elsewhere in the District; and

WHEREAS, the Board spent taxpayer monies to put forth propaganda to support this one-sided referendum; and

WHEREAS, 72% of West Amwell residents voted against the referendum; and

WHEREAS, West Amwell is currently in litigation with the District challenging the results of the referendum; and

WHEREAS, regardless of the outcome of the referendum challenge the Township believes that the members of the Board will continue to only make decisions that benefit the residents of Lambertville; and

WHEREAS, the Board recently voted to remove Class III police officers from the District despite a majority of West Amwell and Stockton parents being in favor of providing this essential protection for our children; and

WHEREAS, the Lambertville majority of the Board once again made a decision to cater to the whim of the residents of only one sending district with a total disregard for the strong legitimate feelings of the rest of the District; and

WHEREAS, the Township of West Amwell believes that remaining part of the District is not in the best interest of the students or taxpayers of West Amwell; and

WHEREAS, N.J.S.A. 18A:13-66 provides that "the governing body of any municipality constituting a part of an all purpose regional district may, by resolution, apply to the county superintendent of schools to investigate the advisability of the withdrawal of the municipality from the all purpose regional district"; and

WHEREAS, West Amwell Township Committee believes they owe it to the residents of West Amwell to apply to the County Superintendent of Schools to investigate the advisability of a withdrawal from the regional school district.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of West Amwell hereby applies, pursuant to N.J.S.A. 18A:13-66, to the County Superintendent of Schools to investigate the advisability of West Amwell Township withdrawing from the South Hunterdon Regional School District, either in full, or in part, whereby the Township would remain regionalized only as a limited purpose regional school district for high school.

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Certification

I, Maria Andrews, Clerk of the Township of West Amwell, County of Hunterdon, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Township of West Amwell Committee on September 7, 2022.

Maria Andrews, Township Clerk, RMC

A motion by Lucas, seconded by Cally to approve Resolution #52-2022 was unanimously approved by roll call vote.

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

Deputy Mayor Hoyer asked if the Township has reached out to Lambertville to see if they are willing to give up a school board seat. Attorney Pandos commented that he can send a letter to the school board and copy the County Superintendent if the Committee wishes and he noted he would look into the matter a little further.

Resolution #84-2022: Authorization to List 2011 Chevy Tahoe on MunciBid

RESOLUTION #84-2022

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Township of West Amwell has determined that the property described and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Township of West Amwell intends to utilize the online auction services of MunciBid located at www.municibid.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9, and

WHEREAS, the Township of West Amwell would like to auction the following items:

- 2011 Chevy Tahoe

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell in the County of Hunterdon, State of New Jersey, that the Township is hereby authorized to sell the surplus personal property as indicated above on an online auction website entitled www.municibid.com; and

BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between MunciBid and the Township of West Amwell are available at www.municibid.com and in the Township Clerk's office; and

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded by the Township Clerk to the Department of Community Affairs, Director of the Division of Local Government Services.

Certification

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at a regular meeting of the Committee held September 7, 2022.

Maria Andrews, Township Clerk, RMC

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A motion by Bergenfeld, seconded by Dale to approve Resolution #84-2022 was unanimously approved by roll call vote.

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

Resolution #85-2022: Authorizing the Release of Merit Solar Site Improvement (Performance) Bond (FP0023964)

RESOLUTION #85-2022

**A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND FP0023964
FOR MERIT SOLAR, BLOCK 7.01 LOT 16**

WHEREAS, the Township Engineer has made the necessary inspections of the property located on Route 202, Lambertville, NJ 08530 for final performance bond release; and

WHEREAS, the Township Engineer recommends the performance bond FP0023964 be released; and

NOW THEREFORE BE IT RESOLVED, that the Governing Body of West Amwell Township does hereby authorize the release of the performance bond; and

BE IT FINALLY RESOLVED, that upon approval by the West Amwell Township Committee, copies of the adopted resolution be forwarded to the Developer, Construction Code Official and Chief Financial Officer.

Certification

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at a regular meeting of the Committee held September 7, 2022.

Maria Andrews, Township Clerk, RMC

Committeeman Bergenfeld commented that if the Performance Bond is released there should be a Maintenance Bond in place. The Committee requested Resolution #85-2022 be tabled to the October 7, 2022 meeting in order to provide time for Clerk Andrews to research the status of any Maintenance Bond.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

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

UNFINISHED BUSINESS

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

NEW BUSINESS/OTHER

Request from Lt. Skillman to Hire Patrolman M. Smith – Possible Approval of Resolution #86-2022

The Committee acknowledged receipt of a memo from Lt. Skillman requesting the hiring of Patrolman Miles Smith.

**West Amwell Township
Resolution #86-2022**

WHEREAS, an opening exists for a full time Patrolman in the Township Police Department; and

WHEREAS, Miles C. Smith has submitted an application for employment; and

WHEREAS, Miles C. Smith has been recommended by Lieutenant Skillman to fill this open position; and

WHEREAS, the Township Committee is in agreement with Lieutenant Skillman that Miles C. Smith be hired as a full time Patrolman and will be a probationary employee for one year; and

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NOW THEREFORE BE IT RESOLVED, by the West Amwell Township Committee, that Miles C. Smith be appointed to the position of Probationary Patrolman effective 9/19/22 pending the outcome of all background investigations and required testing, with a starting date of 9/19/22 at an annual salary of \$45,000.00.

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 September 7, 2022.

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Hoyer to approve Resolution #86-2022 was unanimously approved by roll call vote.

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

Discussion: Consideration of Township Email Addresses for the Planning/Zoning Board Members

Mayor Cally commented that it is prudent for the Planning and Zoning Board Members to have Township email addresses rather than utilizing their own personal email.

The Committee authorized Clerk Andrews to work with Princeton Computer Solutions to establish emails for each of the Planning and Zoning Board Members.

Discussion: Detoured Traffic through the Township

Mayor Cally explained there has been some concern expressed over truck traffic coming through the Township due to road projects in neighboring municipalities. Attorney Pandos advised that it is not within the Committee's purview to monitor truck traffic.

SPECIAL PRESENTATION(S)

Reports by Department Heads

Fire Chief Ent came forward and updated the Committee on the following items:

1. He met with the GMNJ property owners and noted they agreed with all of the Fire Company's recommendations including the requested underground water storage tank, the water monitors and retaining permission to utilize the field for emergency helicopter landings. He also noted they will be conducting a walk through of the facility to better understand the operation.
2. Chief Ent asked for permission to install the training container at the Fire House which was discussed last year. He explained it will be a 40 ft. tall container, painted tan, and will have a roof simulator to cut panels out of for training purposes. The Committee took no issue with the proposed training trailer.
3. Chief Ent referred to the building inspection and possible renovation discussion he had with Committeeman Bergenfeld last year. He noted that now that the Ladies Auxiliary has officially moved out of the building he would like to turn the former dining room into a storage area. He plans to install two 14 ft. garage doors to house their pickup truck and gator. He requested the Township waive any permit fees associated with the renovations. The Committee supported the proposed renovations and agreed to waive the permit fees.

OEM Director Harry Heller came forward and provided a handout depicting the status of the current FEMA projects he is working on. He noted he is trying to get extra money to fund the repairs needed for all of the water erosion damage on Stymiest Road. Director Heller also noted that Engineer Burr intends to work with Viola Water Company to get them to assist with the repairs and future mitigation.

Mayor Cally noted that SUEZ Water Company was willing to cut the Township a check for the repairs on Stymiest Road prior to them being bought out by Viola.

STANDING COMMITTEE REPORTS

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

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OPEN TO THE PUBLIC

A motion by Bergenfeld, seconded by Dale to open the floor to public comment was unanimously approved by voice vote.

Holly Abitz of 201 Rock Road West came forward and asked if JCP&L will be back to finish the tree trimming they started and commented there are still a lot of dead trees all over the Township. Mayor Cally stated he will reach out and see if they are coming back.

Next, Ms. Abitz asked if the Township can get on-line bill pay. Mayor Cally noted there are fees associated with such services but commented the potential service can be revisited.

Seeing no other members of the public come forward, Mayor Cally closed the floor to public comment.

ADMINISTRATIVE

A motion by Hoyer, seconded by Bergenfeld to approve the 8/22/22 and the 9/6/22 bill lists was unanimously approved by roll call vote.

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

OTHER

Resolution #87-2022: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

Resolution #87-2022

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: Mt. Laurel Litigation, personnel, contracts and subjects falling under Attorney-Client privilege.
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.

This resolution shall take effect immediately.

Maria Andrews, Township Clerk, RMC

A motion by Hoyer, seconded by Bergenfeld to approve Resolution #87-2022 and enter into Closed Session was unanimously approved by voice vote.

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

It was noted for the record that the Committee was in Closed Session from 8:43 PM – 9:35 PM.

CORRESPONDENCE

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

ADJOURNMENT

Mayor Cally adjourned the meeting at 9:35 PM.

Maria Andrews, Township Clerk, RMC

Approved: 9/21/22