

WEST AMWELL TOWNSHIP COMMITTEE MEETING

December 4, 2019 - 7:30 p.m.

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 Zachary Rich, Deputy Mayor Gary Hoyer, Committeemen Stephen Bergenfeld, James Cally and John Dale along with Township Clerk Maria Andrews and Township Attorney Katrina Campbell. It was also noted that Lucas Lyons was present.

Mayor Rich 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 10, 2019, was posted on the bulletin board in the Municipal Building on said 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 Rich led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

Township Clerk Andrews noted that Attorney Don Scholl was present with his client Howard DeMonte of Chroma Color Corp./Breen and that they were requesting the Committee approve a resolution sent by Planning Board Attorney Tara St. Angelo extending their time to appeal the Planning Board's Redevelopment Study if necessary, although it was noted all parties are currently working together amicably to resolve the matter.

Mayor Rich suggested the Committee address this item right away. A motion was made by Cally and seconded by Hoyer to extend the filing deadline for Breen Real Estate, LLC under Rule 4:69 to January 6, 2020 to appeal Planning Board Resolution PB#2019-15 and Township Committee Resolution #105-2019 adopted on October 15th and 16th 2019 respectively to allow the parties to negotiate and the Committee to authorize execution of a formal tolling agreement. The motion was unanimously approved by roll call vote.

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

ANNOUNCEMENTS

- The Township has Received a \$150,000 NJDOT Grant for Rocktown-Lambertville Rd. Phase IV Road Improvements Project
- The Municipal Offices will be Closed 12/24/19 and 12/25/19 – Christmas
- The Last Township Committee Meeting for 2019 is Monday 12/30/19
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During the Meeting

Mayor Rich welcomed Lucas Lyons and congratulated him and Committeeman Cally on winning the election.

PRESENTATION OF MINUTES

Kiyle Osgood spoke up from the public noting the comments he made regarding Ordinance 15, 2019 were not included in the minutes. Clerk Andrews apologized for the oversight and noted she would add Mr. Osgood's comments. A motion by Cally, seconded by Dale to approve the Township Committee's 11/20/19 minutes with revisions as noted was unanimously approved by voice vote.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Mayor Rich opened the floor to public comment. Seeing no members of the public come forward, Mayor Rich closed the floor to public comment.

SPECIAL PRESENTATIONS

Municipal Solar Project – Brad Higginbottom

Mr. Higginbottom of Nexamp came forward and updated the Committee on the proposed solar project noting the application was submitted back in September. He indicated the State had received over 250 applications and commented he is hoping to hear something by January 2020.

Committeeman Cally asked Mr. Higginbottom if he was aware of any other companies doing community solar. Mr. Higginbottom said yes but remarked that he believes Nexamp is the best at it.

The Committee thanked Mr. Higginbottom for coming to provide an update on the status of the application.

Mayor Rich thanked DPW Director Ryan Rollero and OEM Director Harry Heller for doing such a good job handling the recent snow storm.

Lieutenant Skillman provided a quick Police Department update noting there were 10 car accidents on Route 579 during the storm. He also remarked that car break-ins are up in the Music Mountain development.

OEM Director Harry Heller came forward and stated the weather services over reacted again during this last storm. He noted the Emergency Operating Plan must be reviewed and updated every 4 years and stated this will be done in 2020. Director Heller also informed the Committee the Township's "repeater" system is down. He believes the antennae was damaged when the tree limb fell at the DPW yard and will now need to be replaced.

Construction Office Manager Gail Brewi provided an update noting Edmunds has begun the conversion process from the State's Permits NJ program and they are happy to have our account for the construction office software.

STANDING COMMITTEE REPORTS

Open Space

A motion by Bergenfeld, seconded by Cally to post the 9/10/19 Open Space minutes to the Township website was unanimously approved by voice vote.

Environmental

A motion by Bergenfeld, seconded by Dale to post the 9/12/19 Environmental Commission minutes to the Township website was unanimously approved by voice vote.

UNFINISHED BUSINESS

PennEast Status

It was noted for the record that no status update was provided.

School Facilities/Test Data – Dave Beaumont

Mr. Beaumont came forward and explained that he spent numerous weeks reviewing the school district's performance data and stated he was unable to identify any additional specific observations beyond the following highlighted points:

1. For English Language/Literature, grades 3-5 results seem to be erratic, but that by 6th grade and beyond students in general have sufficiently achieved proficiency in English Language/Literature in preparation for college and career as compared to state wide preparedness.
2. As a result, the next five years of graduating classes are better prepared for college/career than overall state wide classes in terms of English Language/Literature.
3. District students in general have not sufficiently achieved proficiency in Math in preparation for college and career as compared to state wide preparedness. Grade 6 seems to be the exception, however grades 7 and 8 then performed below state wide levels.
4. As a result, the next five graduating classes have not consistently achieved proficiency in Math in preparation for college and career as compared to state wide preparedness, and decreases over the five testing years.

Mayor Rich thanked Mr. Beaumont for the time he spent on his research and asked if he could try to create a list of exactly where the deficiencies are and provide it to him by 12/11/19.

Committeeman Bergenfeld commented he believes the problem area is math. Mr. Beaumont confirmed that the data he reviewed indicates the students are "not prepared for college or careers" in math, across all years 3 through 8.

Committeeman Cally commented that there seems to be a slow slide downhill to mediocrity since regionalization.

Mr. Osgood spoke up from the public and asked if the school choice program was impacting the test results. It was noted for the record that no one seemed to have a definitive answer on this.

The Use of ATV's on Township Property

Attorney Campbell commented that she had reached out to the Township's insurance carrier regarding the use of all-terrain vehicles (ATV's) on township owned properties and was informed that the typical coverage is \$500,000 if the ATV's are being used off of the registered owner's property. Committeeman Bergenfeld suggested Attorney Campbell draft an indemnification for the hunters using the township parcels and notify them that \$500,000 insurance coverage will be required. The Committee noted the hunters will need to provide proof of coverage if they wish to use their ATV's while hunting.

Police Contract

Mayor Rich noted this matter will be discussed in Closed Session.

NEW BUSINESS/OTHER

Discussion: Meeting Date for Township Committee Re-organization

It was noted for the record that the Township Committee Re-organization meeting will be Friday, January 3, 2020 at 7:30 PM.

Discussion: Senior Citizen Center

Mayor Rich commented that he attended the last senior's meeting and he received some feedback about the Fire Company parking lot needing repair and was also asked about establishing additional services within the community. He noted the next meeting is at Heron Glen on 12/6/19 at 2:00 PM and encouraged the other committeeman to join him.

Discussion: 2020 Rabies Clinic

The Committee reviewed the report provided by Dog Registrar Sandy Haberle which showed the number of rabies vaccinations administered over the past 3 years at each clinic are relatively consistent. The exceptions were during the times when the Township had private animal control officers who were keeping track of unlicensed dogs. Those time periods reflected slightly higher numbers of animals being vaccinated at the clinic.

It was the consensus of the Committee to continue offering the free rabies clinic.

Discussion: Budget Meeting Dates

Mayor Rich commented that he has been receiving budget requests from various departments and he asked Clerk Andrews to send out another email reminder to all department heads to have everything in by 12/10/19.

Discussion: Storage Trailer Annual Fees

Committeeman Bergenfeld commented that there are numerous properties throughout the Township with storage boxes, pods and trailers on them. He suggested that the Committee may wish to consider reviewing the ordinances to allow them and charge a registration fee. The Committee recommended the Planning Board look into this and make a recommendation on the matter.

Attorney Campbell remarked that farmers may be exempt from such regulations or fees under the Right-to-Farm Act.

Discussion: Board/Committee Re-appointments for 2020

Mayor Rich indicated he will follow up with Clerk Andrews on the appointments prior to the end of the month.

Acknowledgement: Resignation of C. Urbanski from Environmental Commission

Mayor Rich acknowledged Cathy Urbanski's resignation from the Environmental Commission and thanked her for all of her time and dedication over the years.

Mayor Rich re-ordered the agenda to address any public comment prior to the Committee entering into Closed Session.

OPEN TO THE PUBLIC

Mayor Rich opened the floor to public comment. Dave Beaumont, on behalf of the Technology Committee, asked about the status of the Township website upgrade. The Committee confirmed they wished to proceed with upgrading the website in 2020 and asked Mr. Beaumont to let CFO Carro know so he could budget accordingly. It was noted the estimated cost to upgrade the Township website will likely be \$10,000 to \$15,000.

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

OTHER

Resolution #112-2019: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

Resolution #112-2019

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.
4. This resolution shall take effect immediately.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Hoyer to approve Resolution #112-2019 and enter into Closed Session was unanimously approved by roll call vote.

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

A motion by Hoyer, seconded by Dale to return to Open Session was unanimously approved by roll call vote.

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

It was noted for the record that the Committee was in Closed Session from 8:53 PM – 10:55 PM.

Upon returning to Open Session, the following actions were taken:

A motion by Bergenfeld, seconded by Cally to terminate the Shared Service Tax Collector Agreement and authorize Attorney Campbell to send East Amwell Township a letter notifying them accordingly was unanimously approved by roll call vote.

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

A motion by Dale, seconded by Hoyer authorizing Attorney Campbell to send a letter to the Department of Community Affairs (DCA) notifying them of the Shared Service Tax Collector Agreement termination was unanimously approved by roll call vote.

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

A motion by Hoyer, seconded by Dale authorizing Nisivoccia to perform an audit of the Tax Collector Office, not to exceed \$5000, was unanimously approved by roll call vote.

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

ADMINISTRATIVE

Treasurer: Resolution #113-2019: Special Items of Revenue

A motion by Bergenfeld, seconded by Hoyer to approve Resolution #113-2019 was unanimously approved by roll call vote.

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

CORRESPONDENCE

The Committee ordered the correspondence listed on the agenda, filed.

ADJOURNMENT

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

The meeting adjourned at 10:58 PM.

Maria Andrews, Township Clerk, RMC

Approved: 12/30/19