

# **WEST AMWELL TOWNSHIP COMMITTEE MEETING**

**February 5, 2020 – 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 James Cally, Deputy Mayor Stephen Bergenfeld, Committeemen John Dale and Gary Hoyer along with Township Clerk Maria Andrews.

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, 2020, 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 Cally led those in attendance in the pledge to the nation's flag.

## **AGENDA REVIEW BY TOWNSHIP CLERK**

Township Clerk Andrews noted there were two additions to the agenda under New Business: A discussion regarding a temporary shed on the Fire Company property per a request from the Meals on Wheels Flemington location Site Manager and a Resolution appointing Harry Heller as the Emergency Management Coordinator for a 3 year term.

## **ANNOUNCEMENTS**

- The Municipal Offices Will be Closed Monday 2/17/20 – President's Day
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During the Meeting

## **PRESENTATION OF MINUTES**

A motion by Hoyer, seconded by Dale to approve the Township Committee's 1/3/20 Reorganization Meeting minutes with no revisions noted was unanimously approved by voice vote.

A motion by Bergenfeld, seconded by Dale to approve the Township Committee's 1/15/20 Regular Session meeting minutes with no revisions noted was unanimously approved by voice vote.

A motion by Bergenfeld, seconded by Dale to approve the Township Committee's 1/15/20 Closed Session meeting minutes with no revisions noted was unanimously approved by voice vote.

## **OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA**

Mayor Cally opened the floor to public comment. Kiyle Osgood of 147 Rocktown-Lambertville Road came forward and stated he is still pursuing the requested language change in Ordinance 15, 2019 that requires affordable housing properties to be "owner occupied." He indicated he believes an accessory apartment added to an existing dwelling meets the definition of a multi-family unit and should not be considered an apartment building if the owner is not on site.

Committeeman Bergenfeld commented that he believes the property owner should be there for oversight and maintenance of accessory affordable units. He remarked the situation presents a completely different scenario when a property owner rents out an entire single family home.

Harry Heller of 27 Old York Road came forward and requested again that the Committee consider requiring notification be provided to adjoining property owners when a new septic system is being installed. He explained again that the septic system put in next door to him was not constructed according to the as built plans and part of it is actually on his property. The Committee asked Clerk Andrews to reach out to the County and clarify the guidelines for septic installations that do not require any waivers. The Committee believed the Township ordinances would have to be changed to establish such a notification requirement.

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

**SPECIAL PRESENTATIONS**

**Proclamation – Ryan Rollero: Chairman of County SWAC**

Mayor Cally read the following Proclamation into the record recognizing the appointment of Ryan Rollero to the position of Chairman of the County Solid Waste Advisory Council:

**PROCLAMATION**

WHEREAS, West Amwell Township and Hunterdon County are committed to the protection of the environment and the health of its residents; and

WHEREAS, Ryan Rollero was appointed as the Township's Solid Waste Advisory Council Coordinator in 2018; and

WHEREAS, West Amwell wants to recognize Ryan Rollero for his recent nomination to the position of Chairman of the Hunterdon County Solid Waste Advisory Council for 2020; and

WHEREAS, the Council consists of voting members appointed by the Governing Body of each of Hunterdon County's 26 municipalities; and

WHEREAS, the purpose of the Council is to assist the Board of Chosen Freeholders in the development, formulation and amendments to the County's Solid Waste Management Plan; and

WHEREAS, the Council advises the Board of Chosen Freeholders and provides guidance in the areas of general solid waste collection and the disposal of household hazardous waste and recycling; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Township Committee commend Ryan Rollero for achieving the position of Chairman of the Hunterdon County Solid Waste Advisory Council; and

BE IT FURTHER RESOLVED that the Mayor and Township Committee have the utmost confidence that Ryan Rollero has earned the respect of community through his professional leadership and dedication and will dutifully represent the Chairman position of the County Solid Waste Advisory Council; and

BE IT FINALLY RESOLVED that this Proclamation be transcribed in the official minutes of the Township Committee's February 5, 2020 meeting.

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James Cally, Mayor

**Reports by Department Heads**

OEM Coordinator Harry Heller came forward and noted the Township's Emergency Management Plan must be updated every 10 years and remarked it is now due. He stated he will be emailing each Department Head for comments and updates for each of their respective sections.

**INTRODUCTION/PUBLIC HEARING ON ORDINANCES**

**Public Hearing: Ordinance 01, 2020 – CALENDAR YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Mayor Cally read Ordinance 01, 2020 by title.

**CALENDAR YEAR 2020  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**ORDINANCE 01, 2020**

**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 Committee of the Township of West Amwell in the County of Hunterdon finds it advisable and necessary to increase its CY 2020 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 1.0% increase in the budget for said year, amounting to \$29,571.31 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 appropriation 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 2020 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 \$103,499.59, and that the CY 2020 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.

**RECORDED VOTE:**

AYES }        Bergenfeld, Dale, Hoyer and Cally

ABSENT }

I hereby certify that the attached ordinance is a true and correct copy of an ordinance entitled **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK** which was introduced at the meeting of West Amwell Township Committee on January 3, 2020 and adopted at the meeting of the West Amwell Township Committee on February 5, 2020.

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Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Dale to open to the public for comment on Ordinance 01, 2020 was unanimously approved by roll call vote.

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

Dave Beaumont of 205 Rock Road West came forward and remarked that he would like to reach out to CFO Carro for clarification on how the State recognizes and calculates capital funding noting he believed CFO Carro had told him that the Township had used up all of the Capital funds. Seeing no other members of the public come forward, Mayor Cally closed the floor to public comment.

A motion by Bergenfeld, seconded by Dale to adopt Ordinance 01, 2020 was unanimously approved by roll call vote.

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

## **STANDING COMMITTEE REPORTS**

It was noted for the record that no reports were given.

## **UNFINISHED BUSINESS**

### **PennEast Status**

Mike Spille came forward and highlighted the following items:

1. FERC issued a Declaratory Order on 1/30/20 supporting the interpretation that the Natural Gas Act allows them to delegate eminent domain authority
2. PennEast's FERC certification has lapsed and they technically have no authorization to do anything
3. On 1/30/20 PennEast filed a new application with FERC splitting their project into 2 parts: A Pennsylvania project to begin construction in 2020 and a New Jersey project to begin sometime in 2023. *(Mr. Spille noted the PA project will connect to the Adelpia Gateway which is what people have been speculating on for some time.)* Mr. Spille suggested the Township intervene on the new docket
4. PennEast has withdrawn its application from DRBC

### **School Facilities**

Dave Beaumont came forward and noted construction of the new track project at the High School has been delayed because they must wait until Spring to address an issue that came up.

Mr. Beaumont also noted the School Board has changed their meeting format and no longer answers questions from the public. Instead, they indicate they will review what's been asked and comment at a later date.

Additionally Mr. Beaumont remarked there is a whole list of referendum dates which leads him to believe the school is potentially considering something but he doesn't have any details yet. He suggested it could be a second floor renovation to the Lambertville School which has been brought up previously. Mr. Beaumont also commented on the Stockton School property noting a title search issue came up and it appears there is a lot line discrepancy with the school's parking lot and the neighboring church property.

Lastly, Mr. Beaumont inquired about the school testing data. He commented he would like the data results brought up to the whole School Board so they can address the math deficiencies. Mayor Cally remarked he was waiting until the new administration gets situated and then suggested he, Committeeman Hoyer and Mr. Beaumont review the data again and draft a letter to send to the school.

Mr. Petrucci spoke up from the public asking about the status of the water testing at the school. Mr. Beaumont stated the PFNA levels were negative in November 2019 and said the water will continue to be tested until the State indicates it is safe to drink.

### **Police Contract**

Mayor Cally noted Attorney Campbell is working on a draft contract that will be forwarded to the Police for their review and he asked Clerk Andrews to provide the Department's representatives with a status update.

## **NEW BUSINESS/OTHER**

### **Discussion: Consideration of Potential Property Donation – Block 12 Lot 30**

Present for the discussion was Jerri Hoover. She came forward and explained her husband passed away several years ago and she would like to donate this parcel of land to the Township in exchange for forgiving all outstanding real estate taxes that are due on the property. Mayor Cally suggested that Ms. Hoover reach out to D&R Greenway or perhaps NJ Conservation who may be interested since there is another preserved parcel adjoining this lot. He noted the property has a third party tax lien held by another property owner in the Township and thought they may even be interested in purchasing the land. He explained that if the Township accepted the donation they would have to pay the lienholder and the outstanding taxes which the Township is not in a position to do.

Mayor Cally suggested Ms. Hoover reach out to Assistant Tax Collector Brewi for the details on the tax lien.

**Resolution #36-2020: Assistant Tax Collector Stipend**

**RESOLUTION #36-2020**

**RESOLUTION OF THE GOVERNING BODY  
OF THE TOWNSHIP OF WEST AMWELL TO PROVIDE A STIPEND TO GAIL BREWI FOR  
ADDITIONAL DUTIES PERFORMED IN THE TAX OFFICE.**

**WHEREAS**, Gail Brewi is the Assistant Tax Collector of the Township of West Amwell;  
and

**WHEREAS**, the Township Tax Collector position became vacant as of December 4, 2019 and the Township is in the process of advertising for Tax Collector to permanently fill the position; and

**WHEREAS**, Gail Brewi holds a CTC license and has been performing additional duties in the Tax Office while the Township Committee performs its search for a permanent Tax Collector; and

**WHEREAS**, the Township Committee wishes to compensate Gail Brewi for her additional duties from December 4, 2019 through the appointment of a permanent Tax Collector in 2020 with the payment of a stipend in the amount of \$2,000.

**NOW THEREFORE IT BE RESOLVED** by the Mayor and Township Committee of the Township of West Amwell that Gail Brewi shall be paid a stipend of \$2,000 as compensation for the additional duties she has provided to the Township Tax Office from December 4, 2019 through the appointment of a permanent Tax Collector.

**CERTIFICATION**

I, Maria Andrews, Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Governing Body of the Township West Amwell at their Meeting of February 5, 2020.

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Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Hoyer to approve Resolution #36-2020 was unanimously approved by roll call vote.

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

**Discussion: Appointment of Board of Health Member**

Mayor Cally noted Rick Kropp has resigned from the Board of Health and the Committee needs to appoint another member to the Board. Mayor Cally remarked Mr. Kropp is working on a list of potential people who may be qualified to serve on the Board.

Minutes: 2/5/20

**Discussion: Meals on Wheels Temporary Shed**

Clerk Andrews explained Mary Faust, the Flemington location Site Manager has asked for permission to place a 98 cubic foot temporary Rubbermaid shed on the Fire Company property that would serve as a hub for their drivers to retrieve and return the coolers they use for distributing the Meals on Wheels to people located in this service area.

It was noted for the record that the Committee took no issue with the potential temporary shed but noted Ms. Faust would need to obtain permission for the exact location from Fire Chief Ent and also noted that the shed would be subject to all required permits.

**Resolution #38-2020: Appointing an Emergency Management Coordinator**

**RESOLUTION #38-2020  
APPOINTING AN EMERGENCY MANAGEMENT COORDINATOR**

WHEREAS, the Township of West Amwell is currently in need of an Emergency Management Coordinator; and

WHEREAS, Harry J. Heller III is qualified for this position; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of West Amwell Township to appoint Harry J. Heller, III to the position of Emergency Management Coordinator for a 3 year term beginning January 1, 2020, ending December 31, 2022.

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I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee on February 5, 2020.

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Maria Andrews, Township Clerk, RMC

A motion by Dale, seconded by Hoyer to approve Resolution #38-2020 was unanimously approved by roll call vote.

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

**OPEN TO THE PUBLIC**

Mayor Cally opened the floor to public comment. Dave Beaumont of 205 Rock Road West came forward again and stated DPW Director Rollero gave an excellent presentation at the last Finance Committee meeting and thanked him for such a thorough report.

Mr. Beaumont also noted the Technology Committee is in the process of contacting vendors to update the Township's website.

Lastly, Mr. Beaumont commented on the dead trees in the right-of-way and noted he spoke with the power company who indicated they only remove trees within 10 ft. of the power lines. He also spoke with Verizon who indicated they have not done any tree removal for the past 20 years and always defer to the municipality for this maintenance. Mr. Beaumont remarked he wanted Clerk Andrews to be aware of what they said in the event they call the Township.

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

**OTHER**

**Resolution #37-2020: Closed Session – Personnel/Contracts – Litigation/Affordable Housing**

Resolution #37-2020

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.

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Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Hoyer to approve Resolution #37-2020 and enter into Closed Session was unanimously approved by roll call vote.

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

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

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

The Committee was in Closed Session from 8:47 PM to 9:18 PM.

Upon returning to Open Session the following actions were taken:

A motion was made by Bergenfeld and seconded by Hoyer to appoint Gail Brewi to the position of Township Tax Collector with a resolution of appointment to be listed on the Committee's 2/19/20 agenda. The motion was unanimously approved by roll call vote.

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

A motion was made by Dale and seconded by Bergenfeld authorizing Mayor Cally to sign the Dam Settlement Agreement and related Resolution. The motion was unanimously approved by roll call vote.

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

**WEST AMWELL TOWNSHIP  
RESOLUTION #39-2020**

BE IT RESOLVED that the Mayor and Clerk are hereby authorized to execute the Settlement Agreement and Release among Arthur F. Foran III and Kathryn A. Foran, Husband and Wife, Richard W. Spitler, and the Township of West Amwell.

I hereby certify the forgoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at their meeting of February 5, 2020.

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Maria Andrews, Township Clerk, RMC

Minutes – 2/5/20

**ADMINISTRATIVE**

**Treasurer: 2019 Annual Debt Statement**

It was noted for the record that the Committee acknowledged receipt of the 2019 Annual Debt Statement from CFO Carro.

**CORRESPONDENCE**

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

**ADJOURNMENT**

A motion by Bergenfeld, seconded by Hoyer to adjourn the meeting was unanimously approved.

The meeting adjourned at 9:20 PM.

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Maria Andrews, Township Clerk, RMC

Approved: 2/19/20