

WEST AMWELL TOWNSHIP COMMITTEE MEETING

June 7, 2017 - 7:30 p.m.

CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The regular meeting of the West Amwell Township Committee was called to order at 7:30 p.m. Present were Mayor John Dale, Deputy Mayor Stephen Bergenfeld, Committeeman Gary Hoyer, Clerk Lora Olsen and Attorney Philip J. Faherty III. Committeemen Zachary T. Rich and James Cally were absent.

Also in attendance were Bill and Ginnie Kennedy-Corboy, Libby Williams, Mancy Meyer, Niki Ney, David Beaumont, Hal Shute, John Crouce, Ryan Rollero, Judith Giordano, Louise Hartman, Tim Hartman, Maya Adams-Smith, Lori Stagnitto, Douglas While, Toni Ising, Carol Aloss, Heather Edwards, Harry Heller, Carol DiSalvi, Nancy DiSalvi, Carolyn Murphy, David Pasquale and Sgt. E.J. Skillman

Mayor Dale announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was included in the Resolution faxed to the Hunterdon County Democrat and Trenton Times on January 2, 2017, 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 Municipal Clerk.

FLAG SALUTE

The mayor led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 10.F. Unfinished Business: Rock Road West Speed Reduction Request.

ANNOUNCEMENTS

- West Amwell Fire Co. Chicken Bar-B-Q, June 10th, 4-7 p.m. Take Out Only
- County Ident-a-Shred Days @ Court House, 9 a.m.to Noon on Sept 9, Oct 7, Nov 4 (County residents only; No Businesses; 10 Box Limit)
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

A motion by Bergenfeld, seconded by Hoyer to approve the May 17, 2017 Regular meeting minutes with no revisions noted was approved unanimously.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

The following attendees came forward. This segment was expanded to include the ACO portion of the agenda per consent of the governing body.

- Nancy Meyer (East Amwell) spoke about the incident whereby a dog was dragged by a truck; her subsequent contact with Ms. Murphy; her willingness to testify in the case; but, that no summons was issued. She finds the matter shameful and can't believe that nothing is to be done.

- Lori Stagnitto (New Hope) of Lambertville Welfare, displayed a large poster of the deceased animal, and spoke about the requirements under the law; how the group collaborates with veterinarians; has foster homes; and, that Ms. Murphy is an outstanding ACO who wanted an impound facility and an ACI appointment. Ms. Stagnitto was advised of the shared service agreement with Lambertville City as lead agency and therefore the actual employer. Ms. Stagnitto spoke at length regarding the two companies under consideration for ACO service, noting a strong preference for St. Hubert's. She also stated that the dog's death needs to be investigated.

- Maya Adam Smith (Lambertville) was under the impression that the matter was under investigation and questioned whether there was an ACO in place. She remarked that there's a lack of responsibility on the part of the council; that blame shifting is occurring; and, that Ms. Murphy was doing a great job.

- Carolyn Murphy (Stockton) relayed that the police referred the incident to her as they do not handle animal cruelty. She also spoke about the discussion with a committeeman at the last meeting; questioned why an AIC appointment could not have been accomplished by the separate entities involved; and noted that she could not do her job without support. Also relayed was that there were two cases of cruelty that she had been pursuing.

- Bill Corboy (West Amwell) noted the ACO vacancy in the township and requested that this not get passed off.

- Louise Hartman (West Amwell) spoke to the issue of an ACI and that the matter at hand is disturbing.
- Doug White (East Amwell) relayed that he is an ex-firefighter and now does foster and other volunteer work. He had a low opinion of Animal Control Services (ACS), stating a preference for St. Hubert's. He also noted that there's a large network that works behind the scenes to man feeding stations for the trap and release program. Mr. White cited familiarity with the dog case under discussion noting the length of the blood trail; that there was an eyewitness to the event; inquired why West Amwell didn't pick up the ACO that resigned or attempted to work things out with Lambertville; and, relayed that the police do not investigate cruelty cases. He also relayed that Lambertville is pushing the problem off on West Amwell and it looks bad. Ms. Murphy has his support due to a better response time and emergency care. He also mentioned the Amato letter and was advised that it was forwarded to Lambertville City as the employer of record.
- Toni Ising (Flemington) relayed that she puts no faith in the SPCA with its fraud and corruption and that Sgt Amato is being investigated by the County Prosecutor. She suggested that the taxpayers should choose.
- Judy Giordano (West Amwell) relayed that she is a volunteer with Lambertville Animal Alliance and concurred with Ms. Stagnitto on St. Hubert's as ACS doesn't sound like a good match for West Amwell. Ms. Giodano also noted a personal encounter with the ACO; that there's a need to stop arguing; and, that West Amwell needs its own ACO and ACI as the police are not trained. She will continue as a volunteer.
- Lori Stagnitto (New Hope) relayed that Carolyn Murphy would be her choice as she knows everyone; has a good response time; has backup with Hopewell Township and Lawrence; and that it's better with an employee rather than a service. This matter will go public.
- Tim Hartman (West Amwell) inquired as to hiring a company or if Ms. Murphy is off the table.
- David Pasquale (West Amwell) stated that he's a new resident and that shared services are appealing due to cost and effectiveness for small towns. However there appears to be a disconnect in expectations and a need for better communications and bridge building. The behavior of a council member as relayed earlier is unacceptable and totally inappropriate as it creates resentment. His recommendation was to listen-respect- communicate...the latter of which is a huge issue. He'd like clarification as to the shared service and commented on the buck passing.

Mayor Dale noted that the incident was reported and deemed an accident with Attorney Faherty advising that a citizen complaint could be made to the police department. Other comments from committee members to the preceding included that the shared service wasn't working; that the service was contracted through Lambertville who was the employer; that the person quit; and, that the comments were helpful as there was no history on the committee side of the table.

As the consensus of the governing body was to go with St. Hubert's rather than an individual, the mayor motioned to accept the St. Hubert proposal for the remainder of the year. Bergenfeld seconded. The motion carried unanimously.

Seeing no other members of the public come forward, the agenda item was unanimously closed. The mayor called for a closed session.

RESOLUTION #83-2017

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:
UNWARRENTED INVASION OF PRIVACY
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.

The Resolution was unanimously approved on motion by Bergenfeld with a second by Hoyer. The Committee entered the approved Closed Session at 8:50 p.m. with a return to Open Session at 9:04 p.m.

SPECIAL PRESENTATION(S)

Reports by Department Heads

OEM Director Harry Heller advised that the generator project is not complete but that a training class is scheduled for tomorrow morning. Mr. Bergenfeld relayed that the unit has over 300 hours on it since its start up last month. Also noted was that the warranty paperwork and the lock clip for the control panel access cover is missing. A class for a new State system utilizing 'e-teams' to address issues encountered during 'Sandy' type events was recently attended by Mr. Heller.

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

Public Hearing: Ordinance 06, 2017 AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE RENEWAL AND CONTINUATION OF A GOVERNMENT ENERGY AGGREGATION PROGRAM

Proof of publication in the May 25, 2017 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and available to the public since its introduction at the May 17, 2017 Township Committee meeting. Mr. Dale read the Ordinance by title and opened the public hearing. Hearing no comments, the public hearing was closed.

The Ordinance was unanimously approved on motion by Bergenfeld, seconded by Hoyer.

STANDING COMMITTEE REPORTS

Open Space

- *Project Status Updates:* John Cronce advised that a letter has been sent to the CADB concerning the Runkle property. Discussion by that body is scheduled for tomorrow evening. If they concur with the request, they can recommend the project to the freeholders.

Finance

- *Authorization to Post April 10, 2017 Minutes to Website:* Approved
- *Menu of Potential Budget Cuts:* A listing of over a dozen items, half of which were specifically noted, was presented and reviewed. Recommendations amounted to approximately \$160,000 in potential reductions for next year's budget. No action was taken.
- *Proposed Tax Insert:* Dave Beaumont presented a series of bar graphs depicting the distribution of tax dollars per assessment level, noting that the dollar figures are reflective of the numbers found in the budget. Discussion ensued concerning elements to be included/excluded. Further research on police and debt service numbers was requested. The tax bill insert provided by the community outreach group (originally under New Business) was also addressed at this time. The suggestion was made to move the graphs to the top of the page and reduce the fonts so that the two flyers could be backed up.

UNFINISHED BUSINESS

Possible Appointments – none at this time

Updates – 1) The **construction clearance** item was held. 2) Issues surrounding the **fire house generator** were discussed previously. 3) Attorney Faherty advised that the check was returned to the bidder on **Block 46 Lots, 5, 6, 7** with no further response from the individual. An inquiry from a resident concerning a possible private sale was received but cannot be accommodated. A private sale can only be made to an adjoining property owner if the lot is both substandard and with no improvement, which is not the case. A resolution to auction to the highest bidder will be prepared for the next meeting. The property is to be sold 'as is' and with a \$6200 minimum bid. The auction is to be scheduled 60 days from publication. 4) The **cost savings measures** were covered earlier. 5) The **animal control** item was covered earlier.

Consideration of Resolution Authorizing an Application for a Local Government Energy Audit

RESOLUTION #84-2017
Resolution for Local Government Energy Audit

WHEREAS, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and,

WHEREAS, the Governing Body of West Amwell Township has decided to apply to participate in the Local Government Energy Audit Program; and

WHEREAS, the facilities to be audited are in New Jersey, are owned by the Township of West Amwell, are served by a New Jersey regulated public utility, and that the Township of West Amwell has not already reserved \$300,000 in the Program this year as of this application; and

WHEREAS, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal, and the Program rules will have to be met in order to receive incentive funds; and,

WHEREAS, upon acceptance into the Program, the Township of West Amwell will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and,

WHEREAS, the Township of West Amwell understands that energy audit work cannot proceed until an Application Approval Notice is received from the Program

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of West Amwell, approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities

The Resolution was unanimously approved on motion by Bergenfeld, seconded by Hoyer.

2016 Audit

- Resolution Acknowledging Receipt of the 2016 Audit.

RESOLUTION #85-2017

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of West Amwell, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The Resolution was unanimously approved on motion by Hoyer, seconded by Dale.

- Affidavit by Committee: The following affidavit was presented and executed.

NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF HUNTERDON

We, members of the governing body of the Township of West Amwell, in the County of Hunterdon, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Township Committee of the Township of West Amwell in the county of Hunterdon;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2015);
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.) <i>John Dale</i>	(L.S.)
(L.S.) <i>Stephen Bergenfeld</i>	(L.S.)
(L.S.) <i>Gary Hoyer</i>	(L.S.)
(L.S.)	(L.S.)
(L.S.)	(L.S.)

Lora L. Olsen

Lora L. Olsen, Clerk

Sworn to and subscribed before me this
____7th____Day of ____June____2017____

Philip J. Faherty, III Attorney-at-Law_____
Notary Public of New Jersey

- Corrective Action: A correction action plan, prepared by CFO Carro, was presented for submission to the Division of Local Government Services with the foregoing resolution and affidavit.

Resolutions

- *Summer Help:*

RESOLUTION #86-2017

WHEREAS, the Township's DPW requires summer help for various maintenance, mowing, and trimming activities; and,

WHEREAS, Alex Eldridge has expressed interest in this 2017 summer employment opportunity

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee that Alex Eldridge be hired as summer help for the DPW effective June 19, 2017.

The Resolution was unanimously approved on motion by Dale, seconded by Bergenfeld.

- S & W Amendment.

RESOLUTION #87-2017
Amending Resolution #76-2017

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2017 Salary and Wage Resolution, adopted May 17, 2017 be amended as follows:

Position	Salary/Compensation
<u>Delete:</u>	
Waste Security Laborer Eldridge	\$10.50/hr
<u>Add:</u>	
Waste Security Laborer Eldridge	\$11.00/hr
Summer DPW Worker Eldridge	\$11.00/hr

The Resolution was unanimously approved on motion by Bergenfeld, seconded by Dale.

Rock Road West Speed Reduction Request – A request to reduce the speed limit to 25 mph was received. A feasibility study would be needed for this to be legally implemented and enforceable. Mr. Beaumont relayed additional concerns about stone trucks, the use of the road as a cut through, that this is a scenic road with a narrow cart way and deep ditches, and that the road is used by lots of walkers. The consensus was that the current 30 mph is fine and that more enforcement be implemented. However, the Clerk was requested to research the file concerning the need for a survey for the reduction in speed.

NEW BUSINESS
2017 Alcoholic Beverage License Renewal for Pine Creek Liquors

RESOLUTION #88-2017

WHEREAS, an application for renewal of a Plenary Retail Consumption License was duly filed with the Division of Alcoholic Beverage Control in accordance with their 2016 rules and regulations; and

WHEREAS, the required fee of \$2500.00 has been received by the Township Clerk

BE IT RESOLVED by the Township Committee of the Township of West Amwell pursuant to an act entitled "An Act Concerning Alcoholic Beverages" passed December 6, 1933 and amendments thereof and supplements thereto is hereby authorized to issue a license for the sale of alcoholic beverages in the Township of West Amwell, subject to the conditions prescribed in an Ordinance of the Township of West Amwell dated March 1, 1963, amended February 21, 1969, October 5, 1978, April 2, 1981, February 3, 1983, August 18, 1999, April 18, 2001, April 3, 2002, October 19, 2005, July 19, 2006, March 7, 2007, and further amended on December 27, 2012.

BE IT FURTHER RESOLVED that, subject to the aforesaid conditions, the following Plenary Retail Consumption License be granted, the fee being \$2500.00 per year, effective date being July 1, 2017, Pine Creek Liquors, Inc., 394 Route 31, West Amwell Township, NJ license #1026-33-001-007. Governing Body of the said Township be and is hereby authorized to sign said license

The Resolution was unanimously approved on motion by Bergenfeld, seconded by Dale.

Tax Bill Insert for Approval – Item discussed and approved earlier.

Relay for Life Resolution/Proclamation – This is a yearly request and will be held at the fairgrounds.

RESOLUTION #89-2017
Proclamation
Relay For Life of Hunterdon County
American Cancer Society Relay For Life Proclamation for Hunterdon County

WHEREAS, the Relay For Life program is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

WHEREAS, money raised during Relay For Life of Hunterdon County supports the American Cancer Society's mission of saving lives by helping people stay well and get well, by finding cures, and by fighting back; and

WHEREAS, Relay For Life events helped fund more than \$150 million in cancer research last year;

NOW, THEREFORE, BE IT RESOLVED, that I, John Dale, Mayor of West Amwell Township do hereby proclaim June 16th & 17th of 2017 as,

"RELAY FOR LIFE OF HUNTERDON COUNTY DAYS"

in our community and encourage citizens to help finish the fight against cancer by participating in the Relay For Life event at Hunterdon County Fairgrounds on June 16th and 17th of 2017.

The Resolution was unanimously approved on motion by Bergenfeld, seconded by Dale.

OPEN TO THE PUBLIC

No one came forward.

ADMINISTRATIVE REPORTS

Tax Collector – The monthly report for May 2017 was received showing receipts in the amount of \$1,838,589.19.

Police – The May 2017 Monthly Report showing 1115 incidents, 162 summonses and 8 arrests was received. Thirty eight (38) summonses were issued in conjunction with the shared service with East Amwell.

Website Review – No comments received.

The reports were accepted as presented and without comment.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 10:42 p.m. on motion from Bergenfeld.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: June 21, 2017