

WEST AMWELL TOWNSHIP COMMITTEE MEETING

June 6, 2018 - 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 Stephen Bergenfeld, Deputy Mayor Gary Hoyer, Committeemen James Cally, John Dale and Zachary Rich, Acting Clerk Maria Andrews and Attorney Philip J. Faherty III.

Acting Clerk Andrews 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 5, 2018, 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 Acting Municipal Clerk.

FLAG SALUTE

Mayor Bergenfeld led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY ACTING TOWNSHIP CLERK

It was noted for the record that there were no agenda review items.

ANNOUNCEMENTS

- Clerk's Office will be closed 6/13/18 – Training & CEU Credits
- Fire Department – Chicken BBQ: Saturday 6/9/18 from 4 PM – 7 PM
- 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 Cally, seconded by Hoyer to approve the Township Committee's 5/16/18 Regular Session minutes with no revisions noted was approved with Mr. Dale abstaining.

A motion by Cally, seconded by Hoyer to approve the Township Committee's 5/16/18 Closed Session minutes with no revisions noted was approved with Mr. Dale abstaining.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

A motion was made by Cally and seconded by Dale to open the floor to public comment. Mike Spille came forward and explained that a neighbor had complained about his garbage rates through Republic Services and was able to get his bill reduced. Mr. Spille noted that it appears Republic then raised the rates of other customers in what he believes is a way to recoup their money. He remarked no other garbage carriers are willing to service West Amwell because of its remote location and he asked if the Committee could do something. Mayor Bergenfeld commented that he believes Cortese Disposal services this area and stated he would get contact information to Mr. Spille.

Seeing no other members of the public come forward, a motion was made by Cally and seconded by Dale to close to the public.

SPECIAL PRESENTATIONS

Reports by Department Heads

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

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

It was noted for the record that no ordinances were listed on the agenda for introduction or public hearing.

STANDING COMMITTEE REPORTS

Open Space – No report was given.

Environmental – No report was given.

Ag Advisory – No report was given.

Finance Committee – No report was given.

UNFINISHED BUSINESS

Possible Amendments to Education, Conference, and Seminar Policy

It was noted for the record that this matter will be carried to the 6/20/18 agenda in order to allow the Committee additional time to review the policy.

Status of BPU Complaint – JCP&L’s Storm Response

Attorney Faherty explained the complaint can be done on line and he confirmed that Mayor Bergenfeld will be the contact person for the complaint.

Update: East Amwell Township Traffic Enforcement

Acting Clerk Andrews noted the proposed shared service agreement was sent over to East Amwell and no comments have been received.

Possible Re-location of Police HQ to Municipal Building Basement

Mayor Bergenfeld explained he is working through the requirements for fire proofing the ceiling in the basement with paint that has a 2 hour fire rating and does not require dampers or a drop ceiling. He noted final drawings from the architect will be coming soon.

NEW BUSINESS/OTHER

2018 Budget Request from Chief Ent – Memo Dated 1/10/18

Chief Ent explained he sent his budget memo to the former Clerk on 1/10/18 and was advised that she had forwarded it to the Township CFO and Committee. Mayor Bergenfeld noted the Committee was never provided with a copy. Chief Ent stated the Fire Department is given \$28,000 every year but indicated that amount does not cover equipment mandated by PEOSHA which is the Township’s responsibility. Chief Ent noted approximately \$17,000 more is needed for this year’s budget. Mayor Bergenfeld said he will speak with the CFO and assured Chief Ent that they will figure it out.

Resolution #72-2018: Salaries and Compensation Amendments 2018

Acting Clerk Andrews noted the resolution is a matter of housekeeping. She explained the rates were already approved in the Salary & Wage Ordinance but that the resolution memorializes the specific details and effective dates.

RESOLUTION #72-2018

BE IT RESOLVED by the Mayor and Township Committee of the Township of West Amwell that the salaries and compensation for officials and employees below shall be as follows for 2018:

<u>Position</u>	<u>Salary Resolution</u>
Board of Adjustment Secretary/Rosikiewicz – Effective 3/22/18	\$7,500.00/year
Part-time Officer/Venettone – Effective 5/16/18	\$25.00/hour

A motion by Dale, seconded by Rich to approve Resolution #72-2018 was unanimously approved.

Roll Call Vote: Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Email Request from East Amwell dated 5/24/18, re: Police Shared Services Billing

Acting Clerk Andrews explained the 2018 Police Shared Service Contract has not yet been signed and East Amwell is asking for a bill for services to date since the police department has still been providing additional coverage. Mr. Rich advised to send a bill for the first installment at last year’s rates.

Resolution #74-2018: Summer Hours

Resolution #74-2018
Summer Hours

WHEREAS, the Township Committee believes the service to the residents will not be impaired by implementing summer hours for the Municipal Offices; and

WHEREAS, the Township Committee has approved the following hours for the months of July and August of each year:

Monday – Thursday 8:00 AM – 5:00 PM
The offices will be CLOSED on Friday's during the months of July and August

NOW THEREFORE BE IT RESOLVED, that the Municipal Offices will implement summer hours from July 1st through September 1st annually.

A motion by Hoyer, seconded by Cally to approve Resolution #74-2018 was unanimously approved.

Roll Call Vote: Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Resolution #75-2018: Refund of COAH Fees – Block 21 Lot 32.03

It was noted for the record that Mayor Bergenfeld recused himself from discussion and action on this matter.

Resolution #75-2018
Refund – COAH Fees

WHEREAS, the Township Attorney has determined there is a specific exclusion in the State Statute regarding the collection of COAH fees; and

WHEREAS, the Statute states, "... a municipality shall not collect development fees from a developer whenever that developer is providing for construction of affordable housing units..." and

WHEREAS, the Township Attorney has determined the COAH fees collected from the developer of affordable housing/domestic help housing on the property known as Block 21 Lot 32.03 in the amount of \$2184.85 were collected in error; and

WHEREAS, the Township Committee believes the fees should be refunded; and

NOW, THEREFORE BE IT RESOLVED, that the Township Committee approves the following refund for:

Stephen Bergenfeld, Developer Block 21 Lot 32.03 in the amount of: \$2184.85

A motion by Cally, seconded by Hoyer to approve Resolution #75-2018 was approved.

Roll Call Vote: Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes

Resolution #76-2018: Additional Office Coverage – P. Williamson

Resolution #76-2018

WHEREAS, the Township Committee has determined there is a need for additional office coverage in the Court as well as the Construction/Zoning Department on an "as needed" basis to cover for staff members taking vacation or time off for illness or personal reasons; and

WHEREAS, Pam Williamson is a fully certified Court Administrator and former employee of the Construction/Zoning Department; and

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee that Pam Williamson be hired as a substitute Violations Clerk and Construction/Zoning Office Assistant at a rate of \$19.50 per hour, effective June 6, 2018.

A motion by Cally, seconded by Hoyer to approve Resolution #76-2018 was unanimously approved.

Roll Call Vote: Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Resolution #71-2018: ABC Renewal – Pine Creek Liquors, Inc.

RESOLUTION #71-2018

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 2018 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, 2018, 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.

A motion by Dale, seconded by Rich to approve Resolution #71-2018 was unanimously approved.

Roll Call Vote: Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Letter dated 5/30/18 from Cty. Sheriff Brown, re: Funding Request for Project Lifesaver

It was noted for the record that the program provides bracelets for people who have medical issues that cause them to wander. The bracelets makes locating them easier if a situation were ever to arise. AOIC Skillman was in attendance at the meeting and confirmed that there are a few Township residents who utilize this program.

A motion was made by Cally to provide the requested \$500. The motion failed, as there was no second.

Discussion: Ord. 05, 2011 – Chapter 99 Garbage, Rubbish and Refuse Section 99-4.1

Mr. Dale explained that the existing ordinance makes reference to the \$150 fee for garbage permits and suggested the language be amended so that the rates can change without having to re-do the ordinance each time. Acting Clerk Andrews noted the ordinance can be revised and introduced at the next meeting.

Discussion: Road Repair Recommendations

Mr. Hoyer commented that he has received many phone calls from residents concerned about certain roads being washed out from the recent heavy rain storms. Director of Public Works and Roads Ryan Rollero was present at the meeting and explained Barry Road had significant damage. He noted the problem stems from the Comley Farm access where the ditch gets filled in. Director Rollero indicated 5 inches of rain fell within 1 hour during the last storm and the ditch cannot handle that amount of runoff. He noted only a basin would resolve the issue but stated this portion of Barry Road has been rebuilt with 4 feet of stone and shouldn't wash out again.

Mr. Hoyer asked about the “S” curve area of Barry Road. Director Rollero remarked he plans to build the ditch higher in this section to where it can accommodate at least 2 inches of rain per hour.

Director Rollero stated this last rain storm cost the Township \$15,000 - \$20,000 in damages, not including labor costs, noting this was a big hit to the budget.

OPEN TO THE PUBLIC

Mayor Bergenfeld opened the floor to public comment. Dave Beaumont came forward and commended Director Rollero on taking great care of the roads during the recent storms. He also inquired as to the hiring of Class III Officers in the schools. Mayor Bergenfeld confirmed the school approved this expense in their budget and he stated the Township is hoping to hire 2 or 3 Class III Officers by the end of the month. He clarified the officers will work according to the school’s schedule and calendar, September through June. He noted any additional time for possible events over the summer would have to be worked out with the school.

Seeing no other members of the public come forward, a motion was made by Rich, seconded by Cally to close the floor to public comment.

OTHER

Resolution #78-2018: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

A motion by Dale, seconded by Rich to approve Resolution #78-2018 to enter into Closed Session was unanimously approved by roll call vote.

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

Resolution #78-2018

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.

A motion by Cally, seconded by Dale to return to open session was unanimously approved.

Roll Call Vote: Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

The Committee was in Closed Session from 8:27 PM – 10:15 PM.

Resolution #77-2018: Hiring of DPW Road Class C Personnel – J. Janyszeski

It was noted for the record that this resolution was carried until after the Committee came out of Closed Session.

RESOLUTION #77-2018

WHEREAS, the Township’s DPW is in need of a Road Class C personnel member to perform various public works and road projects as well as general maintenance, mowing and snow removal duties; and,

WHEREAS, Jonathan Janyszeski has expressed interest in this employment opportunity; and

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee that Jonathan Janyszeski be hired as Roadman Class C for the DPW at a rate of \$18.50 per hour effective June 6, 2018 with a 1 year probationary period.

A motion by Dale, seconded by Hoyer to approve Resolution #77-2018 was unanimously approved.

Roll Call Vote: Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

A motion was made by Hoyer, seconded by Dale to increase Roadman Class C Thomas J. Burd, Jr.'s hourly rate to \$18.50. The motion was unanimously approved.

Roll Call Vote: Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

ADMINISTRATIVE

Treasurer – Resolution #70-2018: Annual Report of the Audit

RESOLUTION #70-2018

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 2017 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.

Minutes – 6/6/18

A motion by Bergenfeld, seconded by Rich to approve Resolution #70-2018 was unanimously approved.

Roll Call Vote: Cally: Yes, Dale: Yes, Hoyer: Yes, Rich: Yes, Bergenfeld: Yes

Tax Collector – Monthly Report/May 2018

It was noted that no comment was made on the Tax Collector's report.

Police Report – Monthly Report/May 2018

It was noted that no comment was made on the Police report.

CORRESPONDENCE

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

ADJOURNMENT

A motion by Cally, seconded by Rich to adjourn the meeting was unanimously approved.

The meeting adjourned at 10:21 PM.

Maria Andrews, Acting Municipal Clerk

Approved: 6/20/18