

**WEST AMWELL TOWNSHIP COMMITTEE MEETING**  
**March 3, 2021**  
**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 Stephen Bergenfeld, Deputy Mayor James Cally, Committeemen John Dale, Gary Hoyer and Lucas Lyons along with Township Clerk Maria Andrews.

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 14, 2021, 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.

**AGENDA REVIEW BY TOWNSHIP CLERK**

Clerk Andrews noted there were no changes to the posted agenda.

**ANNOUNCEMENTS**

The following announcements were made:

- Dog License Renewals for 2021 were due by 1/31/21 – Late Fees are in Effect!
- Statewide Ins. 2020 Safety Grant Received for \$1197.00
- Statewide Ins. 2020 Safety and Loss Control Award Received for \$300.00
- Kindly Turn Cell Phones Off During the Meeting

**PRESENTATION OF MINUTES**

A motion by Lyons, seconded by Dale to approve the Committee's 2/17/21 open and closed session minutes with no revisions noted was unanimously approved by voice vote.

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

Mayor Bergenfeld opened the floor to public comment. OEM Director Harry Heller came forward and expressed concern with the reflectors at the intersection of Route 179 and Woodward Lane, noting they impair the line of sight and he commented there was a recent accident at this location. Mr. Heller asked if the Township can coordinate with the State to possibly relocate them. Lieutenant Skillman was present at the meeting and indicated he will reach out to someone from the West Amwell yard to see what can be done. Lt. Skillman confirmed there are about 5 accidents per year at his spot.

**SPECIAL PRESENTATIONS**

It was noted for the record that there were no reports provided by any department heads.

**INTRODUCTION/PUBLIC HEARING ON ORDINANCES**

Mayor Bergenfeld noted for the record that the 2021 budget will be on the Committee's 3/17/21 agenda for introduction.

**Introduction: Ordinance 04, 2021 – BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO ROCKTOWN-LAMBERTVILLE ROAD (PHASE IV), BY AND IN THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$225,000 THEREFOR (INCLUDING A GRANT TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$213,750 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF**

Mayor Bergenfeld read Ordinance 04, 2021 by title.

**TOWNSHIP OF WEST AMWELL**  
**ORDINANCE 04, 2021**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO ROCKTOWN LAMBERTVILLE ROAD (PHASE IV), BY AND IN THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$225,000 THEREFOR (INCLUDING A GRANT TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$213,750 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF**

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of West Amwell, in the County of Hunterdon, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$225,000, which sum is inclusive of a grant from the New Jersey Department of Transportation in the amount of \$150,000 (the "Grant") and \$11,250 as the amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$225,000 appropriation not provided for by application hereunder of said down payment, and until the Grant is received, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount not exceeding \$213,750 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$213,750 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3.

- (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are improvements to Rocktown Lambertville Road (Phase IV) including, but not limited to, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, and where necessary, the sealing of pavement cracks, installation of curbing and driveway aprons, resetting utility castings, drainage improvements, roadway painting, landscaping and aesthetic improvements, and shall also include, but not be limited to, as applicable, preparation of plans and specifications, permits, bid documents, contract administration, and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.
- (b) Until the Grant is received, the aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$213,750.
- (c) The estimated cost of said improvements or purposes is \$225,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor (until the Grant is received) is the down payment in the amount of \$11,250 available for said purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity make a contribution or grant in aid to the Township, including the Grant, for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity, including the Grant, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, is on file in the Office of the Clerk of the Township and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

- (a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.
- (c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$213,750 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- (d) An aggregate amount not exceeding \$45,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The

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Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: March 3, 2021

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MARIA ANDREWS,  
Clerk of the Township of West Amwell

A motion by Dale, seconded by Lyons to introduce Ordinance 04, 2021 upon first reading was unanimously approved by roll call vote.

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

It was noted for the record that the public hearing on Ordinance 04, 2021 was set for 3/17/21.

#### **STANDING COMMITTEE REPORTS**

- A. Open Space: No report given.
- B. Environmental: The Committee approved the posting of the 1/14/21 minutes to the website.
- C. Ag Advisory: No report given.
- D. Finance Committee: George Fisher was present at the meeting and commented that he believes the Township is in good shape regarding the 2021 proposed budget. He remarked the tax rate is the same but the assessed values went up so based on an average, a taxpayer living in a \$400,000 home the will see an approximate \$25 tax increase per quarter.

#### **UNFINISHED BUSINESS**

##### **Update: PennEast Status**

It was noted for the record that there was no update provided regarding the PennEast Pipeline project.

##### **Update: Website Status – Discussion on "Subpage" Owners and Approval of Draft Policy**

Present for the discussion was Rob Tomenchok of the Technology Committee. He noted the recent training session provided by CivicPlus and explained the Technology Committee will be reaching out to the various subpage owners to engage them in the process and stated they will be available to help individuals with migrating the content of the old website to the new one. Mr. Tomenchok clarified that CivicPlus will also be available to help with the process.

Mayor Bergenfeld commented that he is a little concerned with so many hands involved and remarked there needs to be a clear policy outlining what can be uploaded and who needs to review it prior to anything going to the website. The Committee approved the draft policy Mr. Tomenchok provided.

Construction Office Manager/Tax Collector Gail Brewi was present at the meeting and asked what the responsibility of the subpage owners will be, noting she wears many hats and expressed concern with the amount of time managing a website may take. Mr. Tomenchok stated that the Technology Committee and CivicPlus will handle moving everything over from the old website and explained that the subpage owners will just have to keep their pages current. He indicated maintaining the respective pages should not require a lot of time.

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**Status of Possible Amendments to Chapter 88: Fire Prevention**

Mayor Bergenfeld requested this item be listed on the Committee's March 17<sup>th</sup> agenda.

**NEW BUSINESS/OTHER**

**Authorization: Municipal Building Signage**

It was noted for the record that the Committee authorized the FASTSIGNS quote for the new signage at the municipal building including the township offices, the road sign, the Police and Construction/Zoning/Tax Collector offices.

**Authorization: Bulk Clean-up Day: Saturday 4/24/21 from 7:30 AM – 3:30 PM**

It was noted for the record that the Committee took no issue with holding a bulk clean-up day on 4/24/21.

**Discussion: 175<sup>th</sup> Twp. Anniversary Promotional Materials from the Historic Committee**

It was noted for the record that the Committee took no issue with the proposed yard signs but requested Lucas Lyons's name be added to the flyer since he serves as the Township Committee liaison to the Historic Committee.

**Appointment: Kyle Runkle to Ag Advisory Committee**

It was noted for the record that Mayor Bergenfeld appointed Kyle Runkle to the Ag Advisory Committee to fill a 3 year unexpired term ending 12/31/22.

**Approval: Delineated Conservation Easement on the Township Property**

It was noted the solar company who was awarded the BID last year to erect solar panels on the Township property behind the municipal building needs the 30 acre conservation easement delineated, per the State's requirements. Maser Consulting provided an amended map per the Committee's comments at their 2/17/21 meeting. The Committee approved that revised map and asked Clerk Andrews to forward it to Brad Higginbottom of Nexamp.

**OPEN TO THE PUBLIC**

Mayor Bergenfeld opened the floor to public comment.

Construction Office Manager/Tax Collector Brewi indicated she expects to have her offices relocated downstairs and up and running on 4/5/21.

Lt. Skillman commented that he is hoping to have the Police Department relocated to the Municipal Building by the end of March.

Seeing no other members of the public wish to speak, Mayor Bergenfeld closed the floor to public comment.

**OTHER**

**Resolution #36-2021: Closed Session – Personnel/Contracts – Litigation/Affordable Housing**

**Resolution #36-2021**

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.

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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.

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Maria Andrews, Township Clerk, RMC

A motion by Hoyer, seconded by Lyons to approve Resolution #36-2021 and enter into Closed Session was unanimously approved by voice vote.

A motion by Cally, seconded by Dale 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 8:25 PM – 9:20 PM.

#### **CORRESPONDENCE**

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

#### **ADJOURNMENT**

Mayor Bergenfeld adjourned the meeting at 9:21 PM.

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Maria Andrews, Township Clerk, RMC

Approved: 3/17/21