

# **WEST AMWELL TOWNSHIP COMMITTEE MEETING**

**November 1, 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 7:33 p.m. Present were Mayor John Dale, Deputy Mayor Stephen Bergenfeld, Committeeman Zachary T. Rich, Gary Hoyer, Clerk Lora Olsen and Attorney Philip J. Faherty III. Committeeman James Cally was excused. Also in attendance were Connor Healy, Kevin Kovelowski, Dave Beaumont, Jeff Ent, Porter Little, Joe Petrucci, and Attorneys Chris Trofimov, Stewart Palilonis and Tara St. Angelo.

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**

Nothing was added or deleted.

## **ANNOUNCEMENTS**

- West Amwell School 6<sup>th</sup> Grade Clothing Drive, October 28<sup>th</sup> - November 11<sup>th</sup>
- The West Amwell Fire Company will conduct annual hose and pump testing on Friday November 3<sup>rd</sup> and Monday November 20<sup>th</sup>. Music Mountain Blvd. will be closed between Terrell Rd. and Terrell Rd. on said dates between 9:00 am and approximately 5:00 pm.
- Day Light Saving Time Ends, November 5<sup>th</sup>, 2 a.m. - Clocks back 1 hr.
- Municipal Offices Closed Friday, November 10<sup>th</sup> for Veterans Day
- Township Rabies Clinic, November 11<sup>th</sup>, 1-3 p.m. Municipal Bldg-Lower Level
- Early Voting, Nov 2<sup>nd</sup> Until 7 p.m.; Nov 4<sup>th</sup> 9 a.m.-1 p.m., Nov 5<sup>th</sup> 10 a.m. – 2 p.m., County Clerk's Office, Main Street, Flemington
- Election Day is Tuesday, November 7<sup>th</sup>, Polls open 6 a.m. to 8 p.m.
- County Ident-a-Shred Days @ Court House, 9 a.m.to Noon on Nov 4 (County residents only; No Businesses; 10 Box Limit)
- County Hazardous Waste Day, November 18<sup>th</sup>, 9 am-1 p.m., Route 12
- PSE&G ROW Vegetation Management Work to Commence January 2018
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

## **PRESENTATION OF MINUTES**

With the following additions/corrections, the October 18, 2017 minutes were approved on motion by Rich and seconded by Dale. Motion carried with Bergenfeld abstaining.

- page 1, first paragraph, Shue to Shute
- page 2, second paragraph from bottom, second sentence – 'inflation will increase the problem' to 'inflation will add to the deficit'
- page 3, fifth full paragraph, last line, add – 'The mayor answered that it would be in 2019.'
- page 4, first full paragraph, fourth line, add – 'Mr. Hoyer responded that the only options are increasing revenues or debt.'
- page 4, eighth line, same paragraph, add - 'that add to that amount'

A motion by Hoyer, seconded by Bergenfeld to approve the October 18, 2017 Closed Session minutes with no revisions noted carried unanimously.

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

Dave Beaumont relayed the receipt of what he called a 'disturbing mailer' concerning the referendum and that there was no indication as to the sender. He read the statements from the post card noting that if someone reading it was not paying attention, it leaves the impression that a no vote means there would be no increase in taxes. Also that folks may be confused given the picture and logo on the front and, if it fails, that it came from the police. Given the time and effort put into the referendum question, he is most concerned.

Mr. Hoyer offered that the \$25/100 a quarter language misrepresented the actual meaning of the question.

Mr. Bergenfeld requested that contrary to the posted signs, there's been no vote for a merger; that a merger has never been discussed; and, those behind the signs are lying.

Mr. Rich raised concerned over the use of a Township logo without authorization on a political mailer and questioned whether this was something done by an employee. He was advised by a member of the audience, Kevin Koveloski, that anyone can take a picture of a vehicle, post same to Facebook and send. This is public information with no copyright.

Connor Healy, Steepleview Court, advised that he made the postcard using a picture from Google and photo shopped it. Mr. Rich was relieved that this was not something done by an employee. Mr. Healy questioned whether the point of the referendum was to poll about the \$400/year and commented on the meaning of the question itself in regard to a 'no' vote. Mr. Bergenfeld advised that it was a number arrived at by the Finance committee; that other things also come into play; and, that he was not at the last meeting.

Kevin Koveloski, 308 Rocktown-Lamb. Road, relayed that he would have liked to speak at the last meeting but was precluded by the Q&A format. Due to his professional, resident and police experience, he has expert knowledge and can speak to the unique situation with Hopewell Township and Hopewell Borough. At one point, the latter decided to seek another police provider but found no savings with the State Police and therefore contracted again with Hopewell Township. West Amwell cannot use the State Police unless the department is disbanded...which is not an option under consideration. Mayor Dale inquired whether there was a contract in place at the time and was advised in the affirmative. Mr. Koveloski continued with the following comments concerning outsourcing the police:

- Using police from a different County is not an option
- The only viable options are Lambertville and Delaware Township as Raritan Township would have to travel through two towns to get here
- What Lambertville or Delaware Township would charge is an unknown
- Expressed confidence that the vote will be 'no'

He also relayed that he was a part of the previous merger group, which was a bad idea and expressed concern that the non-binding nature could become binding in another year. If the local police department is lost, the State Police will only come when called and even response time by the other previously mentioned departments would be greater than the one currently achieved. Time is of the essence in emergency situations. A contracted force would also mean that there's no one here all the time as it's solely a service and money transaction between the parties. Other points mentioned included

- The kids are important and the local force presence protects them and the school. State Police troopers change every year and Lambertville and Delaware Township would not provide the same commitment
- The local patrolmen know the town and its people; drugs will increase; and familiarity with kids and schools will be lost
- Criminal activity such as burglary and theft will increase if no local police force
- Response time is critical

Mr. Koveloski commented on the great job that Captain Bartzak has done with the department and advised, from his contracted town experience, that West Amwell residents can't lose their police department—whatever the cost—as lives and safety would be affected. People will die. The current situation is that the police can get anywhere in less than 5 minutes, even if at the station doing reports. He saw no police with an increase in taxes vs what would be lost. The impact on employee jobs and families was also noted. Mr. Koveloski offered his services at no charge to review the issues that will come up in a few years.

Comments from the Committee to the preceding:

Mr. Bergenfeld voiced concerned over the budget in five or six years; commented that the Police Department does a good job; would love to find a way to afford it; and, opined over how to contain costs and finding other ways to control same

Mr. Rich stated that this is it...a done deal. If there is no money, it's re-evaluate. He does not want to pull the trigger; that this is gut wrenching; and, he hasn't talked to the guys.

Mr. Dale noted the same result.

Mr. Hoyer relayed that the Township already has limited options and that one reason for the referendum was that if a merger had been explored, and that option had gotten out, there would have been an uproar regardless. It was easier to listen to the citizens.

Seeing no other members of the public come forward, closing to the public was unanimously approved.

### **SPECIAL PRESENTATION(S)**

Resolution to Enter Closed Session re: Litigation (A-Z Venue & Affordable Housing)

#### **RESOLUTION #129-2017**

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:  
LITIGATION (A-Z Venue; Affordable Housing)
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 approved on motion by Dale, seconded by Bergenfeld, and carried unanimously.*

### **Reports by Department Heads**

Fire Chief Jeff Ent relayed that notice of the annual hose testing on Music Mountain Boulevard has been posted on the website by Clerk Olsen and that Captain Bartzak has it on social media. Mr. Ent proceeded to compliment the DPW employees for dealing with the hazardous tree issue at the firehouse stating that they did a nice job. Also reported was the fire company is changing to LED lighting in the upper 3 truck bays in the fire house at their expense.

### **INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING - none**

### **STANDING COMMITTEE REPORTS**

#### **Open Space**

- *Authorization to Post Updated Open Space Map to Website:* Approved
- *Project Status Updates, if an:* None

#### **Environmental**

- *Authorization to Post June 8 and July 17, 2017 Minutes to Website:* Approved

#### **Ag Advisory**

- *Authorization to Post July 6, 2017 Minutes to Website:* Approved

#### **Recycling**

- *Discussion Concerning Bids Received for Fencing in Garbage Truck Pad:* Porter Little reported on two fencing options for the depot area to address blowing litter and access to the garbage hopper. The first would fence the garbage depot pad and keep the recycling truck parked there until needed on Saturday. The second option would gate off the driveway at the garage and fence off the area down to the rock line. The area would be open the public during weekly DPW hours and Saturday depot hours. Bids have been obtained by Director of Public Works Rollero and there is Clean Communities money to cover one option. The pad area fencing came in the highest as it included an 8 foot black fence like the one around the solar field. Mr. Little relayed that the best use for the Clean Communities funds would be to fence the entire area. He also noted that traffic flow is a concern especially in the recycling area where two lanes form and people walk out in front of cars. The proposed solution is to widen the recycling area to two full lanes. Space constraints may mean moving the Good Will electronics box. Proposed option 2 utilizing the gate and fencing along the lane was favored. An award of the quote received for this option will be on the next agenda.

### **UNFINISHED BUSINESS**

Possible Appointments – none

Updates – 1) Attorney Faherty reported that the only available option for the sale of **Block 46 Lots 5, 6, 7** is to go back out to bid. If the structure was gone, the property could be offered to an adjacent owner. This has been confirmed by the Division of Local Government Services. 2) No application from Unionville Winery for an Outlet/Salesroom at the Music Mountain Theatre has been received at ABC according to Attorney Faherty's outreach. He noted again that the proposal violates two township ordinances—zoning and connectivity. 3) Information on the SHREC **Community Aggregation** program has been posted on the website. Bids received earlier were not in the best interest of Lambertville and West Amwell residents. The current round expires in December and all currently participating residents will be transitioned from South Jersey Energy back to JCP&L. Notices will be sent out. 4) The school board's decision on the **Track/Field** proposal has been tabled, with the direction to install a track around the football field. Cost is a factor. Mr. Rich expressed frustration as the direction does not provide a solution to the shortage of field space and stated that information was selectively presented in that the West Amwell option was not provided. Mr. Little advised that plans for a five lane track have been increased to six around the football field. Also relayed was that money has been approved for a wetlands study at the current site and but some confusion was noted as to whether money was allocated for engineering as well. Joe Petrucci commented that he and Mr. Little put in a lot of time and effort for the school and that it would not be in the best interest of the Township to just give the school township land.

Resolution Approving Submission of Application for 2018 NJDOT Municipal Aid Grant Program – Rocktown-Lamb. Road, Phase 3 – The application has been filed for this project by Township Engineer Burr. Signed resolutions of approval are now required.

**Township of West Amwell**  
**Resolution No. 130-2017**

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the **Rocktown-Lambertville Road - Phase 3** project.

NOW, THEREFORE, BE IT RESOLVED that Council of **West Amwell Township** formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the **Municipal Engineer** and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2018-Rocktown-Lambertville Road - Phase 3 - 00621** to the New Jersey Department of Transportation on behalf of **West Amwell Township**.

BE IT FURTHER RESOLVED that **Mayor** and Clerk are hereby authorized to sign the grant agreement on behalf of **West Amwell Township** and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council  
On this 1<sup>st</sup> day of November, 2017

*Lora L. Olsen*

\_\_\_\_\_  
Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL      *Lora L. Olsen*      *John Dale*  
\_\_\_\_\_  
(Clerk)      (Presiding Officer)

*Bergenfeld motioned to approve the Resolution and Dale seconded. Motion carried unanimously.*

Professional Services for 2018 – The Planning Board chair has withdrawn his request that there be advertisement for their professionals. The decision of the Committee was also not to advertise.

### **NEW BUSINESS**

2020 Census Participation – A response is required by December 15<sup>th</sup> as to whether or not to register for LUCA. Reasons for not participating include whether another level of government was participating, insufficient staff, lack of funds, no time/too busy, etc. The problem with the previous census results were noted. Attorney Faherty was requested to review the information presented. He reported on the ‘why’ of participation as noted in the packet as follows: an accurate and complete address list is critical to ensure an accurate census count; that the primary purpose is to apportion seats in the US House of Representatives; the distribution of federal funds; and, provides statistical support for grant applications. He also stated that there is no liability for not participating.

*Rich motioned to not participate and Bergenfeld seconded. Motion carried unanimously.*

Social Affairs Permit for Curtain Up Productions on November 3<sup>rd</sup> – This is primarily a notification of a scheduled event in the township. It has been shared with Captain Bartzak as required. This will be their third of twelve such permits allowed for a year.

### Resolution to Refund Excess Escrow Funds –

#### **RESOLUTION #131-2017**

WHEREAS, it has been determined by the Township Engineer of West Amwell Township that the following applicant’s escrow fees are in excess of what was needed to cover their charges, and

WHEREAS, the Township Committee has approved a refund of the following amount;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of West Amwell that the Treasurer is hereby authorized to refund the following amount to the applicants:

Applicant	Amount Refunded
Jersey Central Power & Light Co 300 Madison Avenue Morristown NJ 07962 (inspection fees)	\$96.35

*Bergenfeld motioned to approve the Resolution and Hoyer seconded. Motion carried unanimously.*

Resolution Awarding Quote for Emergency Generator @ DPW – Mr. Bergenfeld offered that the small difference in price is offset by dealing locally and obtaining a better delivery schedule.

#### **RESOLUTION #132-2017**

WHEREAS, the West Amwell Department of Public Works (DPW) requires a generator to maintain operations during emergency situations; and

WHEREAS, quotes have been received as follows for a GP15000E Generac portable 15,000 watt generator that is of sufficient size for this function;

Finkles	\$2673.00 (can be delivered by 11/7)
Warshauer	\$2630.00 (December 15 <sup>th</sup> delivery)
Mt. Salem Electric	\$2728.00

WHEREAS, although Warshauer is the apparent low bidder, the recommendation of the Director of Public Works is that the award be granted to Finkles due to the better delivery schedule; and

WHEREAS, the CFO has certified that funds are available in Ordinance 7, 2013 for this expenditure.

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the quote for the purchase of a Generac portable 15,000 watt generator for the DPW be awarded to Finkles

*Bergenfeld motioned to approve the Resolution and Rich seconded. Motion carried unanimously.*

Retirement of Township Clerk – A notice of a February 1, 2018 retirement date was previously provided to the Committee. A recommendation as to certifications, experience needed, and core duties were relayed and discussed. A draft advertisement was presented for publication on the League and NJ Clerks website, internal posting and County dissemination. An internal listing as to job assignments was requested. An outreach to another retiring clerk will be made to ascertain level of response being received.

#### **OPEN TO THE PUBLIC**

Mr. Beaumont inquired about the possibility of other in-house employees for the Clerk position, e.g., Planning Board or Zoning Board.

#### **ADMINISTRATIVE REPORTS**

Construction – The Permit Fee Log Summary for September 2017 reflect the issuance of 17 permits and 7 updates for a total of \$9,160.00 for West Amwell. Seventeen (17) CA's, 2 CCO's and 1 TCO were processed per the Certificate Log Summary. The Permit Fee Log Summary for East Amwell reported 22 permits and six updates issued with \$15,331.00 collected. Nineteen (19) CA's were processed according to the Certificate Log Summary.

Court – The September 2017 monthly report was received showing a local ticket total of 104 and the receipt of \$6,896.21.

Website Review – none

*The foregoing reports were accepted as received 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 10:00 p.m. on motion from Bergenfeld.

Respectfully submitted,

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Lora Olsen, RMC  
Township Clerk

APPROVED: November 15, 2017