

WEST AMWELL TOWNSHIP COMMITTEE MEETING

February 19, 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 and Township Attorney Katrina Campbell. It was noted for the record that Attorney Campbell brought her colleague Attorney Billy Pandos to tonight's meeting in order to introduce him to the Committee in the event she cannot attend a meeting, Attorney Pandos will cover if needed.

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 no changes to the posted agenda.

ANNOUNCEMENTS

- 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 Dale, seconded by Hoyer to approve the Township Committee's 2/5/20 Open Session minutes as revised was unanimously approved by voice vote.

A motion by Hoyer, seconded by Dale to approve the Township Committee's 2/5/20 Closed Session 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 stated he filed an OPRA request in order to provide an impact study on how this language will effect accessory apartments within the Township.

Attorney Campbell clarified that no one with established affordable housing units would be effected by the new Ordinance because their units were established under the old rules. She explained it would only impact anyone creating new units. She remarked the Township is aware that existing units will eventually expire and she noted no one is obligated to renew their COAH deed restriction.

Attorney Campbell also explained the language in the Ordinance was drafted per Attorney St. Angelo's legal recommendations. Mr. Osgood asked what can be done to amend it. Mayor Cally stated the Township is not going to amend the Ordinance and suggested Mr. Osgood could put forth an application to the Board of Adjustment for an accessory apartment or could comply with the Township's regulations to establish an affordable housing unit on his property.

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

SPECIAL PRESENTATIONS

Concord Energy Services Aggregate

Maria Rodriguez-Gregg, President of MIR Strategies, LLC came forward and provided a PowerPoint presentation on the community energy aggregation program which allows

municipalities to go out for BID to supply energy to homes in the community at better rates than the utility companies offer.

The Committee thanked Ms. Rodriguez-Gregg for her presentation and expressed support for the program.

Reports by Department Heads

Tax Collector Brewi commented that the property owner who attended the Committee’s last meeting on 2/5/19 inquiring about donating her land never followed up with her regarding the existing lien on the property. Attorney Campbell stated she will send a letter indicating the Township is not interested in accepting the donation.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Introduction: Ordinance 04, 2020 – AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ESTABLISHING AN ELECTRIC AND/OR NATURAL GAS AGGREGATION PROGRAM

Mayor Cally read Ordinance 04, 2020 by title.

**ORDINANCE 04, 2020
AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL
ESTABLISHING
AN ELECTRIC AND/OR NATURAL GAS AGGREGATION PROGRAM**

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market and/or natural gas market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service and/or natural gas pursuant to **N.J.S.A.** 48:3-93.1 **et seq.** and **N.J.A.C.** 14:4-6.1 **et seq.** will increase competition for the provision of electric power and/or natural gas to residential and non-residential users, thereby increasing the likelihood of lower electric rates and/or natural gas rates for these users without causing any interruption in service; and

WHEREAS, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric and/or gas bills; and

WHEREAS, the realization of energy cost savings is in the interests of the health, safety and welfare of the residents and non-residents of the Township of West Amwell (the “Township”); and

WHEREAS, the Township hereby finds that it is in the best interests of residential and non-residential ratepayers for the Township to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric and/or natural gas rates; and

NOW, THEREFORE BE IT ORDAINED, by the Township Committee of the Township of West Amwell in the County of Hunterdon and the State of New Jersey, duly assembled in public session, as follows:

1. The Township publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, **N.J.S.A.** 48:3-91.3 to -98, and implementing regulations.
2. The Township will utilize approved vendors Commercial Utility Consultants, Inc. and Concord Engineering Group dba Concord Energy Services pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third party suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire.

3. The Mayor and Township Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.
4. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
5. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
6. This ordinance shall be effective immediately upon adoption and publication in accordance with law.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Regular Meeting of the Township Committee of the Township of Amwell in the County of Hunterdon, State of New Jersey held in the Township’s Municipal Building on February 19, 2020, and the same came up for final passage at the Regular Meeting of the Township Committee held on March 18, 2020, at which time, after persons interested were given an opportunity to be heard concerning said Ordinance, the same was passed and will be in full force in the Township of West Amwell according to law.

Dated: _____
James Cally, Mayor

Dated: _____
Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Dale to introduce Ordinance 04, 2020 upon first reading was unanimously approved by roll call vote.

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

It was noted for the record that the public hearing on Ordinance 04, 2020 will be listed on the Committee’s 3/18/20 agenda.

Public Hearing: Ordinance 02, 2020 – AN ORDINANCE TO AMEND, ORDINANCE 03, 2019 AUTHORIZING A SPECIAL ASSESSMENT FOR THE AMWELL DAM #1 RESTORATION IN THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY

Mayor Cally read Ordinance 02, 2020 by title.

ORDINANCE 2, 2020

AN ORDINANCE AMENDING ORDINANCE 3, 2019 AUTHORIZING A SPECIAL ASSESSMENT FOR THE AMWELL DAM #1 RESTORATION IN THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY

WHEREAS, the New Jersey Department of Environmental Protection filed suit against four landowners for the repair and restoration of Amwell Dam #1, resulting in the Superior Court of New Jersey issuing a Final Judgment on Consent without Prejudice on October 19, 2007. The Court Order set the financial limits for each landowner and other requirements.

| | | |
|--------------------------------|----------------------------|-----|
| Nelson | Block 7, Lots 13 and 23 | 30% |
| Whiting (subsequently Spitler) | Block 7, Lot 14.03 | 20% |
| Foran | Block 7, Lot 16.03 | 25% |
| Amwell Valley Conservancy | Block 7, Lots 14.01 and 15 | 25% |

The Judgment specifically provided that:

There shall be no joint and several or other general obligations or liability among or between the defendant parties; (2) there shall be

no liability obligation or responsibility among the defendant parties to one another ...

Other Judgment requirements were:

1. Form a Business Entity to effectuate repairs;
2. Have licensed plans prepared and approved for construction;
3. Secure a New Jersey State Low Interest Loan together with West Amwell Township; and,

WHEREAS, it is a requirement of the State of New Jersey that the municipality wherein the project was taking place must act as co-borrower for said loan; and,

WHEREAS, the Lower Lake Steering Group (“Group”) was formed, which entered into a loan agreement with the State of New Jersey, together with West Amwell Township as co-borrower (August 22, 2011). With three members in the Group, the obligatory percentages were recalculated:

| | |
|-------------------------|---------|
| Block 7, Lots 13 and 23 | 40% |
| Block 7, Lot 14.03 | 26.666% |
| Block 7, Lot 16.03 | 33.333% |

WHEREAS, the Group entered into an additional agreement with West Amwell Township regarding the conditions of the loan and their status as co-borrower (August 24, 2011); and,

WHEREAS, restoration plans and construction were completed; the construction project amount approved by the State of New Jersey (\$524,450.81); Amwell Valley Conservancy paid their agreed amount to the State of New Jersey; Foran paid their designated share through the Group and Foran resigned (December 31, 2012), leaving two members in the Group; and,

WHEREAS, the loan amount was then established to be \$278,450.81 after the payments by the Amwell Valley Conservancy and Foran; and,

WHEREAS, six years of loan repayments were successfully made by Nelson, Whiting and Spitler; and,

WHEREAS, Spitler paid the balance of his share and resigned from the Group (March 13, 2019); and,

WHEREAS, the Nelsons are the only remaining members of the Group; and,

WHEREAS, the owners of Block 7, Lot 14.03 and Block 7, Lot 16.03 have each made full payments equal to their allocated shares; and,

WHEREAS, Spitler and Foran are no longer members of the Group; and,

WHEREAS, State Law authorizes the “Township” to assess the amount of the principal, interest and costs for the loan against the real property benefitted by the loan of any member of the Group who may be in default, together with interest and penalties.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of West Amwell in the County of Hunterdon, State of New Jersey as follows:

1. Block 7, Lot 14.03 and Block 7, Lot 16.03 have each paid their full share of the monies loaned under the Program and are exempt from being specially assessed or otherwise charged for any reason, now and in the future, relating to the subject loan provided under the Program to restore Amwell Dam #1.
2. In the event of a loan repayment default, the Township Tax Assessor shall be responsible for making a special assessment or an agreement for a special assessment with the remaining member of the Group for Block 7, Lots 13 and 23.

3. The assessment shall constitute a first and paramount lien as provided for by N.J.S.A. 40:56-33.

4. The procedure for making and collecting assessment shall be as provided under the terms and conditions of the loan document with the State of New Jersey and under N.J.S.A. 40:56-1, et seq. and N.J.S.A. 40:49-6.

5. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

6. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

7. This Ordinance shall take effect immediately after final passage and publication as provided by law.

BY ORDER OF THE TOWNSHIP COMMITTEE

James Cally, Mayor

ATTEST:

Maria Andrews, Township Clerk, RMC

A motion by Hoyer, seconded by Dale to open to the public for comments on Ordinance 02, 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 clarified that the Ordinance now just puts the lien on one property owner. Mayor Cally said yes. Seeing no other members of the public come forward, a motion was made by Dale and seconded by Bergenfeld to close the floor to public comment. The motion was unanimously approved by voice vote.

A motion by Hoyer, seconded by Dale to adopt Ordinance 02, 2020 was unanimously approved by roll call vote.
Bergenfeld: Yes, Dale: Yes, Hoyer: Yes, Cally: Yes

Public Hearing: Ordinance 03, 2020 – AN ORDINANCE TO AMEND CHAPTER 9 “CONTRACTS,” ARTICLE I “AWARDING OF PUBLIC PROFESSIONAL SERVICES CONTRACTS,” OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY TO REFERENCE THE STATE LAW

Mayor Cally read Ordinance 03, 2020 by title.

ORDINANCE 03, 2020

AN ORDINANCE TO AMEND CHAPTER 9 “CONTRACTS,” ARTICLE I “AWARDING OF PUBLIC PROFESSIONAL SERVICES CONTRACTS,” OF THE CODE OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY TO REFERENCE THE STATE LAW.

WHEREAS, the Township Committee of the Township of West Amwell wishes to amend Chapter 9 “Contracts,” Article I “Awarding of Public Professional Services Contracts,” of the Code of the Township of West Amwell to reference the Pay to Play statute.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of West Amwell, County of Hunterdon, State of New Jersey that Chapter 9, “Contracts,” Article I

“Awarding of Public Professional Service Contracts,” of the Code of the Township of West Amwell shall be amended as follows:

Section 1.

Chapter 9, Article I, Sections 1 through 4 shall be deleted in its entirety and replaced with the following:

§9-1. Pay to Play.

The Township of West Amwell shall comply with the New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et. seq.) for the award of all professional service contracts.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

Section 3.

Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4. Effective Date.

This Ordinance shall take effect upon final passage and publication.

Maria Andrews, Township Clerk, RMC

A motion by Hoyer, seconded by Dale to open to the public for comments on Ordinance 03, 2020 was unanimously approved by roll call vote.

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

Seeing no members of the public come forward, a motion was made by Hoyer and seconded by Dale to close the floor to public comment. The motion was unanimously approved by voice vote.

A motion by Hoyer, seconded by Dale to adopt Ordinance 03, 2020 was unanimously approved by roll call vote.

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

STANDING COMMITTEE REPORTS

The Committee authorized the 11/12/19 Open Space minutes to be posted on the Township’s website.

UNFINISHED BUSINESS

PennEast Status – No update was provided.

School Facilities

Dave Beaumont came forward and referred to the test score discussion at the last Township Committee meeting. He asked who a letter should be sent to regarding this matter. Mayor Cally suggested the School Board should get the letter addressing the math deficiencies reflected in the student’s test scores.

Police Contract

Attorney Campbell indicated she is finalizing the draft contract.

NEW BUSINESS/OTHER

Resolution #40-2020: Adopting a Domestic Violence Policy per Statewide Insurance Requirements

Clerk Andrews noted that Statewide Insurance is requiring municipalities to comply with the new State regulations.

**WEST AMWELL TOWNSHIP
HUNTERDON COUNTY, NEW JERSEY**

RESOLUTION #40-2020

RESOLUTION ADOPTING A DOMESTIC VIOLENCE POLICY

WHEREAS, on or about October 15, 2019, the New Jersey Civil Service Commission issued a Statewide Domestic Violence Policy (DVP) for Public Employers, which is attached hereto; and

WHEREAS, pursuant to N.J.S.A. 11A:2-6a(b)(l), "The [Civil Service Commission] shall develop a uniform domestic violence policy, which all public employers shall adopt and distribute to their employees, regardless of whether a public employer is subject to the provisions of Title 1 IA, Civil Service, of the New Jersey Statutes;" and

WHEREAS, the Township of West Amwell seeks to update its Personnel Policies and Procedures Manual to comply with N.J.S.A. 11A:2-6a(b)(l).

NOW, THEREFORE, BE IT RESOLVED, by the West Amwell Township Committee, in the County of Hunterdon, that the West Amwell Township Policies and Procedures Manual is updated as follows:

1. The Statewide DVP (which is attached hereto) shall be referenced and adopted in the West Amwell Township Personnel Policies and Procedures Manual.
2. The West Amwell Township Personnel Policies and Procedures Manual shall designate The Township Clerk and Police Lieutenant, as primary and secondary Human Resources Officer (HRO) with the Township Committee’s Personnel Liaison as an alternate for purposes of the DVP.
3. The Table of Contents shall be updated to reflect the inclusion of the Township’s adoption of the Statewide DVP.

BE IT FURTHER RESOLVED that a copy of the updated West Amwell Township Personnel Policies and Procedures Manual is on file with the Clerk's office; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be distributed to all Township employees along with an updated copy of the Personnel Policies and Procedures Manual.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee on February 19, 2020.

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Dale to approve Resolution #40-2020 was unanimously approved by roll call vote.
Bergenfeld: Yes, Dale: Yes, Hoyer: Yes, Cally: Yes

Resolution #41-2020: Establishing Guidelines for the Twp. Historic Preservation Committee

It was noted for the record that this resolution was tabled pending review by Township Attorney Campbell.

Resolution #42-2020: Appointing G. Brewi as the Township Tax Collector

Resolution #42-2020

**RESOLUTION OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, TO APPOINT GAIL BREWI, TAX COLLECTOR FOR THE
TOWNSHIP OF WEST AMWELL**

WHEREAS, the Township of West Amwell wishes to appoint Gail Brewi as the Tax Collector for the Township of West Amwell; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of West Amwell hereby appoints Gail Brewi as the West Amwell Township Tax Collector as follows:

- **Date of Hire:** February 5, 2020
- **Term:** January 1, 2021 through December 31, 2024.
- **Salary:** Annual salary of \$19,000.
- **Hours of work:** Ms. Brewi shall not have set office hours for the Tax Office, instead she will split her time between the Tax Collector's Office and the Construction Department between the hours of 8:30 AM to 3:30 PM, Monday through Friday. It is understood that during the course of a tax year, the job may require additional hours to be worked to successfully complete all duties of the Tax Office. Those hours may be worked at the discretion of the Tax Collector. If Ms. Brewi, for any reason, leaves her employment in the Construction Department, the Township Committee shall set specific office hours for the Tax Office.

CERTIFICATION

This is to certify the above is a true copy of a Resolution adopted by the Township Committee of the Township of West Amwell at a meeting of said Township Committee conducted on February 19, 2020.

Maria Andrews, Township Clerk, RMC

A motion by Dale, seconded by Cally to approve Resolution #42-2020 was unanimously approved by roll call vote.

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

Resolution #43-2020: Extending Substitute Inspector Appointment – M. Wright

Resolution #43-2020
Extending the Appointment of Substitute Inspector

WHEREAS, the Township of West Amwell appointed Substitute Inspector Mike Wright on November 20, 2019 for a period not to exceed 90 days; and

WHEREAS, such appointment needs to be extended for another 30 days to cover the Construction Office through March 20, 2020; and

THEREFORE BE IT RESOLVED that Michael Wright's appointment as the Substitute Inspector be extended through March 20, 2020.

I hereby certify the foregoing to be a true copy of a Resolution approved by the West Amwell Township Committee at their regular meeting on February 19, 2020.

Maria Andrews, Township Clerk, RMC

A motion by Dale, seconded by Bergenfeld to approve Resolution #43-2020 was unanimously approved by roll call vote.

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

Discussion: Court Ordered Special Election

It was noted for the record that there will be a Court Ordered Special Election on Tuesday, 3/31/20 for one (3 year) Township Committee term. The estimated cost to the Township will be \$15,000.

OPEN TO THE PUBLIC

Mayor Cally opened the floor to public comment. Seeing no members of the public come forward, a motion was made by Dale and seconded by Hoyer to close the floor to public comment. The motion was unanimously approved by voice vote.

OTHER

Resolution #44-2020: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

Resolution #44-2020

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.

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Hoyer to approve Resolution #44-2020 and enter into Closed Session was unanimously approved by roll call vote.

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

A motion by Dale, 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 8:30 PM to 8:44 PM.

Upon returning to Open Session the following action was taken:

A motion was made by Bergenfeld and seconded by Hoyer to release the check to East Amwell Township, paying for the Tax Collector services through 1/31/20 under the former shared services agreement. The motion was unanimously approved by roll call vote.

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

ADMINISTRATIVE

Treasurer: 2/19/20 Bill List

It was noted for the record that the Committee requested the following checks/payments be held: #257, #259, #260, #261 and the \$13,000 payment to Princeton Computer until further details are obtained from CFO Carro. The Committee authorized all other vouchers on the Bill List to be paid.

Minutes – 2/19/20

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 9:13 PM.

Maria Andrews, Township Clerk, RMC

Approved: 3/4/20