

WEST AMWELL TOWNSHIP COMMITTEE MEETING

January 15, 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, Gary Hoyer and Lucas Lyons along with Township Clerk Maria Andrews and Township Attorney Katrina Campbell.

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

- The Municipal Offices Will be Closed Monday 1/20/20 – Martin Luther King, Jr. Day
- Dog License Renewals for 2020 are Due by 1/31/20
- 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 12/30/19 Regular Session minutes as revised was approved by voice vote with Committeeman Bergenfeld abstaining.

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 would like the language in Ordinance 15, 2019 that requires affordable housing properties to be "owner occupied" changed to omit that requirement. He indicated he spent several hours researching other municipality's ordinances and only found 2 that require owner occupancy. He provided a handout depicting the list of municipalities that he researched.

Mr. Osgood said he wants to fight this because he takes care of his disabled brother's living arrangements and cannot currently claim affordable housing which is why he began pursuing approval to create an accessory apartment/affordable unit out of the other half of the existing residence. Mr. Osgood explained the configuration of the dwelling noting the center part of the house is the former garage which has an existing concrete wall that serves as a great safety structure and essentially delineates the 2 distinct living areas.

Committeeman Bergenfeld commented that the requirement the property be owner occupied if there is an affordable unit is to ensure the property will be maintained to a certain standard vs. those properties that exist with landlords who don't always keep up with maintenance. He remarked that he is not inclined to change the language.

Committeeman Hoyer suggested the Committee take Mr. Osgood's suggestion under advisement and address the matter internally. Attorney Campbell commented that she will reach out to Planning Board Attorney St. Angelo to discuss the issue.

Committeeman Bergenfeld asked Mr. Osgood about the septic on his property noting that "apartments" equate to extra usage under the Code and typically a one bedroom apartment requires septic sizing for a two bedroom unit. Mr. Osgood indicated his septic system is fine.

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

SPECIAL PRESENTATIONS

Reports by Department Heads – DPW 2019 Annual Report

Director of Public Works and Roads Ryan Rollero came forward and presented a PowerPoint presentation highlighting the following items:

1. DPW paved in-house 432 tons in one week on Mill Road
2. Black Rock paved 4600 linear feet on Rocktown-Lambertville Road and the project came in \$16,000 under budget
3. DPW used 571 tons of black top for general maintenance and repairs throughout the Township
4. There are 389 catch basins in the Township; DPW performed 10 total rebuilds and color coded the others to determine the level of repairs needed
5. A pre-cast basin structure was replaced in 3 days on Williams Lane/Mt. Airy Village Road
6. 5000 pounds of Mastic Crack Filler was used to crack seal Rose Run, Milkhouse Lane and Surrey Lane
7. Re-grading was performed on portions of the 7 miles of dirt roads throughout the Township
8. Grounds maintenance included mowing 72 acres of grass weekly
9. A 35 cubic yard compactor was installed in the Recycling Depot, drainage work was performed and an electrical line was dug in
10. There were 326 garbage permits sold resulting in \$58,680 of revenue BUT the solid waste disposal cost \$33,500 and the recycling cost \$25,000 resulting in no profit
11. Goals for 2020 are: Resurfacing of Rock Road East, Rock Road West, Corsalo Road and Mt. Airy Village Road and crack sealing the Hills of Hunterdon development

The Committee thanked Director Rollero for his thorough report.

Committeeman Bergenfeld commented that at the last Historic Preservation Committee meeting he attended, the Committee expressed disappointment with the Eagle Scout project that was done to restore the Korean War Memorial sign. Specifically, they thought the sign should explain that everyone listed on it lived in West Amwell and served in World War II. Mayor Cally noted that it was the intention of the Eagle Scout who restored the sign to maintain its original integrity.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Introduction: 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.

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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 Bergenfeld, seconded by Dale to introduce Ordinance 02, 2020 was unanimously approved by roll call vote.

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

It was noted the public hearing on Ordinance 02, 2020 will be listed on the Committee's 2/19/20 agenda.

Introduction: Ordinance 03, 2020 – AN ORDINANCE TO AMEND CHAPTER 9 “CONTRACTS,” ARTICLE I “AWARDING OF 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:

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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.

BY ORDER OF THE TOWNSHIP COMMITTEE

James Cally, Mayor

ATTEST:

Maria Andrews, Township Clerk, RMC

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

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

It was noted the public hearing on Ordinance 03, 2020 will be listed on the Committee's 2/19/20 agenda.

STANDING COMMITTEE REPORTS

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

UNFINISHED BUSINESS

PennEast Status

It was noted for the record that no status update was provided.

School Facilities

It was noted for the record that no report was provided.

NEW BUSINESS/OTHER

Resolution: #33-2020: Appointing G. Brewi Municipal Housing Liaison/Admin. Agent

RESOLUTION #33-2020

WHEREAS, the Township of West Amwell needs to fill the position of Municipal Housing Liaison/Administrative Agent; and

WHEREAS, Gail Brewi expressed an interest in taking the classes and has successfully obtained certification; and

WHEREAS, the Township Committee has determined that Gail Brewi is qualified for said position; and

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WHEREAS, Gail Brewi has accepted the position for an annual salary of \$6000.00, prorated from 1/3/20; and

THEREFORE, BE IT RESOLVED that Gail Brewi be appointed Municipal Housing Liaison/Administration Agent, effective immediately.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at a regular meeting held January 15, 2020.

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Dale to approve Resolution #33-2020 was unanimously approved by roll call vote.

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

Resolution #34-2020: Hiring Waste Security Laborer – A. Alicandri

RESOLUTION #34-2020

WHEREAS, the Township's Trash/Recycling Depot requires a Waste Security Laborer for various depot duties on Saturday's from 7:30 AM – 12:30 PM; and

WHEREAS, August Alicandri has expressed interest in this employment opportunity; and

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee that August Alicandri be hired as a Waste Security Laborer effective January 18, 2020 at a rate of \$12.00 per/hour.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at a meeting held on January 15, 2020.

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Dale to approve Resolution #34-2020 was unanimously approved by roll call vote.

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

Acknowledgment: PSE&G Vegetative Maintenance in 2020

It was noted for the record that the Committee acknowledged the maintenance plan and took no issue with the proposed project.

Acknowledgement: Hell of Hunterdon Bicycle Ride – April 5, 2020

It was noted for the record that the Committee took no issue with the scheduled cycling event.

Discussion: Community Aggregation (Ordinance 18-2019 from Lambertville)

It was noted for the record that the Committee was in support of participating in a Community Aggregation program and asked Clerk Andrews to request representatives from Concord Energy Group make a presentation at the Committee's 2/19/20 meeting.

Discussion: Request from Resident to Replace Damaged Vehicle Mirror

A resident had sent in an email alleging icy road conditions on Rocktown-Lambertville Road resulted in him sliding off of the road and damaging his vehicle's side mirror. The Committee noted that there were no reported accidents within the Township on the day in question and the schools did not have a delayed opening due to any weather related conditions. Therefore, the Committee apologized for the resident's damaged mirror but indicated they could not justify a reimbursement with tax payer funds. Clerk Andrews will advise the resident accordingly.

Discussion: Replacement of Damaged Lamp Post – Music Mountain Boulevard

Clerk Andrews explained there was a reported motor vehicle accident that took out a lamp post on Music Mountain Boulevard. The father of the teenager requested to be able to reimburse the Township for the repair rather than having a claim go through his insurance. The Township Attorney advised this could be done but when the quote for the repair was given the father wrote a letter arguing it's too much and can be done for less money.

It was the sentiment of the Committee that the Township received a quote from a trusted service provider and was not negotiating the cost of the repair. They Committee indicated that if the parent wished to pay rather than have a claim go through his insurance he needed to submit payment by Friday or the Township would pursue a claim through the insurance carrier.

Discussion: Establishing/Reviewing Paid Time Off Days for Part Time Staff

Clerk Andrews explained that there is no consistency regarding the paid time off for part time staff. She noted some employees have specific days for sick, vacation and personal time where others have no designated days but still take time off. Clerk Andrews remarked it seems to be an issue mostly with salaried part time staff because they simply make up the time on another day when they are off.

This issue came to light because the Township had to hire a part time hourly employee to cover some of the duties of another part time salaried employee while this person was out of the offices due to a surgery but still being paid full salary on the assumption they were performing all of the components of their job from home except for one aspect which the other temporary, hourly part time employee was covering.

The Committee agreed that all staff member's time off must be monitored for consistency in all departments for all employees.

Clerk Andrews noted she will work with the Payroll Clerk to determine the specific days off each employee is entitled to under the Township's policy.

Resolution #31-2020: Authorizing Execution of Retirement Agreement with Sgt. T. Vanselous

Mayor Cally noted this discussion will be moved to Closed Session.

OPEN TO THE PUBLIC

Mayor Cally opened the floor to public comment. Pat Rose spoke up from the public and expressed concern over the paid time off discussion. She said her husband does a good job for the Township and is dedicated to his work. She commented that he has been doing his best to hobble in and keep up with the paper work and remarked that no one is taking advantage of their days off.

Mayor Cally noted that the paid time off discussion was not to target any specific individual but rather to ensure that the Township policy was administered fairly to all employees.

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

OTHER

Resolution #35-2020: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

Resolution #35-2020

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:

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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 Hoyer, seconded by Cally to approve Resolution #35-2020 and enter into Closed Session was unanimously approved by roll call vote.

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

A motion by Cally, seconded by Hoyer to return to Open Session was unanimously approved by roll call vote.

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

The Committee was in Closed Session from 9:12 PM to 10:20 PM.

Upon returning to Open Session the following items were addressed:

Resolution #31-2020: Authorizing Execution of Retirement Agreement with Sgt. T. Vanselous

RESOLUTION NO. 31-2020

**RESOLUTION AUTHORIZING EXECUTION OF RETIREMENT AGREEMENT
WITH SERGEANT TIMOTHY VANSELOUS**

WHEREAS, Police Sergeant, Timothy Vanselous, has announced his intention to retire from the West Amwell Township Police Department, effective May 1, 2020; and

WHEREAS, Sergeant Vanselous has been a member of the West Amwell Township Police Department for over nineteen (19) years serving the Police Department and the citizens of West Amwell Township admirably; and

WHEREAS, Sergeant Vanselous has negotiated with the administration for a Retirement Agreement which will allow the Sergeant to cease active duty as of January 1, 2020 and use his sick time as terminal leave until April 30, 2020; and

WHEREAS, Sergeant Vanselous would be entitled to certain accrued sick, vacation and compensatory time for which pursuant to Contract he is entitled to reimbursement; and

WHEREAS, Sergeant Vanselous is willing to accept payment for accrued time over a two-year basis; and

WHEREAS, this is beneficial to the Township; and

WHEREAS, an Agreement has been prepared between the Township and Sergeant Vanselous in the form attached hereto; and

WHEREAS, the Township is desirous of entering into this Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell, Hunterdon County, New Jersey, that the Mayor and Township Clerk are hereby authorized to execute the attached Agreement on behalf of the Township of West Amwell.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Cally, Mayor

DATED:

I, Maria Andrews, Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a Resolution adopted by the West Amwell Township Council at a meeting held on January 15, 2020.

MARIA ANDREWS, CLERK

A motion by Bergenfeld, seconded by Hoyer to approve Resolution #31-2020 was unanimously approved by roll call vote.

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

It was also noted that the Committee authorized the CFO to reimburse the Municipal Court \$5135 to cover the missing deposits lost by former Court Administrator Lolly Hoagland.

ADMINISTRATIVE

Treasurer: Bill List 1/15/20

A motion by Bergenfeld, seconded by Cally to approve the vouchers for payment as listed on the 1/15/20 bill list was unanimously approved by roll call vote.

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

CORRESPONDENCE

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

ADJOURNMENT

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

The meeting adjourned at 10:23 PM.

Maria Andrews, Township Clerk, RMC

Approved: 2/5/20