

**WEST AMWELL TOWNSHIP COMMITTEE MEETING**  
**January 20, 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 and Township Attorney Katrina Campbell.

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 are due by 1/31/21
- Kindly Turn Cell Phones Off During the Meeting

Clerk Andrews noted DPW Director/SWAC Coordinator Ryan Rollero had received NJDEP's Clean Communities "Rise to the Challenge Award" for his efforts in coming up with a creative way to hold the 3<sup>rd</sup> annual Delaware River Clean-up and abide by the CDC guidelines during the COVID pandemic.

**PRESENTATION OF MINUTES**

A motion by Hoyer, seconded by Dale to approve the Committee's 12/28/20 minutes with no revisions noted was unanimously approved by voice vote.

A motion by Cally, seconded by Lyons to approve the Committee's 1/6/21 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. Seeing no members of the public come forward, Mayor Bergenfeld closed the floor to public comment.

**SPECIAL PRESENTATIONS**

**Proclamation: Harry Heller – Years of Service on Lambertville-New Hope Rescue Squad**

Mayor Bergenfeld read the following Proclamation into the record:

**PROCLAMATION**

WHEREAS, Harry Heller retired from his position as Chief of the Lambertville-New Hope Ambulance & Rescue Squad on December 31, 2020; and

WHEREAS, Harry has volunteered throughout his life in various capacities to benefit the residents of West Amwell Township; and

WHEREAS, Harry became a member of the Lambertville Ambulance & Rescue Squad in October of 1974; attended and completed the sixth EMT class in the State of New Jersey; was offered a place in the first Paramedics class in New Jersey; was involved in the start-up of Hunterdon Medical Center's MICU and assisted with the delivery of 5 babies throughout his tenure; and

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WHEREAS, Harry served in various capacities within Lambertville-New Hope Ambulance and Rescue Squad including: Purchasing Committees, Lieutenant (1979), Deputy Chief (1982) and served as Chief in 1983, 1987 and 1988, later in 2004-2006, and most recently from 2018-2020; and previously served on the Board of Trustees as Vice President and Board Chairman; and

WHEREAS, Mr. Heller currently serves as the Squad's delegate to the EMS Council where he is Vice Chair of the Hunterdon County Communications Radio Advisory Committee and is the Squad's Communications Officer; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of West Amwell Township, in the County of Hunterdon, State of New Jersey, that Harry Heller is congratulated on a job well done and recognized for his many contributions to the residents of the Township as well as the Commonwealth of Pennsylvania; and

BE IT FINALLY RESOLVED that Mr. Heller is wished years of enjoyment on his retirement and much success with all of his future endeavors.

By Order of the Township Committee

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Stephen Bergenfeld, Mayor

Mayor Bergenfeld presented Mr. Heller with the Proclamation and the Committee thanked him for his service and wished him well on his retirement.

#### **Reports by Department Heads**

Fire Chief Jeff Ent came forward and provided his annual activity report highlighting the following details:

1. There were 158 calls in 2020 totally 194 man hours. *(Chief Ent commented that calls were down this past year, likely due to the COVID pandemic and everyone staying home.)*
2. 983 man hours were spent on fire drills
3. Many on-line classes were taken and well received because of the convenience of the virtual platform

Chief Ent discussed repairs that were done on the department's fire truck as well as expected expenses on the ladder truck due to rust on the torque box. He also mentioned some on-site training ideas the department is considering.

Deputy Mayor Cally asked about the email complaint from a resident regarding the use of the fire hydrant on Music Mountain Boulevard for fire hose testing. Chief Ent explained hose testing and pump testing are each performed once a year. He noted that the fire hydrant in that location does not require any roadways to be shut down whereas road closures would have to be done if they used another hydrant. Deputy Mayor Cally suggested homeowners be notified when testing will be done there, as a courtesy.

Lastly, Chief Ent discussed the difficulty in staffing the Fire Company during daytime hours and explained how he is collaborating with the County, Amwell Valley Fire Company, Sergeantsville Fire Company and Stockton Fire Department to potentially establish a regional Fire Department which could possibly be partially funded by the County. He explained that the County was approached about 5 years ago to consider fully funding a daytime paid fire department and at that time, expressed no interest. He remarked there may be some interest now in partially funding a regional department. Chief Ent commented that the Chiefs would like to give a presentation to each of the municipalities regarding this concept and clarified that he anticipates the firefighters would be paid on a "per diem" basis which would result in the respective municipalities each having to pay approximately \$55,000 annually for daytime fire call coverage.

The Committee thanked Chief Ent for his annual report.

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OEM Director Harry Heller came forward and provided a brief update noting the following details:

1. There are no available appointments anywhere in the County for the COVID vaccine.
2. There were 119 reported cases of COVID in the Township, resulting in 4 deaths.
3. Amanda Burd will be contacting Mayor Bergenfeld and Deputy Mayor Cally regarding the State required Emergency Management Plan.
4. The Township's DPW Director was able to obtain 2 pallets of donated hand sanitizer which has been split between the Fire and Police Departments as well as with the Municipal Offices. Mayor Bergenfeld commented the Township donated 1000 bottles to the school.
5. The County and the Township are currently working on updating the hazardous Mitigation Plan.

The Committee thanked Mr. Heller for his update.

George Fisher reported on the Open Space and Finance Committee reorganization meetings noting John Crounce is the Open Space Committee's Chairman, and he is the Vice Chair. With regard to the Finance Committee, Mr. Fisher noted he is the Chairman.

#### **INTRODUCTION/PUBLIC HEARING ON ORDINANCES**

It was noted for the record that no ordinances were listed on the agenda for action.

#### **STANDING COMMITTEE REPORTS**

- A. Open Space: No report given.
- B. Environmental: No report was given.
- C. Ag Advisory: No report given.
- D. Finance Committee: No report given.

#### **UNFINISHED BUSINESS**

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

Mike Spille reported FERC had an open meeting yesterday (1/19/21) and stated almost everything on their agenda was dismissed, including PennEast. Mr. Spille noted that the Supreme Court meets on Friday (1/22/21) and commented he will keep the Committee apprised.

#### **NEW BUSINESS/OTHER**

##### **Approval of Resolution #31-2021: Policy for Use of Bank Courier**

#### **RESOLUTION OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY SETTING FORTH A POLICY FOR USE OF BANK COURIER SERVICE FOR ALL BANK DEPOSITS Resolution #31-2021**

WHEREAS, the Township of West Amwell, County of Hunterdon, State of New Jersey has been offered a courier service from its banking institution to transport, by armored car service, all bank deposits from all departments within the Township to the bank; and

WHEREAS, the Township Committee agrees that the use of the courier service is beneficial to the Township and helps to safeguard deposits made by the Township; and

WHEREAS, the Township Committee wishes to commit this policy to the Township Policy Manual in order to ensure that all departments/employees properly utilize the courier service at all times; and

WHEREAS, unforeseen situations may necessitate an exception to utilizing the courier service, whereby prior approval must be obtained by the Municipal Clerk; and

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey does hereby approve the attached policy and said policy will be added to the Township Personnel Policy Manual.

CERTIFICATION

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I, Maria Andrews, Municipal Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Committee at its Regular Meeting held on Wednesday, January 20, 2021.

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Maria Andrews, Township Clerk, RMC

A motion by Hoyer, seconded by Lyons to approve Resolution #31-2021 was unanimously approved by roll call vote.

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

**Approval of Resolution #32-2021: Establishing Township Remote Meeting Protocol**

**RESOLUTION OF THE TOWNSHIP OF WEST AMWELL REGARDING EMERGENCY REMOTE MEETING  
PROTOCOL, PROCEDURES AND REQUIREMENTS FOR PUBLIC PARTICIPATION AT REMOTE MEETINGS  
Resolution #32-2021**

WHEREAS, the purpose of N.J.A.C. 5:39-1 et seq, Emergency Remote Meeting Protocol for Local Public Bodies, is to ensure that local public bodies can continue to conduct official business in an open and transparent manner whenever a declared emergency exists that prohibits physical attendance by members of the public; and

WHEREAS, a “Declared Emergency” means a public health emergency pursuant to the Health Powers Act (N.J.S.A. 26:13-1 et seq.), or a state of emergency, pursuant to P.L. 1942, c. 251 or both, or a state of local disaster emergency which has been declared by the Governor and is in effect; and

WHEREAS, N.J.A.C. 5:39-1.3 permits a local public body to hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents a local public body from safely conducting public business at a physical location with members of the public present; and

WHEREAS, if during a declared emergency the Township of West Amwell (the “Township”) holds a physical meeting in a location where, pursuant to State/Federal guidelines meant to mitigate risk, capacity restrictions are required to reduce the number of individuals that can be present in a meeting, the Township Committee shall either:

Hold the public meeting at another location with adequate capacity for the reasonable expected attendance by the public; or

Hold the public meeting remotely; and

WHEREAS, no in person meeting shall proceed if the room capacity does not permit any member of the public to attend; and

WHEREAS, a public meeting held in person shall not prohibit members of the public from attending in person; and

WHEREAS, pursuant to N.J.A.C. 5:39-1, if the Township holds a remote meeting to conduct public business they shall use electronic communication technology routinely used in business settings that can be accessed by the public at no cost and with participant capacity consistent with the reasonable expectations of the public body for the type of public meeting being held and shall, at minimum, not be limited to fewer than 50 public participants (beyond those persons required to conduct business at the meeting); and

WHEREAS, remote public meetings may be held by the Township in a format as selected by the governing body, by means including but not limited to, audio-only teleconferencing, electronic communications platforms with video and audio or live streaming via the internet and shall, additionally, provide a telephonic conference line to allow members of the public to dial in by telephone to listen and to provide public comment; and

WHEREAS, when the Township holds a remote public meeting they shall allow members of the public to make public comment by audio or by audio and video if the meeting is being held over both; and

WHEREAS, any remote public meeting where sworn testimony is being taken shall be broadcast by video as well as audio and all individuals giving sworn testimony shall appear by video in addition to audio; and

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WHEREAS, any presentation or documents that would otherwise be viewed or made available to members of the public physically attending a local public meeting shall be made visible on a video broadcast of the remote public meeting or made available on the internet website ([www.westamwelltp.org](http://www.westamwelltp.org)) of the Township; and

WHEREAS, in addition to making public comments at any remote public meeting, the Township Committee, in advance of the remote meeting shall allow public comments to be submitted to the Clerk by electronic mail and in written letter form by noon the day of the meeting to [clerk@westamwelltp.org](mailto:clerk@westamwelltp.org) or West Amwell Township, Attn: Township Clerk, 150 Rocktown-Lambertville Road, Lambertville, NJ 08530; and

WHEREAS, public comments submitted prior to the remote public meeting through electronic or regular mail shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public; and

WHEREAS, a time limit of three minutes shall be placed on the reading of written comments, which shall be read from their beginning until the time limit is reached; and

WHEREAS, the electronic communications used for a remote public meeting shall have a function that allows the Township to mute the audio of all members of the public as well as allow members of the public to mute themselves and same shall be announced at the beginning of every remote public session; and

WHEREAS, adequate notice of the remote public meeting shall also include, in addition to the OPMA requirements of N.J.S.A. 10: 4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment and how to access any public documents on their internet website in the manner as set forth at N.J.A.C. 5:39-1.5; and

WHEREAS, at the commencement of a remote public meeting the Mayor or his designee, shall announce publicly and shall cause to be entered into the minutes an accurate statement regarding adequate and electronic notice or an explanation of the reason or reasons it was not adequately provided as set forth in N.J.A.C. 5:39-1.5(g); and

WHEREAS, prior to the commencement of a remote public meeting the Township Committee shall make a copy of the agenda available to the public for download on the website at [www.westamwelltp.org](http://www.westamwelltp.org) and shall post same at the building where the meeting would otherwise be held, including posting of same at any designated and clearly delineated handicap access entrance to the building; and

WHEREAS, in support of and respect for an open, fair and informed decision-making process, the Township Committee recognizes that civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and

WHEREAS, in an effort to preserve the intent of open government and maintain a positive environment for citizen input and Township Committee decision making, it has been decided that policies and rules should be established to promote civility and maintain decorum at local public meetings and remote public meetings in accordance with N.J.A.C. 5:39-1.4 (f)-(h); and

WHEREAS, if a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Mayor or his designee, shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting; and

WHEREAS, disruptive conduct at a public or remote public meeting includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity; and

WHEREAS, any member of the public who continues to act in a disruptive manner at a remote public meeting after receiving an initial warning, may be muted while other members of the public are allowed to proceed with their questions or comments; and

WHEREAS, if time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment and, if the person still remains disruptive, the

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individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting; and

WHEREAS, the content of the electronic notice shall be posted on the bulletin board where the public would routinely attend public meetings of the local public body in person and the notice must be viewable from the outside; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell that the standards and procedures for emergency remote meeting protocol as set forth in this resolution and as codified in N.J.A.C. 5:39-1 et seq. are hereby established and adopted; and

BE IT FURTHER RESOLVED that procedures and requirements for public participation are hereby established and adopted in order to safeguard public participation in any public or remote public meetings in the Township of West Amwell and shall apply to all members of the public in attendance at any public or remote public meeting in the Township of West Amwell.

Certification

I, Maria Andrews, Township Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Township Committee on January 20, 2021.

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Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Dale to approve Resolution #32-2021 was unanimously approved by roll call vote.

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

**Authorization: Release of Closed Session Minutes per Township Attorney Campbell**

It was noted for the record that the Closed Session minutes Attorney Campbell approved for release will be done so accordingly.

**Authorization: Payment of Invoice from Former Prosecutor T. Howes**

Mayor Bergenfeld commented that he will call Mr. Howes regarding this invoice.

**Discussion: Establishing an ABC #44 License**

Attorney Campbell commented that if the Committee wishes to establish a #44 License the process is to first approve a resolution authorizing the establishment of a #44 (Plenary Retail Distribution) License and then go out to BID. She explained the statute does not allow for any trade or swap by the current owner of the #33 license for the #44 license and she clarified that the BID can stipulate no one can own 2 licenses, the Township can set a "minimum" BID and the Committee can reject all BIDS if they wish to do so.

The Committee asked Attorney Campbell to wait for ABC to call her back so then can clarify all of the details regarding the #44 License before any final decisions are made.

It was noted for the record that the owner of Pine Creek Liquors (Raj) was present at the meeting and commented that if he can successfully obtain the #44 License, he intends to sell his #33 License.

**Discussion: Township Auditor**

Attorney Campbell noted that RFP's were received and suggested the Committee put the matter on their 2/17/21 agenda for action so everyone has time to review the documentation.

**Discussion: Possible Township Sponsored Auction**

Mayor Bergenfeld explained he asked Attorney Campbell to research whether or not the Township could purchase an ATV and auction it for the purposes of raising money for Parks and Recreation projects. He referred to the cars that are routinely auctioned on the boardwalks in shore communities. Attorney Campbell commented that she doesn't believe the Township can conduct auctions based on her research and her conversation with the Legalized Games of Chance Control Commission but noted she will continue to look into the matter a little further.

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**Discussion: Possible Amendments to Chapter 88: Fire Prevention**

Mayor Bergenfeld requested this matter be carried to the Committee's 2/17/21 agenda for discussion.

**OPEN TO THE PUBLIC**

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

**ADMINISTRATIVE**

A motion by Dale, seconded by Lyons to approve the vouchers for payment as listed on the 1/20/21 bill list was unanimously approved by roll call vote.

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

**OTHER**

**Resolution #33-2021: Closed Session – Personnel/Contracts – Litigation/Affordable Housing**

**Resolution #33-2021**

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.
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 Cally, seconded by Dale to approve Resolution #33-2021 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 8:48 PM – 9:18 PM.

**CORRESPONDENCE**

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

**ADJOURNMENT**

A motion by Cally, seconded by Dale to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 9:19 PM.

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Maria Andrews, Township Clerk, RMC

Approved: 2/17/21