

WEST AMWELL TOWNSHIP COMMITTEE MEETING

September 20, 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 7:34 p.m. Present were Mayor John Dale, Deputy Mayor Stephen Bergenfeld, Committeemen James Cally, and Gary Hoyer, Clerk Lora Olsen and Attorney Philip J. Faherty III. Committeeman Zachary T. Rich arrived at 8:44. Also in attendance were Justin Holohan, Judy Giordano, Dave Beaumont, Kiyle Osgood, Mike Spille, Hal Shute, Anthony Poleo, Mr. Poleo, Connor Healy, Krista Parsons, David Pasquale, Porter Little, Sandra Gambino and an unidentified couple.

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/deleted.

ANNOUNCEMENTS

- Municipal Offices Closed October 9, 2017 for Columbus Day
- West Amwell Fire Co Auxiliary Dinner, October 14, 4 to 7 p.m.
- Last Day to Register to Vote in November General Election is October 17th
- County Ident-a-Shred Days @ Court House, 9 a.m. to Noon on Oct 7, Nov 4 (County residents only; No Businesses; 10 Box Limit)
- JCP&L/Jaflo Tree Service Vegetation Maintenance Work, July-September
- PSE&G/Asplundh ROW Herbicide Application, Begins August 15th
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

The following additions were presented:

- A Killed in Action (KIA) flag has been mandated for display at principal municipal, county and state buildings per S-1497/A-3225. This flag will be added to the pole.
- Household Hazardous Waste Collection Days – September 30th & November 18th at the County Rt 12 Complex from 9 a.m. to 1 p.m.

PRESENTATION OF MINUTES

A motion by Cally, seconded by Hoyer to approve the August 16, 2017 Regular and Closed Session minutes with no revisions noted carried with Bergenfeld abstaining.

A motion by Hoyer, seconded by Bergenfeld to approve the September 6, 2017 Regular minutes with no revisions noted carried with Cally abstaining.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Connor Healy of 17 Steepleview, a recent returnee to West Amwell, inquired about the police department as it appears they are on the chopping block from the resolution. He also questioned available options. Mayor Dale explained the State aid situation, noting that the police department is one third of the municipal budget; that this issue has been brought up periodically; this lets the citizens speak and have input on the matter; and, that the Committee has latitude as the ballot question is non-binding. Options would include a merger of police departments or bringing in the State Police. Mr. Bergenfeld advised that the \$400 number was based on the average assessed value of a house. Mr. Hoyer added that the Township Committee relied on feedback from the Finance committee—a group that was charged with finding savings in the budget. No one is taking sides; this is an economic matter; and, all are in the same shoes as taxpayers. Mr. Healy also questioned the rumor on Facebook that someone has been speaking with Mayor DeVecchio about this. This was denied by all attending Committee members but the mayor noted that there have been conversations in previous years.

Mike Spille of Hewitt Road offered that this is an important decision and that he needs information, such what would be gained vs what would be lost; e.g, value to the community, response time, how having the police helps the community, etc. He questioned whether there was an analysis and if this is something for the next fiscal year. Mayor Dale relayed that the Communications committee is putting something together; that there have been positive meetings with the police department; and, that any change would be within the year. Dave Beaumont added that the document to be disseminated to the community will include a Q&A as to how the matter was arrived at, what is proposed, and the finance behind it.

Justin Holohan, 120 Rock Road West, spoke to the non-binding resolution and relayed that he'd worked with the Board of Education concerning teacher contracts and creative compromises. The police presence at the elementary school was seen as something positive and invaluable for the students and requested that the Committee think hard on the effect the resolution would have on the children. Mr. Holohan suggested cancelling the trash depot and imposing fines as per Ordinance 18, 2014.

Anthony Poleo, 23 Barry Road, addressed his purchase of the property in 2016; the red tape that accompanied that purchase; and the problems he is experiencing with the neighbors. The latter over a posted sign, which he said was in jest. According to his attorneys, the sign is his 'freedom of expression' and he is within his rights to keep the sign as it is on his property. As he was spoken to about the sign, and didn't want to cause a problem, he was planning on removing it. However, the sign was torn down and tossed in the ditch. He stated that his property has been vandalized; that he is within his legal rights for all that he is doing on his property; and, that he continues to be harassed. For the record, there is no statute that he cannot put up a sign and that he has 1st amendment rights under freedom of expression. Mr. Poleo continued by stating that he has a woodland management plan to maintain and preserve trails and harvest trees on the 38+ acres; everything is in compliance; and, that he is not breaking any laws. He charged that the neighbors just don't like change in their backyard. The woodland management plan has recently been reviewed and amended by the forester as the plan no longer covers the 2 acre exception area. Overall, there's a 10 year plan to beautify the woods and a 5 page report that states it is legal to do. He has worked with soil conservation and all is in compliance now with that group. An American flag now hangs on the gate to his property.

Mayor Dale inquired about whether there were Ash trees on the property, to which the response was in the affirmative. Mr. Poleo continued with information on the white pine and cedar trees on the property; his objective of cutting up and removing uprooted ones downed by 'Sandy'; and, the ultimate goal of a beautiful forest...something that will not happen overnight. He is starting in the area of the house and working out from there. The wood chips will be used to line the trails. Although the Township Committee has been great, he's getting aggravated as his rights are just as equal to those of the neighbors.

David Pasquale, 13 Barry Road, expressed concern that the sign was advocating violence and that the slogan was taken seriously. The residents of Barry Road were concerned over it. Attempts to converse with the elder Mr. Poleo over the sign didn't go well. Mr. Pasquale stated that he was not aware that anyone ripped the sign down, suggesting that Mr. Poleo plays games and is ingenuous with the Township Committee. He also believes that it was Mr. Poleo that turned him in for having an illegal pool as there was no fencing. Apparently Mr. Poleo has no idea that the sign caused so much concern and suggested that he be a good neighbor.

Judy Giordano, Barry Road, also spoke about the sign, that the management plan was on the whole property and questioned why \$273,000 was spent in 2003 to preserve the property as nothing was gotten by it. She also inquired how a forester has authority over DEP, Green Acres and West Amwell per the contract to grant Mr. Poleo the power to do whatever is being done and requested that the Committee look at the contract. She sees this as something governed by the State.

Hal Shute advised Ms. Giordano that he has seen the woodland management plan and that it indeed covers the entire property. The Township holds an easement and the cost was a 50-50 split. There is a right to inspect under the easement but the woodland management plan is the governing document. The plan has the involvement of a forester, so the Township is done with it. He suggested that Ms. Giordano OPRA the plan.

Mr. Healy advised that he intends to come to future meetings as he loved tonight's session.

Seeing no other members of the public come forward, the closing of this portion of the meeting was unanimously approved.

SPECIAL PRESENTATION(S)

Reports by Department Heads – None

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

None

STANDING COMMITTEE REPORTS

Open Space

- *Receipt of Survey Quotes – Runkle B 13 L 1 & 1.01; Runkle B 13 Lot 1.02:* Mr. Shute reported that three quotes were received and that Harris Surveying is the low bidder for the work. However, before this work can begin, signed contracts are needed. This information will be relayed to Mr. Harris.

- Resolution Awarding Runkle Survey Work

RESOLUTION #120-2017

WHEREAS, a boundary survey are needed for the Runkle Farm Block 13 Lot 1 & 1.01 and the Runkle Farm Block 13 Lot 1.02; and,

WHEREAS, the work shall be awarded as one job; and,

WHEREAS, quotes have been received as follows:

Bohren & Bohren	\$19,320.00 (\$14,560.00 & \$4,760.00)
Goldenbaum Baill Engineering	\$22,000.00 (\$14,500.00 & \$7,500.00)
Harris Surveying, Inc	\$ 9,000.00 (\$5,900.00 & \$3,100.00)

WHEREAS, the requested surveys are to conform and be in accordance with current SADC standards and regulations; and

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the boundary survey work for Block 13 Lots 1 & 1.01 and Block 13 Lot 1.02 be awarded to Harris Surveying, Inc. in the amount of \$9,000.00

BE IT FURTHER RESOLVED that this expense be charged to Open Space preliminary expenses

The Resolution was approved on motion by Hoyer, seconded by Dale. Motion carried with Bergenfeld abstaining.

- *Project Status Updates:* No report at this time.

Finance Advisory

- *Authorization to Post July 26, 2017 Minutes to Website:* Approved

UNFINISHED BUSINESS

Possible Appointments – None

Updates – 1) No comment as to ***cost savings measures***. 2) Attorney Faherty advised that the deed from Wilma Johnson for ***Block 46 Lots 5, 6, 7*** has to be re-recorded to note that the taxes were forgiven. Also relayed was that there is a Tax Sale Certificate for a township tax lien on 46/6 that has to be cancelled. This was presented and signed by the mayor. Attorney Faherty will see to its filing at the County.

Possible Application for 2018 NJDOT Municipal Aid Grant Program – At the previous meeting a request was made for input from Public Works Director Rollero. Input from Township Engineer Burr was also solicited. Suggestions were to either finish Rocktown-Lamb. Road, with needed drainage improvements, or go with Gulick Road. As the Township has not received a grant in a few years, Mr. Burr has indicated improved odds for this round. Applications have to be filed by October 6th. The consensus of the Committee was to make application for both projects. Discussion to continue at the October 4th meeting.

NEW BUSINESS

Postage Meter Request for Police Department – Krista Parsons spoke to the need for this computer-based meter. There is a new system for providing discovery to various attorneys for court appearances, which also brings in more money to the township, and having the ability for on-site postage would alleviate trips to the municipal building. The cost would be approximately \$16.00/month plus postage. A free scale comes with the service and postage can be printed

directly from the computer. There is no contract and added efficiency was noted. Approval was granted for a three month/90 day trial period after which usage records and a report is to be presented.

Notification of Social Affairs Permits – The State ABC has a new system in place for these permits and has advised of filings by the following: **Pure Energy Velo**, a non-profit group, will hold a bicycle race on September 30th at the T&T Tree Service property off of Route 179. They've held these in the past in the Township. **Curtain Up Productions**, Inc. has filed for permits for both September 24th and October 6th at Music Mountain Theatre. The former has been rescinded due to lack of a TCO for the facility; the latter is being held due to the same issue. All parties are actively engaged in reaching the TCO level so that the facility can open for its first production.

Resolution Expressing Opposition to Legislative Proposals Regarding S-1045 OPMA & S-1046 OPRA –

RESOLUTION #121-2017

*RESOLUTION EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS REGARDING
THE OPEN PUBLIC MEETINGS ACT AND OPEN PUBLIC RECORDS ACT*

WHEREAS, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

WHEREAS, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

WHEREAS, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

WHEREAS, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

WHEREAS, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

WHEREAS, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

WHEREAS, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of West Amwell Township, that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

The Resolution was unanimously approved on motion by Cally, seconded by Dale.

Letter on State-issued License to Unionville Vineyards for Music Mountain Theatre –

Discussion – A letter was received from the Unionville Vineyards concerning their application to the Division of ABC for a new Winery Outlet/Salesroom, licensed under N.J.S.A. 33:1-10.2(a), to be located at the new theatre. Attorney Faherty advised that this would be a violation of zoning in that it would be an additional use on the property which would require a variance. It would also violate the Code that does not allow for access to certain facilities, including a theatre. Attorney Faherty will follow up with both ABC and the applicant with comments.

Election Board Inquiry into November Election Needs – The inquiry from the Election Board as to the possible need for an extra machine for the November General Election due to the ballot question was received. There would be no extra cost. Voter turnout in 2016 was compared to that of 2015 (76% vs 27%). The unanimous decision was to request the third machine.

Soccer Field – Joint Venture with School District on Municipal Property – Zach Rich spoke to the referenced proposal, which would also include a surrounding track. The school specifically wants the track and has the available finances due to the district merger. Adding this to the current football field is not feasible. Engineer Burr has evaluated the proposed area and has concluded that the facility will fit on the field located on the far side of the municipal building. Mr. Rich noted that a lot of grading will be needed for the site; the field is to be filled with sod, which will need irrigation; and, the track will be a separate line in the bid. The schedule proposed is to receive bids over the winter; construction in the summer; and, ready for use in September. The municipal land involved would be leased to the school. Mr. Rich also stated that the school would manage and maintain the field and that the facility would be open to the public.

Questions raised by Committee members included: the tree line/hedgerow creek involvement; parking issues/heavy traffic and money for municipal lot upgrade; the location and room for bleachers; and, whether or not lights would be installed. The latter might be considered a benefit in order to make additional use of the field.

Mr. Beaumont inquired about the one million dollar cost of the track and who would pay. He also noted that there will be a \$300,000 savings with the closing of the Stockton school. Mr. Rich advised that all three schools in the sending district would pay and that there would be no township responsibility. The township's portion is the land, only. Also, that the money is available for the project. The possibility of the school helping with the Hewitt Park field was noted.

Mrs. Gambino of Rose Run offered that the school has a problem maintaining the fields that they have and that the person doing baseball can't keep up.

Porter Little relayed that if there's no track, there's no money. Also that Hewitt Park work may be out of the equation. The soccer organization will invest in the field, not the school.

OPEN TO THE PUBLIC

Mr. Beaumont relayed that as a former Board member at the high school who advocated for a soccer program, he is pleased that it was survived as there is a need for it. He also mentioned the following:

- Although the Rock Road West STOP sign is wonderful and valuable, the heavy trucks are started up again. He questioned whether the road would survive this use. However, people are stopping.
- There is still the problem that this road, as a scenic route, encourages foot traffic, biking, kids, etc., which in turn creates a dangerous situation with speeding vehicles. Lowering the speed limit probably won't work as cars just zip by.
- Can the road be made one for local traffic only? An ordinance would be needed to limit this to residents, local deliveries, etc. Out of towners are using Rock Road West as a short cut. This may be unenforceable.
- An offer to prepare a proposal of existing issues, including details, for the Committee to think about was raised.

The speeding issue has been discussed with Captain Bartzak per the mayor. As to the latter comment by Mr. Beaumont, he was advised to wait for the results of increased patrols. If a local traffic only directive was made, all residents would be asking for something similar for their road.

Mrs. Parsons advised that the speed sign that is shared with Delaware Township is out. For a sign that also records speeds, the cost would run \$25,000 - \$40,000.

ADMINISTRATIVE REPORTS

Treasurer –

Presentation of Bills for Approval: Mayor Dale advised that he will be speaking with certain individuals concerning some of the bills received for payment.

RESOLUTION #122-2017

BE IT RESOLVED by the Township Committee of the Township of West Amwell that the vouchers listed on the Bill List, in the amount of \$224,579.19, dated September 20, 2017, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

Bergenfeld motioned to approve the evening's bills for payment with a second by Cally. Motion carried unanimously.

Treasurer Report: Appropriations through September 20, 2017 were provided and reviewed.

Tax Collector – The monthly report for August 2017 was received showing receipts in the amount of \$2,764,202.27.

Construction – The Permit Fee Log Summary for August 2017 reflects the issuance of 18 permits and 4 updates for a total of \$6,571.00 for West Amwell. Ten CA's and two TCO's were processed per the Certificate Log Summary. The Permit Fee Log Summary for East Amwell reported 31 permits and 2 updates issued and \$5,211.00 collected. Thirty CA's were processed according to the Certificate Log Summary.

Court – The August 2017 monthly report was received showing a ticket total of 339 (164 local) and the receipt of \$7,800.00 (local) plus \$81.00 (state).

Police – The August 2017 Monthly Report showing 1098 incidents, 184 summonses and 11 arrests was received. Forty-four summonses were issued in conjunction with the shared service with East Amwell.

Website Review – No comments received

The preceding reports were accepted, without comment, as filed.

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 9:35 p.m. on motion from Rich.

Respectfully submitted,

Lora Olsen, RMC
Township Clerk

APPROVED: October 4, 2017