

WEST AMWELL TOWNSHIP COMMITTEE MEETING

February 7, 2018 - 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 7:30 PM. Present were Mayor Stephen Bergenfeld, Deputy Mayor Gary Hoyer, Committeeman Zachary T. Rich, James Cally, John Dale, Acting Clerk Maria Andrews and Attorney Philip J. Faherty III.

Mayor Bergenfeld 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 5, 2018, 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 ACTING TOWNSHIP CLERK

It was noted for the record that there were no changes/additions to the agenda.

ANNOUNCEMENTS

- Radon Test Kits are Available in the Construction Office
- PSE&G ROW Vegetation Management Work to Commence January 2018
- JCP&L Line Clearance/Tree Trimming along ROWs, January-February 2018
- Tree Smiths/First Energy Tree Trimming Through Township
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

PRESENTATION OF MINUTES

The Township Committee's 1/17/18 Regular Session minutes were unanimously approved with no revisions noted on motion from Cally, seconded by Dale.

OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Mike Spille provided the Committee with an update on the status of the PennEast project noting 56 landowners became effected by federal court proceedings yesterday regarding PennEast's request for the immediate taking of land which includes the request to utilize Federal Marshals to arrest anyone who interferes with their tree cutting efforts. He remarked PennEast is getting very aggressive and explained full condemnation may take up to a few months.

Mr. Spille noted the tree cutting must be completed by March 31st according to the regulations protecting endangered species.

Mr. Cally asked about the Township registering as an intervenor. Mr. Spille stated he would work with Acting Clerk Andrews to accomplish this.

SPECIAL PRESENTATIONS

Mayor Bergenfeld read the following resolution into the record:

Resolution #39-2018

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 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.

A Motion by Rich, seconded by Hoyer to enter into Closed Session was unanimously approved.

The Committee was in Closed Session from 7:46 PM – 8:39 PM.

A motion by Bergenfeld, seconded by Dale to return to Open Session was unanimously approved.

A motion by Cally, seconded by Rich authorizing the Police Secretary to help out as an additional assistant in the Tax Collector's Office, as needed, was unanimously approved by voice vote.

Reports by Department Heads

DPW Coordinator John Cronce came forward and explained there are issues with people taking advantage of the garbage services the Township provides and suggested trying to corral the area with a berm, constructing a locked gate up front that will be opened during municipal office hours and Saturdays, installing surveillance cameras and establishing a policy where brush is only accepted on Saturdays.

It was noted for the record that the Committee was in support of all of Mr. Cronce's suggestions.

Mr. Cronce also reported on the septic gas smell in the building. He explained that it is coming from the traps and suggested a vent pipe be installed on the tank in an effort to eliminate the occasional odor. It was noted that Director of Public Works Ryan Rollero will add water to the sewer drains and install the vent pipe.

AOIC Skillman, re: Police Rules and Regulations

It was noted for the record that AOIC Skillman was not present at the meeting. Mayor Bergenfeld explained the only changes made to the document were to update the previous reference to retired Police Captain Bartzak, to current AOIC Skillman. The Committee agreed with the proposed updated changes and made no additional comments.

INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

Public Hearing: Ordinance 02, 2018 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A 40A: 4-45.14)

Proof of publication in the 1/25/18 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and was available to the public since its introduction at the 1/17/18 Township Committee meeting. The Mayor read the ordinance by title and opened the public hearing. Hearing no comments, the public hearing was closed on motion by Hoyer, seconded by Cally, and carried unanimously.

Ordinance 02, 2018 was unanimously adopted by roll call vote on motion by Dale and seconded by Bergenfeld.

Public Hearing: Ordinance 03, 2018 AN ORDINANCE PROVIDING FOR THE FUNDING OF THE TOWNSHIP'S COST SHARE OF AN AGRICULTURAL DEVELOPMENT RIGHTS EASEMENT TO BE ACQUIRED ON CERTAIN REAL PROPERTY KNOWN AS BLOCK 13, LOTS 1 AND 1.01 (RUNKLE SOUTH FARM) IN THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING THE SUM OF \$190,000.00 FROM THE OPEN SPACE TRUST FUND OF THE TOWNSHIP OF WEST AMWELL

Proof of publication in the 1/25/18 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and was available to the public since its introduction at the 1/17/18 Township Committee meeting. The Mayor read the ordinance by title and opened the public hearing. Hearing no comments, the public hearing was closed on motion by Hoyer, seconded by Cally, and carried unanimously.

Ordinance 03, 2018 was unanimously adopted by roll call vote on motion by Hoyer and seconded by Cally.

Public Hearing: Ordinance 04, 2018 AN ORDINANCE PROVIDING FOR THE FUNDING OF THE TOWNSHIP'S COST SHARE OF AN AGRICULTURAL DEVELOPMENT RIGHTS EASEMENT TO BE ACQUIRED ON CERTAIN REAL PROPERTY KNOWN AS BLOCK 13, LOT 1.02 (RUNKLE NORTH FARM) IN THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING THE SUM OF \$20,000.00 FROM THE OPEN SPACE TRUST FUND OF THE TOWNSHIP OF WEST AMWELL
Proof of publication in the 1/25/18 issue of the Hunterdon County Democrat was presented. The ordinance has been posted and was available to the public since its introduction at the 1/17/18 Township Committee meeting. The Mayor read the ordinance by title and opened the public hearing. Hearing no comments, the public hearing was closed on motion by Hoyer, seconded by Rich, and carried unanimously.

Ordinance 04, 2018 was unanimously adopted by roll call vote on motion by Hoyer and seconded by Dale.

STANDING COMMITTEE REPORTS

Open Space

Project Status Updates – It was noted for the record that no update was provided by Mr. Shute.

Environmental

It was noted for the record that Ms. Urbanski was not present at this evening's meeting. Acting Clerk Andrews reported that Ms. Urbanski will not be presenting the Raritan Headwaters water testing "report card" because she found it to be inconsistent and confusing. With regard to JCP&L's removal of the emerald ash borer and ash trees, Ms. Urbanski believes this is a good thing.

UNFINISHED BUSINESS

Possible Appointments – A motion was made by Rich and seconded by Hoyer recognizing the Community Outreach Committee. It was noted that Mr. Hoyer will be the Township Committee liaison to this group.

East Amwell Traffic Enforcement in 2018 – It was noted for the record the Mr. Rich indicated he will contact AOIC Skillman and request he get this matter squared away.

Possible Re-location of Police HQ to the Basement – Mayor Bergenfeld noted 2 proposals had been received from Architects. Mr. Dale inquired whether or not a "sally port" was required. Mayor Bergenfeld stated he would follow up with AOIC Skillman on this matter. Mr. Shute asked if 3 bids are required. Attorney Faherty clarified they were not because the work is below the threshold requirement.

A motion by Rich, seconded by Cally to authorize Michael Burns Architects to provide plans for the project was approved with Mayor Bergenfeld abstaining.

Letter Dated 2/2/18 from Superintendent Muenker re: Crossing Guard – Attorney Faherty explained either the Township or the School can appoint a crossing guard. Mr. Rich commented that it is costing the Township \$21,000 - \$30,000 in time to have a police officer at the school. He remarked crossing guards are for pedestrian safety and since there are no sidewalks at the school the Township is not responsible. He stated he believes it is a good policy, however, to continue providing police service but thought the Township should try and negotiate with the school to help defer costs.

It was noted for the record that Mayor Bergenfeld and Mr. Cally will reach out to Superintendent Muenker to meet and discuss the matter.

Enbridge Status – Mayor Bergenfeld noted there was an informal meeting 1/26/18 with Dennis Culnan, Jr. of Phoenix Strategies who is a Public Relations representative for Enbridge and Mr. Spille was present. He noted that Mr. Culnan was not able to answer many of the questions presented to him but indicated he would get back to the Township in a few weeks.

Resolution Proposing Beekeeping Regulations

**Resolution #40-2018
Opposing the Department of Agriculture's Beekeeping Regulations**

WHEREAS, New Jersey's state insect is the honey bee; and

WHEREAS, honey bees are of benefit to mankind, and to New Jersey in particular, by providing plant pollination, recreation for the beekeeper, honey, wax, and other beneficial hive products; and

WHEREAS, even according to the Department of Agriculture's website, "without a healthy honey bee population, successful fruit and vegetable production would be at risk since New Jersey's 20,000 bee colonies, valued at \$350 per colony, represent a \$7 million honey bee industry for the State and contribute to successful production of nearly \$200 million worth of fruits and vegetable annually;" and

WHEREAS, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and non-aggressive behavior, which are all characteristics desirable for fostering and maintaining honey bee colonies within all populated areas; and

WHEREAS, gentle strains of honey bees can be maintained within populated areas in reasonable densities without creating a detriment to public health and safety if the bees are properly located, managed and maintained; and

WHEREAS, many New Jersey residents desire to provide sustainability and value for New Jersey's home gardeners, farms, and all homeowners with a variety of locally grown vegetables and fruits for New Jersey residents; and

WHEREAS, the honey bee assists the agricultural community to increase productivity and through sustained productivity maintain an environment that promotes agricultural land use as opposed to development; and

WHEREAS, these new regulations include a section on Apiary Standards which states that bee colony density will be regulated as follows: on a residential lot of less than one-quarter acre where agriculture has not otherwise been determined as permitted new (not already in existence) hives are not permitted; on a residential lot of less than one-quarter acre where hives are in existence as of July 31, 2015, the hobbyist beekeeper may seek a waiver; on a residential lot of one-quarter acre to less than five acres, a person wishing to keep bees as a hobbyist may seek a waiver to keep two hives per lot: and

WHEREAS, these new regulations include a section on Apiary Standards which states that bee colony density will be regulated as follows: on a residential lot of less than one-quarter acre where agriculture has been determined as permitted, new (not already in existence) hives are not permitted; on a residential lot of less than one-quarter acre, where agriculture has been determined as permitted where hives are in existence as of July 31, 2015, the hobbyist beekeeper may seek a waiver, on a residential lot of one-quarter to less than five acres, where agriculture has been determined as permitted, a person wishing to keep bees as a hobbyist may keep two new hives; on a residential lot of one-quarter to less than five acres, where agriculture has been determined as permitted where hives are in existence as of July 31, 2015, a person wishing to keep bees as a hobbyist may seek a waiver to keep more than two hives; and

WHEREAS, these new regulations include a section on Location of Hives, which requires that all hives must be located at least 10 feet from any property line and at least 25 feet from any roadside, sidewalk, or path and 85 feet from any public place including playgrounds, sports fields, schools or churches, unless permission is granted for educational or research

purposes, as well as establishing a Flyway Barrier at least six feet in height consisting of a solid wall, fence, or dense vegetation parallel to the property line and extending 10 feet beyond the colony in each direction; and

WHEREAS, the NJ Department of Agriculture is proposing beekeeping regulations that would severely restrict beekeeping in the State of New Jersey and consequently in West Amwell Township; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of West Amwell Township wishes to go on record with the New Jersey Department of Agriculture that the Township of West Amwell is opposed to the proposed beekeeping regulations which would have a detrimental effect on beekeeping in West Amwell Township as well as throughout New Jersey and urges the New Jersey State League of Municipalities to work towards creating legislation with straightforward regulations based on facts, science, and best management practices which will protect both beekeepers and non-beekeepers within the State of New Jersey; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the New Jersey State League of Municipalities; the New Jersey Beekeepers Association; and all Hunterdon County municipalities, urging them to oppose the adoption of the new beekeeping regulations as proposed by the New Jersey Department of Agriculture.

A motion by Hoyer, seconded by Cally to approve the following resolution was unanimously approved:

NEW BUSINESS

Resolution Appointing an Acting Township Clerk & Related Appointments

RESOLUTION # 41-2018

WHEREAS the Township Clerk is retiring creating a vacancy in that position;

THEREFORE BE IT RESOLVED that the governing body of West Amwell Township hereby appoints Maria Andrews as Acting Clerk effective. 2/1/2018.

BE IT FURTHER RESOLVED that Maria Andrews will also be appointed as: Assessment Search Officer, Clerk Typist/Administrative Secretary, Affirmative Action Officer, Certifying Officer-Health Benefits and Supervisor of Pensions.

The Resolution was unanimously approved by roll call vote on motion by Dale and seconded by Hoyer.

Resolution Authorizing the Sale of Surplus Personal Property

RESOLUTION #42-2018

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Township of West Amwell has determined that the property described and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Township of West Amwell intends to utilize the online auction services of MuniBid located at www.municibid.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9, and

WHEREAS, the Township of West Amwell would like to auction the following items:

- 2011 Chevy Tahoe

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell in the County of Hunterdon, State of New Jersey, that the Township is hereby authorized to sell the surplus personal property as indicated above on an online auction website entitled www.municibid.com; and be it further

RESOLVED, that the terms and conditions of the agreement entered into between MuniBid and the Township of West Amwell are available at www.municibid.com and in the Township Clerk's office; and be it further

RESOLVED, that a certified copy of the within Resolution be forwarded by the Township Clerk to the Department of Community Affairs, Director of the Division of Local Government Services.

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

Request from BOA Secretary for Reimbursement of Classes – It was noted for the record that this request was denied with the Committee noting there is currently no money in the BOA budget to cover these costs and indicating the request should have been reviewed prior to the classes being taken.

Request from Zoning Officer for Reimbursement of Certification Renewal – It was noted for the record that this request was denied.

Request from S. Bergenfeld, re: COAH Fee – Mayor Bergenfeld explained that he currently has a 30 year COAH deed restriction on his property as well as a 10 year COAH deed restriction on the recently constructed secondary dwelling he built on his property. He noted he cannot obtain the Certificate of Occupancy until he pays the final balance on this building and requested the Committee waive the balance owed. Attorney Faherty asked why this matter was being brought to the Committee. Mayor Bergenfeld stated that because the Township's COAH Committee had been disbanded, the former Clerk indicated the matter must go the Township Committee. Attorney Faherty commented he will research the issue and report back to the Committee.

Resolution of Compliance with the EEOC

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

Resolution #43-2018

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c. 183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1954," as amended, 42 U.S.C. section 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the West Amwell Township Committee of the Township of West Amwell, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c. 183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

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

Marijuana Dispensaries – Mr. Cally noted there is a meeting in Trenton in March regarding growers and dispensaries. He stated he is interested in researching how the Township may be able to benefit as a rural community looking to generate revenue. Mr. Hoyer remarked that many shore communities have adopted resolutions prohibiting such activities.

OPEN TO THE PUBLIC

Mayor Bergenfeld opened the floor to public comment. Attorney Faherty presented the Committee with a check for the proceeds of the recent NCC Realty, LLC land transaction. Mayor Bergenfeld and Acting Clerk Andrews signed the deed.

Mayor Bergenfeld mentioned the need for a new Township sign noting the existing one has lasted 20 years and now has a crack. He suggested a giant boulder be engraved and used as the new sign. The Committee agreed with the suggestion.

Seeing no members of the public come forward, a motion by Dale, seconded by Hoyer to close to the public was unanimously approved.

ADMINISTRATIVE REPORTS

Treasurer

Resolution to Refund Escrow – King/Huebner \$126.92

Resolution # 45-2018

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

WHEREAS, the Zoning Board has approved a refund of the following amount: \$481.32 and further requests the funds be returned and the account be closed;

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

Applicant	Amount Refunded
<u>KING/HUEBNER</u>	<u>\$126.92</u>
Northfield Bank, Escrow ID #85030167	

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

Resolution to Refund Escrow – Southern Gas \$295.00

Resolution # 44-2018

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

WHEREAS, the Township Committee has approved a refund of the following amount: \$295.00 and further requests the funds be returned and the account be closed;

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

Applicant	Amount Refunded
<u>SOUTHERN COMPANY GAS</u>	<u>\$295.00</u>
Northfield Bank, Escrow ID #85070475	

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

Resolution to Establish “\$25 Change Fund” at Police Department

**RESOLUTION #46-2018
ESTABLISHING A CHANGE FUND**

WHEREAS, the Chief Financial Officer has advised that a “Change Fund” is necessary for the purpose of making change for cash payments for certain Municipal offices and departments and

WHEREAS, the said *Change Fund* will be used for the sole purpose of making change for cash and not for the purpose of paying bills or making purchases and

WHEREAS, the said *Change Fund* is to maintain a consistent balance in the amount in which they are established.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, that a **Change Fund** is hereby established in the following amount(s) and for the following department(s):

<u>DEPARTMENT</u>	<u>AMOUNT</u>
Clerk’s Office, (<i>existing</i>) (Encompassing Vital Statistics, Animal Control, OPRA, & Trash Permits)	\$200.00
Police Department	\$ 25.00

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Chief Financial Officer shall make the appropriate adjustments, notations to records and/or journal entries to establish such Change Funds for the foregoing offices and departments.

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

Princeton Computer Support - Edmunds

Acting Clerk Andrews explained there is a need to have a server installed to back up the Township’s financial records. She also noted now would be a good time to include the Clerk and Deputy Clerk computers as well with the recent retirement of the previously Clerk and all of the history and knowledge she took with her. Acting Clerk Andrews noted she believed the Tax Collector’s system as well as the Court system were already backed up separately by the software company and the State respectively, but stated Princeton Computer Support could always add computers to the server as requested.

It was noted for the record the Committee supported having Princeton Computer install a server to back up the Township’s financial records and office computers.

Tax Collector – Redemptions - Block 17 Lot 20.04 Q0302 – Certificate #201705 for \$50.69

Resolution #38-2018

WHEREAS, Tax Sale Certificate #201705 for Block 17, Lot 20.04 Q0302; 166 Rock Road East assessed to Lang, Steven Lloyd & Sandy was sold on October 12, 2017 to West Amwell Township, and

WHEREAS, the amount of \$50.69 has been received from Goldenbaum/Baill Engineers for the owners of the property for the redemption of this certificate,

THEREFORE BE IT RESOLVED, that the Treasurer be authorized to prepare, and the Mayor, Clerk and Treasurer be authorized to sign a check in the amount of \$50.69 payable to West Amwell Township.

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

Construction – The Committee acknowledged receipt of the construction and zoning reports for January 2018.

Police – The Committee acknowledged receipt of the police department's report for January 2018.

Website Review – None

CORRESPONDENCE

The correspondence as listed on the Agenda was ordered filed.

ADJOURNMENT

There being no further business, the meeting was unanimously adjourned at 9:56 PM on motion from Cally, seconded by Hoyer.

Respectfully submitted,

Maria Andrews, Acting Clerk

Approved: 2/21/18