

WEST AMWELL TOWNSHIP COMMITTEE MEETING

June 19, 2019 - 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 7:35 PM by Mayor Zachary Rich. Present were Deputy Mayor Gary Hoyer, Committeemen Stephen Bergenfeld, James Cally and John Dale along with Township Clerk Maria Andrews and Attorney Katrina Campbell.

Mayor Rich 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 10, 2019, 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 Rich led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

Township Clerk Andrews noted SWAC Coordinator Rollero had sent an email on 6/17/19 outlining proposed changes to the recycling program, Construction Officer Manager Brewi had provided additional updated information on payroll processing companies and Attorney St. Angelo has requested the Committee authorize Maser Consulting to begin work on the Affordable Housing Plan Element.

ANNOUNCEMENTS

- Municipal Offices Will be Closed Thursday 7/4/19 – 4th of July
- Summer Hours Start 7/5/19: Municipal Offices are Open Mon.- Thurs.
8 AM – 5 PM... Closed Fridays in July and August
- Trash Permits are Available Now: \$180.00 for the July 1, 2019 Season
- Congratulations to Joey Opdyke for Successfully Completing the Firefighter 1 Course through Polytech
- Take Note of the Newly Updated Preserved Properties & Conservation Easement Map – Hanging in the Court/Meeting Room
- 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 Hoyer, seconded by Cally to approve the Township Committee's 5/15/19 Regular and Closed Session minutes with no revisions noted was unanimously approved by voice vote.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Mayor Rich opened the floor to public comment. Karen Atwood of 57 Belvidere Avenue and Melody Anderson of 100 Belvidere Avenue came forward.

Ms. Atwood asked Committeeman Cally if he owns the property located at 83 Belvidere Avenue because she is concerned it poses a safety hazard and should have security fencing. She also remarked that under the terms of the purchase the structure on-site was to be demolished within 30 days.

Committeeman Cally explained there are title issues with the property and stated there are 8 children associated with the estate who are now claiming they have an interest in the land. He noted he has pulled a demolition permit and is working on obtaining a clear title.

Mayor Rich confirmed there have been title problems with this property that go back for years and he assured Ms. Atwood that her concerns will be addressed.

Seeing no other members of the public come forward, a motion was made by Bergenfeld and seconded by Hoyer to close the floor to public comment.

SPECIAL PRESENTATIONS

Mayor Rich referred to the email dated 6/17/19 received from SWAC Coordinator Rollero requesting the Committee consider offering a mulch selling/delivery program to residents. He is suggesting charging \$150 for a full truck load which is approximately 8 cubic yards and \$75 for half a truck load. It was noted the program will help offset the costs associated with grinding brush and also help the Township maintain compliance with NJDEP regulations prohibiting the stockpiling of mulch for longer than one year.

The consensus of the Committee was to implement a mulch selling/delivery program through 12/31/19 at which time Coordinator Rollero is asked to report back with an update.

With regard to the request to close the recycling depot when 2 or more inches of snowfall has occurred within a 24 hour period, the request was taken under advisement and may be considered at some point in the future.

AOIC Skillman came forward and stated he continues to be down an officer due to an injury. He noted that officer will be going back to the doctor the second week in July and will have additional information as well as a possible return to work date at that time. Mayor Rich expressed he would like AOIC Skillman to move back to working day shift. AOIC Skillman suggested the shifts be reviewed in September so the department can get through summer vacation schedules. Mayor Rich indicated he would like to review the shifts sooner rather than later.

AOIC Skillman also reported that new Police Secretary Currie is covering the office 8:30 AM – 12:30 PM and doing a great job.

CFO Carro came forward and provided an update on the general obligation bond sale commenting the Township did well obtaining a 2.07% interest rate for 10 years.

CFO Carro also commented on the 2018 Audit report noting his Corrective Action Plan to address the timely quarterly reporting in the Construction Office and the various bookkeeping issues in the Court.

With regard to the payroll processing discussion listed on the agenda CFO Carro expressed concern with changing from the current provider, PrimePoint to ADP highlighting some of the following reasons:

1. The ADP quote did not include pricing for various state reporting requirements
2. ADP only guarantees it's fees for 6 months, he noted PrimePoint has not raised their rates since 2012
3. Various municipalities have left ADP for PrimePoint due to customer service issues
4. PrimePoint can offer the time management services currently being sought
5. ADP only saves records for 7 years, PrimePoint saves them to the "cloud" where they can be retrieved since implementation

CFO Carro remarked he has been through changing payroll companies many times and would not steer the Township wrong on this. There were some sentiments exchanged between Mayor Rich and CFO Carro with Mayor Rich stating he would appreciate CFO Carro working with the Committee to help facilitate an upgrade to the existing payroll processing. CFO Carro remarked the Township should stay with PrimePoint and left the meeting at this time.

Construction Officer Manager Brewi came forward and referred to the comparative memo she put together noting an annual cost savings of approximately \$1800 if the Township switched to ADP. She also expressed the proposed contract is offering a 3 year price lock with a potential increase of only 2% thereafter. Additionally, she explained prior payroll history can be captured by the Township downloading it and saving it to a thumb drive or the Township can pay for the service.

Ms. Brewi noted she, Clerk Andrews and Deputy Clerk Haberle had met with representatives from both companies to go over what they can offer and see how the various electronic modules work. She commented several of the sub-code officials are currently using these systems in other towns and she highlighted the following benefits of web-based processing:

1. Efficient and accountable management of employee time and compensation
2. Time savings for the payroll/time off processing administrator as well as the employees
3. Cost savings to the municipality to get away from paper time cards

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4. Employee/Manager accountability and accuracy of reporting
5. Employee access 24/7 via the portal
6. Reporting and tracking efficiencies
7. Interactive employee portal for municipal calendar, announcements and notifications

Payroll Clerk Haberle commented that the electronic modules for both companies were very similar and expressed the importance of maintaining consistency with the Township's payroll record keeping.

Committeeman Hoyer commented that his company left ADP due to customer service issues. Committeeman Dale expressed the company he worked for experienced the same type of problems and left as well.

Committeeman Cally asked Ms. Brewi about the customer service. She explained that ADP is committed to providing employee training and will run "parallel payrolls" with the current provider to ensure a smooth transition. She noted the township is currently paying for 5 components to the PrimePoint system that aren't available to the employees and believed they should have followed up on this and pursued implementation.

Committeeman Dale suggested the Township reach out to various municipalities for references on their service with ADP. Mayor Rich asked Ms. Brewi and Ms. Haberle to each call 5 towns and provide a brief report of their input on the payroll processing services received from ADP.

Ms. Haberle left the meeting at this time.

Linda Weber, Chair of the Historic Preservation Committee came forward and introduced herself. She referred to her memo dated 6/13/19 requesting Peter Buchsbaum, Paul Cronic and Pat Masterson be appointed to the committee and also asking for a small budget of approximately \$350, of which \$150 will likely be needed to cover the cost of photo copies at the State's historic preservation office because the documents Ms. Weber is looking for to complete the Township's historic inventory are not available digitally.

Mayor Rich appointed Peter Buchsbaum, Paul Cronic and Pat Masterson to the Historic Preservation Committee and advised Ms. Weber the Township would cover the copy costs and put money in the budget for Historic next year.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Public Hearing: Ordinance 9, 2019 – AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 38 "POLICE DEPARTMENT," PART I "GENERAL PROVISIONS," ARTICLE III "PROMOTIONS," OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO CLARIFY THE PROMOTION PROCESS

Mayor Rich noted this matter will be held until after executive session in order for Attorney Campbell to advise the Committee on potential litigation.

STANDING COMMITTEE REPORTS

A motion by Bergenfeld, seconded by Dale to post the minutes from the 1/8/19 Open Space meeting was unanimously approved by voice vote.

A motion by Dale, seconded by Hoyer to post the minutes from the 1/10/19, 4/11/19 and 5/9/19 Environmental Commission meetings was unanimously approved by voice vote.

UNFINISHED BUSINESS

PennEast Status

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

Discussion: SHREC Lease Agreements Onyx, LLC – Possible Approval of Resolution #31-2019: Estoppel Certificate

It was noted for the record that this matter will be carried to the Committee's 7/17/19 meeting.

NEW BUSINESS/OTHER

Resolution #72-2019: Authorizing Phase II Environmental Study – Block 8 Lot 51

RESOLUTION #72-2019

RESOLUTION AUTHORIZING A PHASE II ENVIRONMENTAL ASSESSMENT OF BLOCK 8, LOT 51, LOCATED IN THE TOWNSHIP OF WEST AMWELL

WHEREAS, the Township's recently approved Settlement Agreement with Fair Share Housing Center requires the Township to acquire title to Block 8, Lot 51 for affordable housing purposes; and

WHEREAS, the Township wishes to perform an environmental investigation of the property prior to taking title to the property; and

WHEREAS, the Township performed a Phase I Environmental Assessment and the Assessment indicated a need to perform an additional environmental assessment of the property (Phase II ESA); and

WHEREAS, the Township wishes to engage the services of an environmental assessment company to perform Phase II Environmental Site Assessment of Block 8, Lot 51.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of West Amwell that:

1. The Township shall hire Fennelly Environmental Associates, LLC to perform a Phase II Environmental Site Assessment of Block 8, Lot 51 in the Township of West Amwell at a fee not to exceed of \$6850.00.
2. The Mayor and Township Clerk are hereby authorized to execute a Professional Services Agreement with the selected appraiser and sign any other documents necessary to award the contract.

CERTIFICATION

I, MARIA ANDREWS, Township Clerk of the Township of West Amwell, County of Hunterdon, and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, at a regular meeting of said Committee held on June 19, 2019.

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Cally to approve Resolution #72-2019 was unanimously approved by roll call vote.

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

Resolution #73-2019: Review of 2018 Annual Audit Report

RESOLUTION #73-2019

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

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WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of West Amwell, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion: James Cally
Second: Stephen Bergenfeld
Absent: No one

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION ADOPTED AT THE MEETING HELD ON JUNE 19, 2019.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Bergenfeld to approve Resolution #73-2019 was unanimously approved by roll call vote.

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

Resolution: #75-2019: Opposing the NJDEP Category 1 Water Upgrades

**WEST AMWELL TOWNSHIP
COUNTY OF HUNTERDON, STATE OF NEW JERSEY
RESOLUTION #75-2019
A RESOLUTION IN OPPOSITION TO THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION'S PROPOSED CATEGORY 1 WATER UPGRADES**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has proposed significant changes to the Surface Water Quality Standards, Proposed Category 1 Water Upgrades ("C1 Buffer Rule) DEP Docket Number 01-19-01, PRN 2019-028; and

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WHEREAS, these proposed changes purport to add approximately 749 miles of rivers and streams to be designated Category One (C1); and

WHEREAS, this proposal will negatively impact economic development, the ability to provide affordable housing and property values in West Amwell Township; and

WHEREAS, the Department of Environmental Protection has solicited public comment on the proposed rulemaking by June 3, 2019; and

WHEREAS, the Mayor and the Township Committee oppose the new Water Quality Standards; and

WHEREAS, the Department of Environmental Protection has not provided the data requested to date which seems in direct conflict with Executive Order 63, recently issued by Governor Murphy which directed state agencies like NJDEP to better engage with and gather information from the regulated communities before formulating a proposed rule; and

WHEREAS, the lack of information provided by the NJDEP is of great concern to West Amwell Township, particularly because we believe that more than 749 miles of streams will be impacted by this rule change including many streams in the Township; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey that West Amwell Township is strongly opposed to this proposal by the NJDEP to the C1 Buffer Rule due to tremendous negative impact to the residents and business and overall stability of the Township as a whole.

BE IT FURTHER RESOLVED that a copy of this resolution shall be transmitted to the NJDEP (Attn: Gary J. Brower, Esq.), the Office of the Governor, the County of Hunterdon and the New Jersey League of Municipalities.

ATTEST:

BY ORDER OF THE TOWNSHIP COMMITTEE

Maria Andrews, Township Clerk, RMC

Zachary T. Rich, Mayor

CERTIFICATION

I, Maria Andrews, Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey, hereby certify that the foregoing resolution is a true, complete and accurate copy of a resolution adopted by the Township Committee of West Amwell Township at a meeting held on June 19, 2019.

Maria Andrews, Township Clerk, RMC

A motion by Hoyer, seconded by Bergenfeld to approve Resolution #75-2019 was approved by roll call vote with Committeeman Dale abstaining.

Bergenfeld: Yes, Cally: Yes, Hoyer: Yes, Rich: Yes

Resolution: #76-2019: Award Rocktown-Lambertville Road Imp. Project Section III to Black Rock Enterprises, LLC

WEST AMWELL TOWNSHIP RESOLUTION #76-2019

WHEREAS, the West Amwell Township did advertise for the Rocktown-Lambertville Road Improvements Project-Section III; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., and upon recommendation of William H. Burr, IV, P.E., Township Engineer, Black Rock Enterprises, LLC. has been determined to be the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the West Amwell Township, County of Hunterdon, State of New Jersey that a contract is hereby awarded to Black Rock Enterprises, LLC. in the amount of \$242,381.80 for the Rocktown-Lambertville Road Improvements Project-Section III to be completed on or before October 30, 2019 and that the Mayor and the Clerk of the West Amwell Township hereby authorized, respectively, to execute and attest to an agreement with Black Rock Enterprises, LLC., 1316 Englishtown Road, Old Bridge, NJ 08857 pursuant to bid specifications, and in a form approved by the Township Attorney.

BE IT FURTHER RESOLVED, that the Township Clerk publish a notice of this action in the official newspaper of the Township within 10 days from the adoption of this Resolution; and

BE IT FURTHER RESOLVED that the account to be charged is C-04-55-900-2-9760 for the amount of \$242,381.80 and that the Chief Financial Officer has issued a Certificate of Available Funds (COAF) which is incorporated into this resolution.

WEST AMWELL TOWNSHIP

By: _____
Zachary Rich, Mayor

Adopted: June 19, 2019

I hereby certify that this is a true and correct copy.

Maria Andrews, Township Clerk, RMC

CERTIFICATION BY CFO

I, Thomas J. Carro, CFO of West Amwell Township, hereby certify that funds to cover this award are available in the General Capital Fund.

Thomas J. Carro, CFO

A motion by Dale, seconded by Bergenfeld to approve Resolution #76-2019 was unanimously approved by roll call vote.

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

Resolution: #77-2019: Plenary Retail License Renewal – Shyamshvet, Inc./Pine Creek

RESOLUTION #77-2019

WHEREAS, an application for renewal of a Plenary Retail Consumption License was duly filed with the Division of Alcoholic Beverage Control in accordance with their 2019 rules and regulations; and

WHEREAS, the required fee of \$2500.00 has been received by the Township Clerk

BE IT RESOLVED by the Township Committee of the Township of West Amwell pursuant to an act entitled "An Act Concerning Alcoholic Beverages" passed December 6, 1933 and amendments thereof and supplements thereto is hereby authorized to issue a license for the sale of alcoholic beverages in the Township of West Amwell, subject to the conditions prescribed in an Ordinance of the Township of West Amwell dated March 1, 1963, amended February 21, 1969, October 5, 1978, April 2, 1981, February 3, 1983, August 18, 1999, April 18, 2001, April 3, 2002, October 19, 2005, July 19, 2006, March 7, 2007, and further amended on December 27, 2012.

BE IT FURTHER RESOLVED that, subject to the aforesaid conditions, the following Plenary Retail Consumption License be granted, the fee being \$2500.00 per year, effective date being July 1, 2019, Shyamshvet, Inc. - Pine Creek Liquors, 394 Route 31, West Amwell Township, NJ license #1026-33-001-008. Governing Body of the said Township be and is hereby authorized to sign said license

I, Maria Andrews, Township Clerk of West Amwell Township, do hereby certify the above to be a true copy of a Resolution adopted by the West Amwell Township Committee at a meeting of the Committee held June 19, 2019.

Maria Andrews, Township Clerk, RMC

A motion by Hoyer, seconded by Dale to approve Resolution #77-2019 was unanimously approved by roll call vote.

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

Discussion: SHRHS Facilities Work Group/Task Force Update

Committeeman Cally commented that there was a meeting last Wednesday, June 12th with representatives from Stockton and Lambertville. He explained the focus of the discussion was on what it would take to renovate the facilities with respect to the current codes. Committeeman Bergenfeld remarked he believed a certain percentage of the structure must be renovated in order to trigger code requirements.

Committeeman Hoyer expressed Architect Pete Campisano from USA Architects gave a presentation and it was clear that Lambertville does not wish to give up their "walk to" school. In addition he commented that they have apparently made progress with the Clawson's regarding possibly acquiring land adjacent to the school for potential expansion.

Committeeman Cally stated there are less issues with renovating West Amwell Elementary School and he noted he requested Architect Campisano review those school plans for renovation.

Committeeman Hoyer advised that he and Committeeman Cally have been informally tasked with trying to acquire some type of consensus from West Amwell residents as to whether or not they would be willing to travel to a location other than West Amwell Elementary School.

Additionally it was noted there was a meeting at the High School this morning regarding the health and safety concerns associated with the increasing number of students who are vaping. Mayor Rich remarked that they were told 40% of the students entering 9th grade have tried vaping. He said the plan is for the schools to kick off some sort of awareness program in 2020.

Committeeman Cally told AOIC Skillman who was still present at the meeting that Superintendent Muenker expressed having the Class III Officers in the school has been a great deterrent against vaping and the administration is very pleased.

Discussion: Solar RFP's – Possible Award

It was noted for the record that 2 RFP's were received and the Committee needs additional time to thoroughly review them. Attorney Campbell suggested they be forwarded to the Township Engineer for his input as well.

Authorization: Elevator Re-Bid

It was noted for the record that a letter dated 5/29/19 was received from Architect Michael Burns' office indicating there were 2 bids for the elevator. The lowest bidder did not provide a signed Consent of Surety, therefore has submitted a deficient bid package which should be rejected. The second bid was significantly higher than the anticipated budget and therefore Mr. Burns has recommended both bids be rejected and has requested the Township Committee authorize the project to be re-bid. The consensus of the Committee was to authorize the re-bid of the elevator.

Authorization: Affordable Housing Plan Element

Clerk Andrews explained that as part of the Affordable Housing Settlement agreement the Committee must authorize the engineer to start work on the Housing Plan Element. A motion by Cally, seconded by Bergenfeld authorizing Maser Consulting to begin drafting the amended Housing Plan Element was unanimously approved by voice vote.

OTHER

Resolution #78-2019: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

It was noted for the record that the Committee did not enter closed session to discuss the Municipal Court Administrator's suspension with pay. Present for this discussion was Court Administrator Mary (Lolly) Hoagland, her Attorney William Courtney, her husband Randy Hoagland who sat in the back of the meeting room videotaping this portion of the meeting and Municipal Court Judge Ray Barson. There were also various members of the public present in the audience.

Prior to any discussion taking place, Attorney Katrina Campbell asked several times for confirmation that Ms. Hoagland still wished to hold this discussion in open session. Attorney Courtney stated he is here representing Ms. Hoagland and indicated they wanted the discussion to be part of the public record. Ms. Hoagland confirmed that she wanted the discussion in open session.

Committeeman Cally asked for an explanation on all the recently discovered issues in the Municipal Court.

Attorney Courtney indicated his client was not aware of the exact issues, that no one has contacted her and that they were not provided with any of the documentation the Township has. Attorney Campbell asked if Ms. Hoagland had seen the letter the Township received from the Municipal Court Vicinage 13 Division Manager dated 5/20/19. Ms. Hoagland did not respond and Attorney Courtney maintained they had not seen the letter.

Attorney Campbell read the letter into the record:

Dear Mayor Rich,

As you are aware, Vicinage 13 Municipal Division is in the process of investigating and evaluating the condition of the West Amwell Municipal Court following discovery of missing deposits during the township audit process in April 2019. Although our comprehensive assessment is still in progress, I would like to inform you and the township as to the current findings and compelling information that have surfaced.

Preliminary review of the court's operation has revealed serious performance deficiencies on behalf of Court Administrator Mary (Lolly) Hoagland. These deficiencies illuminated a failure to execute required functions to uphold the integrity of the court and facilitate a forum for justice as required by the Judiciary. In addition to the 2017, 2018 and 2019 (to date) audit findings by Nisivoccia LLP, M.C.A. Hoagland failed to properly perform critical court administrator responsibilities listed below:

- Failure to process orders for expungement*
- Failure to notify Hunterdon County Probation of Court ordered probationary sentences*
- Failure to notify Intoxicated Drivers Resource Center (IDRC) of court ordered IDRC sentences*

- *Failure to schedule cases remanded to the municipal court for disposition, including cases with consequences of magnitude*
- *Failure to comply with procedures in the deletion of Citizen Complaints in Automated Complaint System (ACS)*
- *Failure to transfer conflict cases – disposed or dismissed in West Amwell*
- *Failure to process transcript requests*
- *Failure to obtain written dispositions and judge's signature on cases prior to entry of disposition into the court's mainframe system*
- *Failure to process mail with original tickets and un-deposited monies requiring research for proper case status, disposition entry and verification of fine amounts*
- *Failure to maintain proper court records and operational organization of the court office resulting in incompleteness of required work and missing documents*

The collective impact of M.C.A. Hoagland's neglect to perform the duties and functions of a court administrator are evident in the above. M.C.A. Hoagland's general failure to adhere to court rules and directives, comply with the Judiciary Code of Conduct and mandated protocols, as well as gross organizational deficiencies, stands to compromise the pillars of the New Jersey Courts, Independence, Integrity, Fairness and Quality Service.

I would also like to advise you that the Municipal Division will have continued presence in the West Amwell Municipal Court through the coming months to complete our review, rectify major issues and provide support for the Acting Deputy Court Administrator. We have greatly appreciated the township accommodating our weekly presence thus far.

Please feel free to contact me should you need any additional information.

*Very Truly Yours,
Marlene Sullivan
Municipal Division Manager*

Attorney Courtney asked for specific details for the items outlined in the letter. He wanted to know names, case numbers, dates etc. He stated he wanted the Municipal Division to speak with Ms. Hoagland directly. Attorney Campbell stated those specific details obviously were not part of the letter but could certainly be obtained and noted that the Municipal Division would never have provided such a letter if there wasn't clear evidence of the apparent issues in the Court. She stated there is little doubt they would allow Ms. Hoagland to return to her court position.

Committeeman Cally asked what happened to the missing deposits. Ms. Hoagland stated she had no idea where the deposits were and alluded to the fact that there were other people in the municipal building. Attorney Campbell stated that ensuring the safe deposit of all court funds is the Administrator's responsibility.

Mayor Rich remarked he has been on the Township Committee for nearly 10 years and never received a copy of the Court's audit. Ms. Hoagland stated no one ever asked her for a copy. Mayor Rich indicated he now had copies of the 2016, 2017 and 2018 audits which all contained comments that the reconciliations were not being done on a regular monthly basis. Ms. Hoagland disagreed but offered no explanation. Attorney Courtney stated they cannot address what happened in 2016, 2017 or 2018 and expressed that Ms. Hoagland was not given the opportunity to try and resolve the court issues. Attorney Campbell noted the Municipal Division was in the Court Office on Friday 4/26/19 and when they discovered Ms. Hoagland had taken the ledger books home she was asked to return them. Attorney Campbell expressed that was Ms. Hoagland's opportunity to help try and resolve some issues but noted instead she refused to come into the building and the Municipal Division Court Staff had to retrieve the documents from her out in the parking lot.

Mayor Rich noted the Municipal Division issued a Court Order requiring the Township to hire an independent auditor to reconcile the books and he read the following findings from the Nisivoccia LLP audit:

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- March 2019 missing deposit totaling \$5133.00
- April 29, 2019 posted deposit of \$584 of which only \$530.00 was deposited, leaving \$54.00 missing
- April 2019 check number 1160 was written for \$255.50 and the correct amount should have been \$555.50
- December 2018 funds in the amount of \$265.00 were deposited which should have actually been refunded
- Missing checks from the court checkbook: No record of checks 1001 – 1025
- August 2017 there is \$693.00 due from the municipal court to the township
- Back dated checks in March 2018 payable to the NJ State Park Police
- February 2019 funds in the amount of \$50.00 were collected and due to Forest and Parks but were never turned over

Mayor Rich read another portion of the audit findings which state, "After obtaining the information to perform the bank [reconciliations], we reconciled both accounts utilizing the information that was provided to us. We did not feel confident in the reconciliations that were provided to us and determined that the adjustments being made to those reconciliations were fictitious in nature to get the reconciliation to work."

Mayor Rich asked Judge Barson for his thoughts on the matter. Judge Barson stated he believed Ms. Hoagland should retire and said he would hate to see anyone lose their benefits. He commented that he felt badly for not following up more thoroughly on his responsibilities.

Attorney Campbell clarified that Ms. Hoagland is eligible for her pension benefits because she has 25 years of service in the system but stated she is not eligible for the health benefits provided by the Township per Chapter 78 which was implemented by the State in 2011 and expressly outlines that municipalities cannot pay for health coverage for employees who retire unless they meet specific age and years of service requirements. In Ms. Hoagland's case she was not over the age of 65 nor did she have 30 years of service in the NJ Pension system at that time. Attorney Campbell clarified that Mr. Hoagland, however, who retired from West Amwell in 2015 is eligible for the health coverage benefit provided by the township because he meets the required criteria.

As the focus of the discussion shifted toward potential settlement agreement options, Attorney Campbell suggested the Committee go into executive session. A motion was made by Bergenfeld and seconded by Dale to go into executive session. The motion was unanimously approved by voice vote.

Resolution #78-2019

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Mt. Laurel Litigation, personnel/contracts and subjects falling under Attorney-Client privilege.
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This resolution shall take effect immediately.

Maria Andrews, Township Clerk

A motion by Cally, seconded by Hoyer to return to open session was unanimously approved by voice vote.

The Committee was in executive session from 9:55 PM – 10:45 PM.

Attorney Courtney and Ms. Hoagland returned to the meeting room to clarify the options of the potential settlement agreement. Attorney Campbell noted the following points:

1. Mr. Hoagland will submit paperwork to the State for health coverage benefits and Ms. Hoagland will seek coverage under his plan. The Township agreed to reimburse Ms. Hoagland for her portion of the health benefits upon proof of payment and only up to age 65 at which time the Township will no longer reimburse payment
2. Ms. Hoagland will be reinstated as an “employee of the township” so she can retire
3. Ms. Hoagland must use her accrued time if she wishes to receive paychecks until her date of retirement
4. A copy of the videotape made by Mr. Hoagland must be provided to the Township

It was noted that Attorney Campbell and Attorney Courtney will work together on drafting an agreement.

Other actions resulting from closed session discussions were:

The Committee authorized Mayor Rich to sign any agreements reached between Attorney Campbell and Attorney Flahive regarding another personnel matter.

Also, Ordinance 9, 2019 was addressed. Mayor Rich read Ordinance 9, 2019 by title.

ORDINANCE 9, 2019

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 38 “POLICE DEPARTMENT,” PART 1 “GENERAL PROVISIONS,” ARTICLE III “PROMOTIONS,” OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY TO CLARIFY THE PROMOTION PROCESS.

WHEREAS, the Township Committee of the Township of West Amwell wishes to amend Chapter 38 “Police Department,” Part 1 “General Provisions,” Article III “Promotions” to clarify the promotion process within the Police Department; and

WHEREAS, it has come to the Township Committee’s attention that §38-10 and §38-11 have conflicting rules regarding the procedure for promotions within the Police Department; and

WHEREAS, the Township Committee wished to amend the Ordinance to ensure that all candidates have a clear understanding of the Township’s promotion process; and

WHEREAS, the Township Police Department Rules and Regulations Volume 1, Chapter 5 “Promotional Process” further conflicts, in part, with Chapter 38 of the Township Code and so the Township shall delete Chapter 5 in its entirety and replace it with a citation to the Township Code.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of West Amwell, County of Hunterdon, State of New Jersey that Chapter 38, “Police Department,” Part 1 “General Provisions,” Article III “Promotions,” of the Code of the Township of West Amwell shall be amended as follows:

Section 1.

§ 38-7. Eligibility.

A promotion of any sworn full-time member of the Department to a superior position shall be made from the membership of the Police Department. Due consideration shall be given to the member so proposed for promotion and to the length and merit of his service. No person shall be eligible for promotion to be a superior officer unless he shall have previously served as a patrolman, shall have completed three years of service with the West Amwell Township Police Department and served a minimum of two years in his/her present rank.

Section 2:

§ 38-8. Minimum ratings requirements.

No member of the Police Department shall be eligible for admittance to a promotional examination if his relative efficiency rating has been less than 70% over three consecutive rating periods.

Section 3:

§ 38-9. Completion of training programs.

Satisfactory completion of assigned police training programs shall also be among the prerequisites for a member to become eligible for promotion within the Police Department.

Section 4:

§ 38-10. Accreditation.

Upon creation of a vacancy in higher rank, replacement shall be determined on the basis of accreditation to be applied as follows:

- A. Seniority. The candidate shall be credited with one-half point for each year of continuous service with the West Amwell Township Police Department.
- B. Written examination. Written examination shall be conducted by the New Jersey Police Chiefs Association. The possible total valuation of the written examination shall be 50 points with 100% being perfect, and the applicant must attain at least 35 points (i.e., a passing grade of 70%) from this examination to be eligible for promotion to the next rank.
- C. Oral interview. The Township Committee shall interview each candidate for promotion. Each candidate shall be graded as a result of the interview, with 25 points being perfect.
- D. Personnel record. The personnel record of each candidate shall be judged by the Township Committee and having a possible total valuation of 25 points. The points credited shall be the Committee's decision.

Section 5:

§ 38-11. Procedures for promotion.

- A. Vacancy. When the governing body determines that it wishes to fill a vacancy for a position as a superior officer, it shall announce the opening to officers within the West Amwell Police Department by posting the same in a central location within headquarters.
- B. Eligibility. All officers, who meet the eligibility requirement of §38-7, are eligible to be promoted to any available rank within the Department.
- C. Register with Township Committee. All officers who desire to take the test for the purpose of selecting a superior officer will complete a registration form to be filed with the Township Committee.
- D. Written examination. The New Jersey State Chiefs of Police Association or any other entity authorized by the governing body will administer the written examination.
- E. List to be prepared. After the written examination has been concluded and scored, the list of applicants and their respective scores will be forwarded to the Township Committee. The results of the examination shall apply to the vacancy in the higher rank for which the examination was held.
- F. Recommendation by the highest-ranking officer. The highest-ranking officer will prepare a summary of the service record for each applicant who completes the written examination. This summary will include commendations, disciplinary action, productivity and a recommendation by the highest-ranking officer, supported by documentation, as to whether or not the candidate is worthy of promotion. These summaries will be forwarded to the Township Committee. If the highest-ranking officer is one of the candidates or otherwise has a conflict, the Township Committee shall review each applicants personnel file and any available productivity or statistical reports available.
- G. Promotion. After completing all phases of the accreditation process as described in §38-10, the governing body will select the applicant with the highest score for promotion. If the governing body concludes that none of the applicants are suitable for promotion, the position may remain vacant. If the candidate declines the position the governing body may choose to offer the position to the next highest scoring candidate or may decide to leave the position vacant. Final decision for promotions or appointments shall rest with the Township Committee.

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Section 6:

All other sections shall remain unchanged.

Section 7:

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 of this Ordinance shall not be affected thereby.

Section 8. Repealer.

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

Section 9. Effective Date.

This Ordinance shall take effect upon final passage and publication.

A motion by Cally, seconded by Bergenfeld to open the floor to public comment on Ordinance 9, 2019 was unanimously approved by roll call vote.

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

Seeing no members of the public come forward to comment, a motion by Bergenfeld, seconded by Hoyer to close the floor to public comment was unanimously approved by roll call vote.

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

A motion by Bergenfeld, seconded by Cally to adopt Ordinance 9, 2019 was unanimously approved by roll call vote.

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

ADMINISTRATIVE

A motion by Bergenfeld, seconded by Hoyer to approve the 6/19/19 bill list was unanimously approved by roll call vote.

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

CORRESPONDENCE

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

ADJOURNMENT

A motion by Rich, seconded by Bergenfeld to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 11:15 PM.

Maria Andrews, Township Clerk, RMC

Approved: 7/17/19