

# **WEST AMWELL TOWNSHIP COMMITTEE MEETING**

**March 22, 2018 - 7:30 p.m.**

## **CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

The re-scheduled joint meeting of the West Amwell Township Committee and Board of Health was called to order at 6:30 PM. Present were Mayor Stephen Bergenfeld, Deputy Mayor Hoyer, Committeeman James Cally, John Dale and Zachary Rich, 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 faxed to the Hunterdon County Democrat and Trenton Times on March 20, 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 Acting Municipal Clerk.

## **FLAG SALUTE**

Mayor Bergenfeld 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 to the agenda.

## **ANNOUNCEMENTS**

- Dog license renewals were due 1/31/18. Late fees now apply, notices have been mailed out
- 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 2/21/18 Regular Session minutes were approved with no revisions noted on motion by Dale, seconded by Cally, with Mayor Bergenfeld and Mr. Rich abstaining.

The Township Committee's 2/21/18 Closed Session minutes were approved with no revisions noted on motion by Cally, seconded by Dale, with Mayor Bergenfeld and Mr. Rich abstaining.

## **OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA**

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

## **SPECIAL PRESENTATIONS**

### **Reports by Department Heads**

Jeff Ent, Chief of the Fire Department came forward and noted 2 firefighters successfully completed the Hunterdon County Polytech Program and are now active members attending night classes in Annandale to meet their fire school requirement.

Chief Ent also noted that per PEOSHA mandates, the department's breathing pack units and spare bottles have 5 years left on their equipment lifespan. He explained they get tested every year and are safe to operate but suggested everyone begin planning on budgeting to replace 30 packs and 60 bottles which will cost approximately \$225,000.

Next, Chief Ent noted the department recently purchased a new fire unit and he requested a letter from the Township authorizing Joe Ent permission to get the vehicle registered through NJMVC.

Lastly, Chief Ent provided statistics on the recent storms noting 269.5 man hours for storm Riley, 287.5 man hours for storm Quinn and 202.5 man hours for storm Toby.

Mayor Bergenfeld took a moment to recognize and thank all of the Fire, Police, OEM and DPW personnel for their work during all of the recent storms.

Harry Heller, Director of OEM came forward and indicated they utilized Facebook, Nixle and door-to-door outreach to keep residents informed of storm damage and estimated repair times. Mr. Heller also noted OEM has 2 preliminary damage reports in excess of \$2000.00.

## **STANDING COMMITTEE REPORTS**

### **Open Space**

A motion was made by Dale, and seconded by Rich to approve posting the minutes from 8/8/17 and 10/10/17 to the township website.

## **UNFINISHED BUSINESS**

**Possible Appointments** – Mayor Bergenfeld appointed Evan Dale to the Ag Advisory Committee per the recommendation of Chairman Urbanski.

### **Request from S. Bergenfeld, re: COAH Fee**

Attorney Faherty explained that the request to waive the fee is not necessary because there is a specific exclusion in the statute which states, "... a municipality shall not collect development fees from a developer whenever that developer is providing for construction of affordable housing units..." Attorney Faherty noted he will contact the Tax Assessor regarding this matter.

### **East Amwell Traffic Enforcement**

A motion was made by Dale, and seconded by Rich authorizing Acting Clerk Andrews to forward the 2018 Shared Service Contract for Police Coverage to the Clerk of East Amwell Township for their review and approval.

### **Possible Re-location of Police HQ to Municipal Building Basement**

Mayor Bergenfeld commented he will be meeting with the Architects and AOIC Skillman on 3/29/18 to go over additional details.

### **Crossing Guard Status**

Mayor Bergenfeld indicated he has been in contact with the Superintendent Muenker and they are working on a solution. He noted there is no intention to eliminate coverage and stated he will report back to the Committee next month.

### **Enbridge Status**

Attorney Faherty noted the deadline for the Township to file an answer to the complaint that was received is 3/27/18. He suggested it may be cost effective for West Amwell to reach out to Attorney Duggan of Stark and Stark as he is representing several entities including various municipalities regarding this matter. It was noted for the record that the Committee authorized Attorney Faherty to contact Attorney Duggan.

## **NEW BUSINESS**

### **Resolution: #50-2018: Sale of 2011 Chevy Tahoe**

#### **RESOLUTION #50-2018**

WHEREAS, the West Amwell Township Committee authorized the auction of a 2011 Chevrolet Tahoe through MunicBid; and

WHEREAS, said auction concluded on March 5, 2018 at 8:00 PM; and

WHEREAS, the auction resulted in a high bid of \$5,900 from Will Badyna,

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee that the bid received from Will Badyna in the amount of \$5,900 for the 2011 Chevrolet Tahoe is hereby accepted,

BE IT FURTHER RESOLVED, that the purchaser present a certified check made payable to West Amwell Township in the amount of \$5,900 within 10 days of notification of this award.

*A motion by Rich, seconded by Cally to approve Resolution #50-2018 was unanimously approved by voice vote.*

**Resolution: #52-2018: Approving Right-of-Way Use to Cross River Fiber**

RESOLUTION #52-2018  
RESOLUTION APPROVING RIGHT-OF-WAY USE TO CROSS RIVER FIBER

WHEREAS, Cross River Fiber LLC ("Cross River Fiber"), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the Township of West Amwell for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Township of West Amwell for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is in the best interests of the Township of West Amwell and its citizens to grant consent to Cross River Fiber; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of West Amwell Township that they hereby grant Cross River Fiber a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution.

*A motion by Cally, seconded by Dale to approve Resolution #52-2018 was unanimously approved by voice vote.*

**Resolution: #53-2018: LOSAP Certified List**

RESOLUTION #53-2018

WHEREAS the LOSAP program requires that a certified list of eligible volunteers from an emergency service organization be submitted for review by the sponsoring agency; and,

WHEREAS said required list of members eligible to receive LOSAP awards for 2017 was received from the West Amwell Fire Company; and,

WHEREAS the sponsoring agency has 30 days to review the submitted list and request any records deemed necessary to ensure that the list is accurate; and,

WHEREAS the sponsoring agency has accepted the list as submitted

THEREFORE BE IT RESOLVED by the West Amwell Township Committee that the list is hereby approved; and

BE IT FURTHER RESOLVED that a copy of the eligible member list, together with a copy of this Resolution, be returned to the West Amwell Fire Company for the 30-day required posting.

*A motion by Rich, seconded by Dale to approve Resolution #53-2018 was unanimously approved by voice vote.*

**Discussion: Request from Parks & Recreation – Payment for Open Gym Supervisor**

Mr. Cally explained that the Open Gym program runs for a few weeks at the High School but indicated he was not exactly sure of the time frame. It was noted that a request was received from Joseph Petrucci to pay the Supervisor \$35 an hour for 10 weeks.

A motion by Cally, seconded by Rich to authorize payment for the Open Gym Supervisor at a rate of \$35 per week for 10 weeks, not to exceed \$350 total, was unanimously approved by voice vote.

**Discussion: Information Postings to Township Website**

Mayor Bergenfeld commented that during the storms he wanted to be able to post information to the Township's website around the clock in order to keep the public informed. He asked Acting Clerk Andrews to contact the webmaster and find out what the website parameters are and if there is a way to be able to post relevant/emergency information outside of normal business hours.

**Discussion: BPU Petition, re: Power Outage**

Mayor Bergenfeld commented that he would like to file a complaint against JCP&L regarding their poor response time to power outages during the recent storms. He specifically noted live wires neglected for several hours, no crews anywhere in the Township for 36 hours and a total lack of communication. Mr. Rich and Mr. Cally supported the idea but Mr. Dale had concerns that if a complaint were to be filed, it may result in worse response time from JCP&L during future outages.

**ADMINISTRATIVE**

**Treasurer – Introduction of 2018 Municipal Budget**

Mayor Bergenfeld explained the public hearing on the 2018 budget will be 4/18/18. A motion by Rich, seconded by Cally to introduce the 2018 municipal budget was approved by roll call vote.

The Township Committee meeting was put on hold at 7:25 PM so the Board of Health meeting could start on time.

The Township Committee reconvened at 8:15 PM

**INTRODUCTION/PUBLIC HEARING ON ORDINANCE(S)**

**Introduction: Ordinance 05, 2018** - BOND ORDINANCE PROVIDING FOR VARIOUS 2018 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF WEST AMWELL, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$645,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$612,750 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF  
Rich motioned to introduce the ordinance on first reading with a second by Cally. Motion carried unanimously. The public hearing will be 4/4/18.

**NEW BUSINESS**

**Discussion: Consideration of Installation of Time Clocks**

Mayor Bergenfeld commented that this discussion is on hold for 60 days in order for the Acting Clerk to get everyone in the office in compliance with filling out time cards.

**Discussion: Protocol for Utilizing Sick/Vacation/Personal Time**

This matter was not discussed.

**Discussion: Protocol for Retiree Payouts**

It was suggested that a policy or resolution should be implemented for the Township Committee to review retiree payouts prior to any payments being issued.

**Discussion: School Budget Considerations for Increased Security Personnel**

It was noted for the record that this matter will be carried to the Committee's 4/4/18 meeting.

**Discussion: Possible Amendment to Education, Conference and Seminar Policy**

It was noted for the record that this matter will be carried to the Committee's 4/4/18 meeting.

**OPEN TO THE PUBLIC**

Dave Beaumont came forward and asked for clarification on the school crossing guard matter. Mayor Bergenfeld indicated the service will not be eliminated and they are still negotiating some details. He stated additional details will follow at upcoming meetings.

**ADMINISTRATIVE**

**Tax Collector**

**Resolution: #51-2018: Tax Refund – Block 14 Lot 33.01**

RESOLUTION #51-2018

WHEREAS, there has been a duplicate payment for first quarter 2018, paid by SLS for Block 14, Lot 33.01; 2 Gulick Road, assessed to Martha K. Gulick in the amount of \$2,847.60, and

Whereas, SLS has requested that this amount be refunded to them,

THEREFORE, BE IT RESOLVED that the Treasurer be authorized to prepare and that the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$2,847.60 and that this check be mailed to:

Specialized Loan Servicing  
3001 Hackberry Road  
Irving TX 75063-0156

By Order Of the Township Committee

*A motion by Dale, seconded by Bergenfeld approving Resolution #51-2018 was unanimously approved by voice vote.*

**Resolution: #54-2018: Tax Redemption – Block 47 Lot 1.01**

Resolution #54-2018

WHEREAS Tax Sale Certificate #201604 for Block 47, Lot 1.01; 118 Skillman Street assessed to Williams, Thomas & Dorothy was sold on October 11, 2016 to MTAG Cust for Empire V111, and

WHEREAS the amount of \$9,251.84 has been received from Green River Capital, 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 \$9,251.84 and,

THEREFORE BE IT FURTHER RESOLVED, that an additional check in the amount of \$10,000 for the return of the premium paid for Tax Sale Certificate #201604 be prepared, and that these checks be mailed to:

MTAG Cust for Empire VIII  
PO Box 2208  
Hicksville NY 11802

By Order of the Township Committee

*A motion by Rich, seconded by Cally approving Resolution #54-2018 was unanimously approved by voice vote.*

**Resolution: #55-2018: Tax Redemption – Block 33 Lot 16**

RESOLUTION #55-2018

WHEREAS Tax Sale Certificate #2-2009 for Block 33, Lot 16; 6 Wilson Road assessed to Lettieri, Francesco & Joanne was sold on October 6, 2009 to Robert Rothman, and

WHEREAS the amount of \$147,069.83 has been received from Frank Lettieri, owner 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 \$147,069.83 payable to:

Robert Rothman  
411 Grande Ave  
Englewood NJ 07631

By Order of the Township Committee

**SPECIAL PRESENTATION(S)**

**Resolution: #49-2018: Closed Session – Personnel/Litigation – Affordable Housing**

A motion by Dale, seconded by Rich to enter into closed session for the purposes of discussing personnel/Litigation- Affordable Housing was unanimously approved by voice vote.

Resolution #49-2018

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 Cally, seconded by Dale to return to open session was unanimously approved by voice vote.*

The Committee was in closed session from 9:03 PM – 10:59 PM.

A motion by Hoyer, seconded by Dale authorizing a change in salary for the Zoning Board of Adjustment Secretary position from \$6824.00 to \$7500.00 was unanimously approved by voice vote.

**CORRESPONDENCE**

The correspondence as listed on the agenda was ordered filed.

**ADJOURNMENT**

There being no further business, the meeting was unanimously adjourned at 11:00 PM on motion by Cally, seconded by Dale.

Respectfully submitted,

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Maria Andrews, Acting Clerk  
Approved: 4/4/18