

# WEST AMWELL TOWNSHIP COMMITTEE MEETING

April 20, 2016 - 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 7:35 p.m. Present were Mayor Zachary T. Rich, Deputy Mayor John Dale, Committeeman Stephen Bergenfeld, Clerk Lora Olsen and Attorney Philip J. Faherty III. Also in attendance were Tony Birardi, Cathy Urbanski, John Cronce, John & Barbara Hencheck, Dave Beaumont and John Anderson

Mayor Rich 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 7, 2016, 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.

The meeting was recorded via digital recording system.

## PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Rich led the assembled group in the pledge to the nation's flag.

## AGENDA REVIEW BY TOWNSHIP CLERK

The following items were added: 11.E Recycle Depot Worker; 11F. Letter Requesting Additional Generator Grant Money. 8.A. Budget Introduction and 13.D Court Report were deleted.

## ANNOUNCEMENTS

- Hunterdon County Hazardous Waste Collection (POPS-paint, oil, propane tanks, smoke detectors), May 14<sup>th</sup>, 9am to 1pm, County Complex Rt 12
- Last to Register for June Primary, May 17<sup>th</sup>
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

## PRESENTATION OF MINUTES

The April 6, 2016 Special and Regular minutes were unanimously approved on motion from Dale, seconded by Bergenfeld.

## OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA

Dave Beaumont relayed that there are 10 properties listed as 'Owner Unknown' in the tax book which translates to \$100,000 in taxes not being collected. Mr. Bergenfeld noted that this may correlate with a list provided by the tax collector. The possibility of tax liens on some of the properties was also noted.

John Anderson of JCP&L provided an update on the two transfer poles at 275 Rocktown-Lamb. Road that still not completed. He will follow-up; apologized for the delay; and, expressed appreciation for township patience. Also addressed was in response to the Clerk's e-mailed question about the unbolted plate lid at the transformer. Mr. Anderson relayed that this is the responsibility of the Township; however, he will double check. A request for tonnage numbers for any tree-part recycling that was done at the sub-station is being investigated.

Mr. Rich inquired whether JCPL was doing any ROW tree cutting along Alexauken Creek Road as concern have been raised about the resultant devastation. Mr. Anderson's initial response was that this cutting is most likely PSE&G work as JCP&L only has wooden poles in that area.

## SPECIAL PRESENTATION(S)

**John & Barbara Hencheck** – A most interesting overview of local historic sites and people was presented by the Henchecks and a copy of the highlights provided. Also noted was the 'Diary of a Common Soldier.' This diary was kept during the American Revolution by Jeremiah Greenman and was recently sold for over \$50,000. The need for a local group to be actively engaged in researching the area's history was promoted.

The presented information was warmly received and an invitation issued to return as more information comes to light..

## INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING

**Introduction:** 2016 Budget (deleted under Agenda Review)

**Introduction:** Ordinance 06, 2016

The following ordinance was read by title and introduced on first reading:

**ORDINANCE 06, 2016**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF WEST AMWELL TO ESTABLISH A NEW CHAPTER ENTITLED "PROTECTIVE CUSTODY OF INTOXICATED DRIVERS."**

**BE IT ORDAINED** by the Township Committee of the Township of West Amwell, County of Hunterdon, and State of New Jersey, as follows:

**Section 1. "Protective Custody of Intoxicated Drivers," Established.** The Code of the Township of West Amwell is hereby amended and supplemented by the addition thereto of a new chapter entitled "Protective Custody of Intoxicated Drivers," to read as follows:

**Protective Custody of Intoxicated Drivers**

**A. Findings.**

Pursuant to N.J.S.A. 39:4-50.22, commonly known as "John's Law," a law enforcement agency that has arrested a person for a violation of N.J.S.A. 39:4-50, "Driving While Intoxicated," may impound an arrestee's vehicle and release the arrestee into the care of an individual summoned to transport or accompany the arrestee from the premises of the law enforcement agency in order to ensure that the arrestee does not again operate a motor vehicle while under the influence. When an arrestee is unable to summon an individual to transport or accompany the arrestee from the premises of the law enforcement agency, the arrestee may present a danger to himself or others if provisions are not made to hold the arrestee in protective custody. Pursuant to N.J.S.A. 40:48-1(34) and 40:48-1.3, a municipality is authorized to enact an ordinance providing that a person who has been arrested for "Driving While Intoxicated" in violation of N.J.S.A. 39:4-50 may be held in protective custody at an appropriate police or other facility for up to eight (8) hours. The Hunterdon County Jail is an appropriate facility in which to maintain an arrestee until the arrestee is no longer a danger to himself or others. The Mayor and Council find and declare that the implementation of this chapter furthers the protection of the public health, safety and welfare.

**B. Protective Custody Required; Release.**

Any person arrested for a violation of the provisions of N.J.S.A. 39:4-50 shall be held in protective custody at an appropriate police or other facility, including but not limited to the Hunterdon County Jail, where the person's condition may be monitored until the person is no longer a danger to himself or others, at which time the person shall be released from protective custody. A person is no longer considered a danger to himself or others when the person's blood alcohol concentration is less than 0.05% and the person is no longer under the influence of any intoxicating liquor or narcotic or hallucinogenic or habit-forming drug to the extent that the person's faculties are impaired. In no event shall a person be held in protective custody for a period of longer than eight (8) hours without being provided an appropriate hearing.

**C. Exceptions; Liability.**

Notwithstanding the provisions of this chapter, provided that it is not a detriment to public safety, the Police Department may, because of the age, health, or safety of the arrestee, release the arrestee pursuant to the provisions of N.J.S.A. 39:4-50.22, or provide an alternative to protective custody. The Township shall not be subject to liability if a person is released from protective custody pursuant to the provisions of this chapter.

**D. Use of State Police Facilities.**

Nothing in this chapter shall be construed as requiring the use of New Jersey State Police facilities by the Township for the purposes of this chapter.

**E. Incorporation of Statute.**

The provisions of N.J.S.A. 39:4-50.22, as may be amended from time to time, are hereby incorporated into, and are deemed to be a part hereof.

**Section 2. Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

**Section 3. Severability.** If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

**Section 4. Adoption.** Upon adoption, this Ordinance shall be incorporated into and become part of the Code of the Township of West Amwell

**Section 5. Effective Date.** This ordinance shall take effect upon passage, publication and as provided by law.

*Dale moved to introduce the Ordinance on first reading and Bergenfeld seconded. Motion carried unanimously. The public hearing will be May 18<sup>th</sup>.*

## **STANDING COMMITTEE REPORTS**

### **Open Space**

- *Proposed Signs/Cost:* John Cronce relayed that the County will not make these signs because the properties are located on the State roads, Another avenue will be pursued.

- *Blue Ribbon Markers on Titus Property:* These flags are marked with a number and are only on the Titus, which is West Amwell property. Orange flags appear on the opposite side and are on the JCP&L ROW. Resident Tony Birardi advised that environmental survey teams were in the area marking creek edges with similar ribbons for wetlands in Hillsborough He spoke with team members who said their work was in maintenance and replacement of towers as well water surveys. Cathy Urbanski added that the Kiriluk property was also marked by PSE&G as wetlands but that wetlands are different from streams. Violations should be reported to the police. Making contact with PSE&G was also mentioned.

- *Alexauken Trees:* Mr. Cronce stated that he's disappointed by the way the clearing has been handled and that better eyes on things like this are warranted. Mrs. Urbanski added that all the trees were head-topped and lamented that the most scenic road was trashed by what was done.

- *Project Status Updates, if any:* Mr. Cronce reported that both **Holcombe** appraisals are in and under review at the State level. He also advised that Hal Shute is checking status at the County. There has been no word from **Thompson** concerning the 518 property and that if nothing is received by the end of the month, the pursuit will be stopped and acquisition considered off the table.

### **Environmental**

- *Authorization to Post March 10, 2016 Minutes to Website:* Approved

- *Median Strip/Estates – Bid discussion:* Mrs. Urbanski noted receipt of an updated quote from Sweet Valley that includes alligator bags for watering purposes. Tree rings were proposed but the former hold 20 gallons of water and will only require once a week refills. How the refill of the alligator bags will be handled was questioned. Mr. Bergenfeld offered the use of his equipment for this purpose. Another change to the quote was that the boulders be changed to jetty rocks, although the proposed plantings would remain.

## **RESOLUTION #58-2016**

WHEREAS various quotes for the design and planting of the median strip have been received and reviewed

THEREFORE BE IT RESOLVED that the quote from Sweet Valley Farm is deemed most advantageous and is hereby approved

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

### **Parks & Recreation**

- *Authorization to Post March 14, 2016 Minutes to Website:* Mr. Bergenfeld noted for the record that Strober is donating the roofing shingles. Approved

## **UNFINISHED BUSINESS**

**Possible Appointments** – none

**Updates** – 1) A quote was received from Holicong to upgrade the **DPW Alarm/Phone** System to cellular due to the age of the current system. An outreach to neighboring municipalities to see what system they're using as well as requesting additional quotes was the direction given. Mr. Bergenfeld will provide contact information. 2) The **labor attorney** item was held. 3) **Cell phone** acquisition/cost direction pursued by the mayor did not yield the desired results. Held. 4) The **payroll** situation with the new vendor vs previous vendor and the State disability insurance question was discussed. The Auditor will be requested to review to insure proper withholding and coverage.

**Tax Collector Shared Service with East Amwell** – East Amwell is on board with this direction and final copy of the agreement has been received.

- *Resolution:*

RESOLUTION #59-2016

*A Resolution to Authorize the Shared Services Agreement with the Township of East Amwell for the Services of a Certified Tax Collector*

BE IT RESOLVED, by the governing body of West Amwell Township, in the County of Hunterdon, State of New Jersey, that a shared services agreement with the Township of East Amwell for the services of a Certified Tax Collector effective May 1, 2016 is hereby authorized.

BE IT FURTHER ESOLVED, that the Mayor and Township Clerk are hereby directed and authorized to sign the agreement.

*The Resolution was unanimously approved on motion by Dale, seconded by Bergenfeld*

- *Letter Concerning Resignation Date:* Mrs. Hyland requested a change to her resignation date so that it will coincide with the new shared service arrangement.

*Dale motioned to approve and Rich seconded. Motion carried unanimously.*

**Copier Leases – Police & Municipal Offices** – Mr. Bergenfeld requested additional information. The possibilities of obtaining quotes was raised. Item held.

**Clean Up Days** - Held

**Closed Session** – Held for later in the evening.

**NEW BUSINESS**

**Recycling** – Submission of the report is due by April 30<sup>th</sup>. Although still waiting for the County numbers, this year's tonnage is down significantly from last year's totals (6058.37 vs 1980.80), at least at this point in time. Hopefully more tonnage receipts will be received prior to the submission deadline.

- *Tonnage Grant Resolution:*

RESOLUTION #60-2016

**TONNAGE GRANT APPLICATION RESOLUTION**

**WHEREAS,** The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS,** It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS,** The New Jersey Department of Environmental Protection has promulgated Recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS,** The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS,** A resolution authorizing this municipality to apply for the **2015 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the West Amwell Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS,** Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of West Amwell Township that West Amwell Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Alan Dilley to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution offered by: Rich  
Resolution certified by: Lora L. Olsen, RMC

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

- *Tonnage Tax Resolution:*

RESOLUTION #61-2016  
**TAX IDENTIFICATION STATEMENT**

**WHEREAS,** The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS,** There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

**WHEREAS,** Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

**NOW THEREFORE BE IT RESOLVED** by the TOWNSHIP OF WEST AMWELL that TOWNSHIP OF WEST AMWELL hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2015 in the amount of \$921.90. Documentation supporting this submission is available at OFFICE OF THE CLERK, WEST AMWELL TOWNSHIP MUNICIPAL OFFICES, 150 ROCKTOWN-LAMBERTVILLE ROAD, LAMBERTVILLE, NEW JERSEY 08530 and shall be maintained for no less than five years from this date.

REA Tax certified by: Thomas J. Carro, CFO  
Name of official: Zach Rich  
Title of official: Mayor  
Date: April 20, 2016

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

**Request from Pivot Point Security/Statewide Insurance Cyber Security** – There was no interest in participating at this time.

**Auditor Engagement Letter** – Although a contract for auditor services is in place, this letter is presented each year for signature.

*The Mayor and Clerk were unanimously authorized to execute the letter on motion by Rich, seconded by Bergenfeld.*

**Request from Boy Scout Troop 49 for Shoe Drive** – Approved.

**Recycling Depot Worker** – An outreach to last year's summer employee, Diego Valdez, for the Saturday morning slot will be made. If there is no interest, the position will be advertised.

**Letter Requesting Additional Grant Funding for Generator** – Township Engineer Burr has advised that additional grant money may be available. A letter of request for consideration of same was presented. If approved, the grant would be increased to \$75,000.

*Rich motioned to send the letter. Bergenfeld seconded. Motion carried unanimously.*

### **OPEN TO THE PUBLIC**

Mr. Beaumont spoke about the high school budget and inquired whether a copy of same be obtained. He also commented that the presentation by the Hencheck's earlier tonight was very interesting and questioned how to get the historic group interested/moving. He would be willing to help in an effort to raise awareness of the Township's history. The possibility of a contest and/or getting the schools involved was raised.

Also mentioned was that there are several properties that the Township is paying County and school taxes that should be removed from the tax roll so that there is no cost to the taxpayer. Mr. Beaumont spoke about the Brookmill Farm fire and the interesting history of the property. He then questioned how the property is being used as the owners are living there and running a wedding operation. Whether this should be looked at as a business was questioned. The property is assessed at \$1.1 million and is being sold to the people now living there. Also noted was that construction took place without permits. A brief discussion on re-occupancy certificates and smoke detector inspections transpired in line with the work without permit problems encountered in the Township.

Mr. Beaumont also broached the current fee for garbage; the number of permits issued; and, whether to make this service 'free' by inclusion in the budget.

### **ADMINISTRATIVE REPORTS**

#### **Treasurer –**

**Presentation of Bills for Approval:** Questions were raised concerning the bills for Amwell Auto, Lawson products for gloves at \$600; and, for the Assessor's reimbursement. The first was deemed an appropriate charge for the work performed. As for the gloves, the Road Supervisor is to be advised not to order at this price again. Clarification on the assessor's monthly fee was sought.

#### **RESOLUTION #62-2016**

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 \$404,480.47, dated April 20, 2016, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations.

*Dale motioned to approve the evening's bills for payment, seconded by Rich, and carried unanimously.*

**Tax Collector** – The Report of Uncollectible Taxes was not received.

**Construction** – The Permit Fee Log Summary for March 2016 reflect the issuance of 17 permits for a total of \$2,014.00 for West Amwell. Thirty Five (35) CA's and 1 TCO were processed per the Certificate Log Summary. The Permit Fee Log Summary for East Amwell reported 26 permits issued and \$22,117.00 collected. Twenty one (21) CA's were processed according to the Certificate Log Summary for PermitsNJ. The Certificate Report from Road Runner showed twenty one (21) CAs.

#### **Website Review**

*The reports were accepted as presented and without comment.*

**Closed Session** – (Held over from earlier in the evening.)

#### **RESOLUTION #63-2016**

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:  
PURCHASE, LEASE, OR ACQUISITION OF REAL PROPERTY  
CONTRACT NEGOTIATIONS (POLICE)
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.

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

The Closed Session meeting was entered at 9:45 p.m. with a return to Open Session at 10:39 p.m.

#### **CORRESPONDENCE**

The correspondence as listed on the Agenda was ordered filed.

#### **ADJOURNMENT**

There being no further business, the meeting was unanimously adjourned at 10:40 p.m. on motion from Bergenfeld.

Respectfully submitted,

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Lora Olsen, RMC  
Township Clerk

APPROVED: May 4, 2016