

SPECIAL WEST AMWELL TOWNSHIP BOARD OF HEALTH MEETING

March 5, 2009 – 7:30 p.m.

The West Amwell Township Board of Health met on the above date in special session.

The meeting was called to order at 7:30 p.m. and noted that this Special Meeting was called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was faxed to the Lambertville Beacon, the Hunterdon County Democrat and the Trenton Times on February 27, 2009, posted on the bulletin board in the Municipal Building and filed in the office of the BOH secretary and the Municipal Clerk on the aforementioned date. The notice has remained continuously posted. .

Present: Corboy, Masterson, Molnar, Kropp, Nadelson. Hart and Myher excused. Nadelson will serve as a full voting member this evening. Also in attendance was Chester Urbanski.

The meeting was not recorded.

Introduction of Ordinances –

Chester Urbanski overviewed the components of the ordinance and answered questions raised by the Board members about the farmers market. It is hoped that the market will provide a sense of community by giving residents a chance to stop and talk with their neighbors. The plan is to limit crafters to approximately 25% of the vendors but this will vary depending on the time of year and the availability of other produce and the Farmers Market committee will exercise control over the vendors. The fee proposed is minimal compared to other markets and the vendors are expected to be local. There will be no big commercial vendors permitted. The market expects to be set up on the front lawn with parking in the lot although the parking lot could use if rains have been heavy. The recommendation of the insurance agent was for each vendor to provide a Certificate of Insurance with the Township as loss payee. However, the consensus of those involved was that this would be a burden. Some minor changes were made to the ordinance and application prior to introduction to clarify what is being rented for the day. A brief discussion ensued about whether the fees collected should come into the Township's general fund or if a dedicated by rider vehicle would be preferable. Mr. Urbanski was directed to meet with CFO Luhrs for the pro and cons of these two methods.

BOH Ordinance 1, 2009 – The following ordinance was read by title and introduced on first reading:

AN ORDINANCE CREATING AND ESTABLISHING THE OPERATION OF A FARMERS MARKET IN THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON

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1. PURPOSE

The Board of Health of the Township of West Amwell, in Hunterdon County,

New Jersey, wishes to provide for a Farmers Market. West Amwell Township feels that allowing farmers and residents a local outlet will advance farming and keep more property as farmland.

The West Amwell Board of Health has determined that it is advantageous for the public to have access to fresh produce and to provide farmers with a local outlet for produce.

2. FARMERS' MARKET

The West Amwell Township Board of Health hereby creates and establishes the West Amwell Township Farmers Market.

3. DEFINITION

The West Amwell Township Farmers Market is an outdoor market for the sale of local produce, locally produced meats, poultry and eggs; for the sale of produce derivatives, baked goods originating from a state inspected and licensed facility, artisan crafts and any other local product deemed salable by the West Amwell Township Farmers Market Committee. The Farmers Market shall be located at 150 Rocktown Lambertville Road, West Amwell Township, NJ and is under the management of the West Amwell Township Farmers Market Committee.

4. WEST AMWELL TOWNSHIP FARMERS MARKET COMMITTEE

The West Amwell Township Farmers Market Committee is the recognized organization that is responsible for supervising all market operations.

5. MARKET MANAGER

The West Amwell Township Farmers Market Committee will serve as the Market Manager. The Market Manager reserves the right to include or exclude any vendor. If any vendor is excluded by the determination of the Market Manager, any vendor fees paid in advance shall be refunded, prorated.

6. DUTIES OF THE MARKET MANAGER

A member of the West Amwell Farmers Market Committee shall be present on-site whenever said Market is in operation. The Market Manager is responsible for supervising market operations and ensuring compliance with orders of the Hunterdon County Department of Health and West Amwell Township Board of Health and the State of New Jersey Department of Agriculture.

7. RESPONSIBILITIES OF FARMERS' MARKET VENDORS

Each vendor is responsible for compliance with all applicable health codes and is subject to penalty for non-compliance.

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Each vendor understands that they are responsible for their own space, materials and permits and shall hold harmless the Township of West Amwell and its employees from any and all damages.

8. RULES OF OPERATION

A. The following items may be sold at the Market: All farm produce (fruits,

vegetables, flowers, bedding plants), baked goods, eggs, meats, cheeses (that meet NJ Dept. of Agriculture Minimum Food Safety Requirements for Product Sales), arts & crafts and any other local product deemed salable by the West Amwell Township Farmers Market Committee. Other than produce and craft items, any other item offered for sale must comply with all State, County and Municipal regulations. West Amwell Farmers Market affirms that all items offered for sale are products of local farms and residents.

All vendors shall comply with the NJ Dept. of Agriculture Minimum Food Safety Requirements dated Sept. 6, 2007, which shows special conditions, licensure requirements and comments that discuss labeling, ingredient, refrigeration, and temperatures etc.

It is expected that all farm produce and products will be of high quality, freshly prepared and kept at industry standards for public health and safety. Deviations from industry standards may result in exclusion from the West Amwell Township Farmers Market.

- B. Market hours shall be between the hours of 8:00A.M. and 1:00P.M. Saturday Mornings generally between May 1 and October 31, at the West Amwell Municipal Building, 150 Rocktown- Lambertville Rd., West Amwell Township.
- C. No one may enter the Market with produce to sell on other than the stated Market days. Such vendors will be asked to leave and may lose privilege to sell at the West Amwell Farmers Market.
- D. Resellers are not considered producers and are not welcome at the market.
- E. New vendors must contact the Market Manager before being able to sell at the market. When market spaces are limited, priority will go to those: 1) growing their own food 2) producing their own edible product, e.g. baked goods, honey, etc. 3) crafts.
- F. Craft Persons
A craft person is defined as a person creating a product such as wearing apparel, toys, jewelry, home decoration, furniture, dried flowers, pottery, candles, photography, or other fine arts. All products sold must be created by the person selling the product or a family member of that person.

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Craft Persons must have their products juried by the Farmers Market Committee in order to maintain the high standards of the market.

The number of artisans and crafters shall not exceed $\frac{1}{4}$ of the total number of all vendors. However, this number may be adjusted at the discretion of the West Amwell Township Farmers Market Committee.

The Market Manager has sole discretion to determine availability of market spaces to crafts people with an emphasis on variety.

9. VENDOR CONDUCT

Forestalling is prohibited. Forestalling is the act of intercepting a grower or other seller before he/she reaches the grower's market stall with an offer to buy all or part of his/her load.

No hawking, outcries or other methods of attracting the attention of customers are permitted.

Vendors and all others entering the municipal property must be respectful of other participants of the market. Radios and other noise-making devices shall not disturb vendors and customers or nearby residents. The West Amwell Township noise ordinance is in effect at the market.

All vendors must clean the area they occupy. Vendors must remove all waste, rubbish, or trash that they generate during the course of selling at the Market.

Vendors vehicles must be removed from selling area before the market opens for the safety of our patrons. Vendors must park personal vehicles in the customer parking areas unless they are selling out of the vehicle. All vendors' vehicles driven on the market must be operated in a safe and prudent manner. Selling may take place from a vehicle.

Obstructing market driveways, traffic lanes or stalls is prohibited.

Market vendors must comply with all identification and licensing as required by law.

All goods offered for sale by weight must be weighed with an appropriate scale in full view of the purchaser.

All products offered for sale must conform to the federal, state, and local health rules.

Products offered for sale must not be misbranded or misrepresented in any way.

The Farmers Market prohibits any on site food preparation.

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10. PROHIBITION OF VENDORS

The West Amwell Township Farmers Market Committee has the right to prohibit any vendor from selling at the Farmers Market. The Farmers Market Committee may limit the number of vendors who sell specialty non-food items.

11. VENDOR FEES

The West Amwell Farmers Market Committee shall charge each vendor a fee of \$10 per space per week or \$100 in advance for one space per week for the season

in order to help defray promotion and operating costs. Spaces shall be no more than 10' X 15'. All tables should be covered. Payment is due with the application. All checks must be made payable to "West Amwell Township."

12. PENALTIES

Any person who shall violate any provisions of this ordinance or who shall refuse to comply with a lawful order or direction of the Department or health authority, shall be liable for penalties as provided by N.J.S.A. 26:1A-10 or an injunctive action as provided by law, or both. The penalty is from \$50.00 to no more than \$1000.00 for each offense per day.

13. REPEALER

All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

14. 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 deemed valid and effective.

15. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its first publication in accordance with N.J.S.A. 26:3-69.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded. Roll Call: Nadelson-aye, Kropp-aye, Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be held at the March 26, 2009 regular meeting.

BOH Ordinance 2, 2009 – It was determined that fees need to be raised over those discussed earlier. The following ordinance was read by title and introduced on first reading:

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AN ORDINANCE TO AMEND CHAPTER 173 OF THE CODE OF THE
TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON

BE IT ORDAINED by the West Amwell Township Board of Health that the following sections of Chapter 173 be amended:

Section 1

Article I, Section 173-8. Fees is hereby amended to read: Fees and process:

A. no change

B. Fees for (1) through (6) are payable to the Hunterdon County Health Department and subject to county fee schedule revisions. West Amwell Township has a separate \$50.00 fee for both items (1) and (2).

C. All applications for new or altered systems should be sent to the West Amwell Board of Health.

D. Three copies of the original design should be accompanied by two checks as noted in A and C. The designs will be date stamped as received and mailed to the County (or hand carried by the applicant/agent)

E. Two copies of the approved design, with appropriate date, will be sent to the local Board of Health office by the County Health Department. One copy will be kept in Township files and one will be given to the applicant.

Section 2.

Article II, Section 173-13. Fees is hereby amended to read:

A. An inspection fee of \$350 per lot per day for the first lot and \$250 per lot per day for each additional lot shall be paid to the Township of West Amwell and forwarded to the Board of Health Secretary, together with the name and current mailing address of the applicant, the location, by tax lot and block number, of the proposed tests and the proposed date for such tests.

B. Any work performed outside of an approved septic site will be considered a separate septic site and an additional \$250 will be charged.

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Section 3.

Article II, Section 173-14 Cancellation or postponement of test is hereby amended to read:

Any cancellation or postponement of the days scheduled for testing shall result in the forfeiture of \$350 per day. No rescheduling shall occur until an additional \$350 per lot is paid.

Section 4

All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

Section 5

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 deemed valid and effective.

Section 6

This ordinance shall take effect thirty (30) days after its first publication in accordance with N.J.S.A. 26:3-69.

Molnar moved to introduce the Ordinance on first reading and Masterson seconded. Roll Call: Nadelson-aye, Kropp-aye, Molnar-aye, Masterson-aye, Corboy-aye. The public hearing will be held at the March 26, 2009 regular meeting.

Open to the Public

The upcoming fee for garbage drop off was discussed. The reason for this change and possibilities for the future were relayed.

Adjournment

There being no further business, the meeting was unanimously adjourned at 8:42 p.m. on motion by Molnar, seconded by Masterson.

Respectfully submitted,

Lora Olsen, Secretary