

WEST AMWELL TOWNSHIP COMMITTEE MEETING
March 16, 2022
Regular Meeting – 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 7:30 PM. Present were Mayor James Cally, Deputy Mayor Gary Hoyer, Committeemen John Dale and Lucas Lyons along with Township Clerk Maria Andrews and Township Attorney Katrina Campbell.

Mayor Cally 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 13, 2022, was posted on the bulletin board in the Municipal Building on that 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 Cally led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

Clerk Andrews noted Resolution #43-2022 regarding the restoration of the Energy Tax Receipts will be added under New Business.

ANNOUNCEMENTS

The following announcements were made:

- Kindly Turn Cell Phones Off During the Meeting
- The Township was approved for an Additional \$73,312.50 in USDA (*Hurricane Ida*) Funding

PRESENTATION OF MINUTES

A motion by Hoyer, seconded by Dale to approve the Committee's 3/2/22 Open and Closed Session minutes with no revisions noted was unanimously approved by voice vote.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Mayor Cally opened the floor to public comment. Dave Beaumont of 205 Rock Road West came forward and commented on the projected school tax rate and also noted several items on the website that need to be updated or corrected.

Cary Sappington of 136 Rocktown-Lambertville Road came forward and questioned why personal farm equipment cannot be used to access the Township mulch pile. Mayor Cally indicated that if the DPW staff believes anyone is acting in an unsafe manner with any type of equipment they will be asked to stop what they are doing and/or asked to leave the depot. It was noted that the DPW indicated that personal farm equipment is unregistered and uninsured which is a potential liability. Mayor Cally remarked the Township must be cognizant of this concern and stated the Committee wishes to allow continued use of personal farm equipment in the depot under the discretion of the DPW staff. He further clarified that the Committee is giving the DPW the discretion to oversee all activity at the depot and stated they should permit the continued use of personal farm equipment or limit such activity, if and when, necessary. Mr. Sappington suggested safety procedures/protocols for the depot be posted.

Seeing no other members of the public come forward, Mayor Cally closed the floor to public comment.

Reports by Department Heads

Construction Office Manager Gail Brewi reviewed the Construction and Zoning Department Annual Reports.

OEM Director Harry Heller noted a recent meeting with FEMA to discuss the Rocktown-Lambertville Road repair project. He explained there needs to be coordination with the City of Lambertville because the work encompasses both municipalities. Kyle Osgood of 139 Rocktown-Lambertville Road asked if the project will include cleaning up the tires that are in the woods. Mayor Cally commented that he will have the Township DPW look into the matter.

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INTRODUCTION/PUBLIC HEARING ON ORDINANCES

It was noted for the record that no ordinances were listed on the agenda for action.

STANDING COMMITTEE REPORTS

- A. Open Space: No report was given.
- B. Environmental: No report was given.
- C. Ag Advisory: No report was given.
- D. Finance Committee: No report given.

UNFINISHED BUSINESS

It was noted for the record that there were no unfinished business matters listed on the agenda.

NEW BUSINESS/OTHER

Resolution #41-2022: Authorizing CY2022 Budget Transfers

RESOLUTION AUTHORIZING CY2022 RESERVE BUDGET TRANSFERS
Resolution 41-2022

WHEREAS, there are certain CY2022 Reserve Budget Appropriations of the Township of West Amwell with balances insufficient to meet requirements for operating Township Affairs; and

WHEREAS, there are CY2022 Reserve Budget Appropriations with unexpected balances that are not needed for such purposes; and

WHEREAS, Statutes 40A:4-59 provides for Transfers to those reserve accounts having insufficient balances during the first three months of the fiscal budget year; and

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

To		From	
General Admin O/E	2,700.00	Municipal Clerk O/E	4,500.00
Engineering O/E	100.00	Revenue Administration O/E	4,000.00
Code Enforcement O/E	900.00	Land Use Administration O/E	600.00
Streets & Roads O/E	1,500.00		
Electricity	2,500.00		
Street Lighting	100.00		
Gasoline	700.00		
Recycling Surcharge	600.00		
Total:			
	9,100.00		9,100.00

Certification

I hereby certify the foregoing is a true copy of a Resolution adopted by the West Amwell Township Committee at their regular meeting held on March 16, 2022.

Maria Andrews, Township Clerk, RMC

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A motion by Dale, seconded by Hoyer to approve Resolution #41-2022 was unanimously approved by roll call vote.

Dale: Yes, Hoyer: Yes, Lyons: Yes, Cally: Yes

Acknowledgment: South Hunterdon Track & Field & Cross Country Booster Club 5K Run – 6/12/22

It was noted for the record that the Committee took no issue with the event.

Authorization for Mayor Cally to Sign the Consent Form for the TWA Application – B:27 L:2

It was noted for the record that the Committee authorized Mayor Cally to sign the consent form.

Discussion: An Ordinance Authorizing Electric Vehicle Supply/Service Equipment & Parking

Attorney Campbell explained the Committee can send a draft ordinance to the Planning Board for their review and recommendations. She highlighted the State's requirements now include that housing developments will need to incorporate EVO charging stations.

There was some additional discussion on potential grant funding with no definitive direction from the Committee regarding pursuing the ordinance.

Discussion: Proposal from NJ Grow Free, LLC

Present for the discussion was property owner Michael Rassweiler and his business partner Andrew Scott Morgan. Mr. Rassweiler explained he is seeking support for a *cannabis cultivation center* on his Rock Road East property which he noted the ordinance defines as "a building, structure or premises used for the cultivation of cannabis." He also remarked that cannabis as defined in the ordinance does not include Hemp and does not limit the number of cannabis cultivation centers.

Mr. Rassweiler commented that even though the ordinance has removed residential zones from cannabis cultivation, it should not preclude the freedom of a resident from applying for a variance to grow cannabis. The Committee noted that micro-grow businesses are permitted in residential zones.

With regard to Farmland Assessed properties, Mr. Rassweiler noted that the NJ Cannabis Law states that "No farmland assessed properties shall be licensed to cultivate cannabis" but he believes there is no reason why an existing farm might not give up its farmland assessment on a designated area thereby protecting the continued land use as agriculture but yielding the Township a higher property tax. Attorney Campbell commented that the State will not allow an "exception" area for growing cannabis on a property and she clarified that if Mr. Rassweiler pursued growing cannabis he would likely lose his farmland assessment.

Mr. Rassweiler also expressed that the ordinance states cannabis is not hemp but he said, "The outdoor cultivation of hemp, which in all but the concentration of THC, is the same plant as cannabis." Mr. Rassweiler commented that if the Township recognizes outdoor hemp production is permitted, then he believes the Township should acknowledge the outdoor production of cannabis as conditionally permitted.

The Committee did not support Mr. Rassweiler's proposal because they do not want outdoor growing anywhere in the Township and suggested that Mr. Rassweiler could pursue a micro-grow under the ordinance if he wished to do so. Attorney Campbell noted that while a micro-grow is allowed in Mr. Rassweiler's zone, it would still need to be inside a building because no outgrow growing is allowed anywhere in the municipal boundaries. She also commented that cannabis does not have Right-to-Farm protection and she remarked security of any site will be an important issue.

Discussion: Possible Job Posting for an Office Assistant in the Clerk's Office

The Committee expressed support for possibly hiring a part-time office assistant for approximately 20 hours a week but no official job posting was authorized at this time.

Resolution #43-2022: Urging the Swift Passage of S-330 which restores Energy Tax Receipts

Resolution 43-2022

Urging the Swift Passage of S-330 which restores Energy Tax Receipts

Minutes: 3/16/22

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

WHEREAS, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

WHEREAS, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of West Amwell Township in the county of Hunterdon urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

Certification

I hereby certify the foregoing is a true copy of a Resolution adopted by the West Amwell Township Committee at their regular meeting held on March 16, 2022.

Maria Andrews, Township Clerk, RMC

A motion by Hoyer, seconded by Dale to approve Resolution #43-2022 was unanimously approved by roll call vote.

Dale: Yes, Hoyer: Yes, Lyons: Yes, Cally: Yes

OPEN TO THE PUBLIC

Mayor Cally opened the floor to public comment. Dave Beaumont of 205 Rock Road West came forward again and expressed how "blessed" the Township is to have Gail Brewi and Harry Heller working for them. He also commented that for the past 3 months he has felt like an outcast and asked when the Committee would consider putting him back on the Boards/Committees and website groups. Mayor Cally indicated that while the school referendum matter is still pending in the Courts, the Committee wished to leave everything status quo because they believed the situation caused a conflict. Mayor Cally remarked Mr. Beaumont's views are at odds with the way the Township voters voted and he indicated they can review Mr. Beaumont's appointments to the various Boards/Committees in the future. Mr. Beaumont commented that he believes the Committee is making a decision based on bad information.

Kyle Osgood of 139 Rocktown-Lambertville Road thanked Gail Brewi for her work in the Construction Office and also commented that the new Zoning Officer is "awesome." He then asked if there is any update on the municipal solar project. Mayor Cally noted that Nexamp had put everything on hold during the COVID pandemic shutdown but stated he will follow up with them on the status of the project.

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Mr. Osgood then asked about equalized valuation with regard to the school taxes and Mr. Beaumont of 205 Rock Road West asked if anyone is checking on Tax Assessor David Gill to ensure the valuations are being done correctly. Lastly, Mr. Osgood stated Mr. Gill has not responded to his requests to get his address corrected.

ADMINISTRATIVE

A motion by Dale, seconded by Cally to approve the 3/16/22 bill list was unanimously approved by roll call vote.

Dale: Yes, Hoyer: Yes, Lyons: Yes, Cally: Yes

OTHER

Resolution #42-2022: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

Resolution #42-2022

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.

This resolution shall take effect immediately.

Maria Andrews, Township Clerk, RMC

A motion by Hoyer, seconded by Dale to approve Resolution #42-2022 and enter into Closed Session was unanimously approved by voice vote.

A motion by Hoyer, seconded by Dale to return to Open Session was unanimously approved by voice vote.

It was noted for the record that the Committee was in Closed Session from 9:26 PM – 10:04 PM.

CORRESPONDENCE

It was noted for the record that the Committee ordered the correspondence listed on the agenda to be filed.

ADJOURNMENT

A motion by Dale, seconded by Lyons to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 10:05 PM.

Maria Andrews, Township Clerk, RMC

Approved: 4/6/22