

WEST AMWELL TOWNSHIP COMMITTEE MEETING
October 18, 2023, 2023
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 Gary Hoyer, Deputy Mayor Stephen Bergenfeld, Committee Members James Cally, John Dale and Meghan Hudson along with Township Clerk Maria Andrews and Township Attorney William Pandos.

Mayor Hoyer 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 11, 2023, 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 Hoyer led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

Clerk Andrews noted there were no changes to the posted agenda.

ANNOUNCEMENTS

The following announcements were made:

- Election Day is Tuesday 11/7/23: Polls are Open from 6 AM – 8 PM
- Municipal Offices will be CLOSED Friday 11/10/23 – Veterans Day
- There is only ONE Township Committee Meeting in November: 11/15/23
- Kindly Turn Cell Phones Off During the Meeting

PRESENTATION OF MINUTES

A motion by Bergenfeld, seconded by Cally to approve the Committee's 10/4/23 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 Hoyer opened the floor to public comment. It was noted for the record that no one from the public wished to make any comments.

A motion was made by Bergenfeld and seconded by Dale to close the floor to public comment. The motion was unanimously approved by voice vote.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

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

RESOLUTIONS

Resolution #91-2023: Authorizing Execution of Developer's Agreement with GMNJ

TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY
RESOLUTION #91-2023
RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH
GMNJ PROPERTIES LLC AND GREEN MEDICINE NJ, LLC

WHEREAS, GMNJ Properties, LLC ("GMNJ") is the owner of certain property that is known and designated as Block 16, Lot 17.02 on the Tax Map of the Township of West Amwell, Hunterdon County, State of New Jersey, more commonly known as 638 Brunswick Pike, West Amwell Township, New Jersey (the "Property"); and

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WHEREAS, Green Medicine NJ, LLC ("Green Medicine") was awarded a Cultivation Permit Endorsement to Operate an Alternative Treatment Center by the New Jersey Cannabis Regulatory Commission ("CRC") on or about October 15, 2021 and will be the operator of the proposed cannabis cultivation facility; and

WHEREAS, GMNJ and Green Medicine are collectively referred to as the "Developer" herein; and

WHEREAS, the Township of West Amwell Planning Board (hereinafter the "Board"), granted Developer Preliminary and Final Major Site Plan approval to allow the redevelopment of the Property for use as a cannabis cultivation center (the "Project") as set forth in the Resolution of the Board adopted on July 14, 2022 (the "Resolution"); and

WHEREAS, Developer desires to comply with the terms and conditions of the approvals and proceed with the proposed development and install all improvements in accordance with the Resolution and approved plans; and

WHEREAS, the Developer and Township of West Amwell desire to enter into an agreement setting forth the rights, duties and obligations of the parties in connection with the approval as reflected in the Resolution and approved Plans; and

WHEREAS, the Mayor and Committee of the Township of West Amwell have reviewed the proposed Developer's Agreement, which is attached hereto, and find that it is in the best interests of the Township to enter into such agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee hereby authorizes the execution by the Mayor and Clerk of the Developer's Agreement by and between the Township of West Amwell and Green Medicine NJ, LLC and GMNJ Properties, LLC in substantially the same form as attached hereto.

CERTIFICATION

I, Maria Andrews, Municipal Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Governing Body on this 18th day of October, 2023.

Maria Andrews, Township Clerk, RMC

Mayor Hoyer noted that Planning Board Attorney Tara St. Angelo and the applicant's Attorney Dino Spadacini drafted the agreement. He explained the Committee is not executing the agreement this evening, but rather approving it in terms of substance because Engineer Burr is still working on updating his compliance memo.

Committeewoman Hudson asked if the Committee will have the opportunity to review the document again prior to it being signed or if a resolution will be done acknowledging that all of the referenced documentation has actually been received. Mayor Hoyer commented that the Township's professionals and agents will be reviewing everything and stated the document will not come back to the Committee.

A motion was made by Cally and seconded by Dale to approve Resolution #91-2023. The resolution was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Dale: Yes, Hudson: Yes, Hoyer: Yes

NEW BUSINESS/OTHER

It was noted for the record that there were no new business items listed on the agenda for discussion.

UNFINISHED BUSINESS

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

ADMINISTRATIVE

A motion by Hudson, seconded by Cally to approve the 10/11/23 and 10/17/23 bill lists was unanimously approved by roll call vote.

Bergenfeld: Yes, Cally: Yes, Dale: Yes, Hudson: Yes, Hoyer: Yes

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REPORTS BY DEPARTMENT HEADS

It was noted for the record that no department heads were present at the meeting and therefore no reports were given.

STANDING COMMITTEE REPORTS

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

OPEN TO THE PUBLIC

Mayor Hoyer opened the floor to public comment. Dave Beaumont of 205 Rock Road West came forward and referenced the Developer's Agreement asking if the "no left turn" out of the driveway sign should be installed now. Mayor Hoyer stated the signage will need to be in place prior to the issuance of the C.O. (certificate of occupancy). Mr. Beaumont inquired about enforcement of the signage and the possible need for an ordinance. Mayor Hoyer remarked there may be a need in the future, but not now.

Lastly, Mr. Beaumont asked about the well test results for the testing performed as a condition of approval for the GMNJ site. Mayor Hoyer noted the Township is waiting for the Hydrologist and Engineers to interpret the results.

Seeing no other members of the public come forward, a motion was made by Bergenfeld and seconded by Dale to close the floor to public comment. The motion was unanimously approved by voice vote.

OTHER

Resolution #92-2023: Closed Session – Contracts/Possible Litigation: Prescriptive Easement for DPW and Land Acquisition/Personnel and Matters Falling Under Attorney Client Privilege

A motion was made by Bergenfeld and seconded by Cally to approve Resolution #92-2023 and enter into closed session. The motion was unanimously approved by voice vote.

Resolution #92-2023

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 the expected 30 minute discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Prescriptive Easements for DPW and land acquisition/personnel and matters falling under attorney client privilege. Action may be taken.
3. As nearly as can be ascertained, the matter or matters to be discussed during this closed session will be disclosed to the public when such matters are resolved.
4. This resolution shall take effect immediately.

Maria Andrews, Township Clerk, RMC

It was noted for the record that the Committee was in closed session from 7:54 PM – 8:32 PM.

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Upon returning to open session, the Committee noted the \$10,000.00 deductible that the Township must pay for what they believe to be a frivolous lawsuit.

ADJOURNMENT

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

The meeting adjourned at 8:32 PM.

Maria Andrews, Township Clerk, RMC

Approved: 11/15/23