

WEST AMWELL TOWNSHIP COMMITTEE MEETING
November 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 Stephen Bergenfeld, John Dale and Lucas Lyons along with Township Clerk Maria Andrews and Township Attorney William Pandos.

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 there were no changes to the posted agenda.

ANNOUNCEMENTS

The following announcements were made:

- Kindly Turn Cell Phones Off During the Meeting
- Tax Sale Date is 11/22/22 at 10:00 AM
- Municipal Offices will be CLOSED Thurs. 11/24/22 & Fri. 11/25/22: Thanksgiving Holiday

PRESENTATION OF MINUTES

A motion by Bergenfeld, seconded by Dale to approve the Committee's 11/2/22 open and closed session meeting 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.

Meghan Hudson of 328 Rocktown-Lambertville Road asked for clarification on the MM&J Developer's Agreement that was approved at the last meeting. Clerk Andrews explained that as part of the approval granted by the Planning Board for the Dollar General application, the applicant was required to establish a "Developer's Agreement" which ensures that everything the applicant agreed to do will be carried out according to the testimony provided at the hearing.

Kiyle Osgood of 139 Rocktown-Lambertville Road asked if the Committee would consider approving a resolution opposing the new, stricter concealed carry regulations. Committeeman Bergenfeld supported the request and Attorney Pandos commented that he would draft a resolution.

Seeing no other members of the public who wished to speak, Mayor Cally closed the floor to public comment.

RESOLUTIONS

Resolution #98-2022: Awarding Mt. Airy Village Road Improvement Project BID

Explanation: This resolution awards a contract pursuant to public bidding law to Richard T. Barrett Paving, Inc. for the Mt. Airy Village Road Improvement Project

**WEST AMWELL TOWNSHIP
RESOLUTION #98-2022**

WHEREAS, West Amwell Township did advertise for the Mt. Airy Village Road Improvement Project; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., and upon recommendation of William H. Burr, IV, P.E., Township Engineer, Richard T. Barrett Paving, Inc. has been determined to be the lowest responsible bidder; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the West Amwell Township, County of Hunterdon, State of New Jersey that a contract is hereby awarded to Richard T. Barrett Paving, Inc. in the amount of \$259,484.00 for the Mt. Airy Village Road Improvement Paving, Inc. to be completed on or before January 31, 2023 and that the Mayor and the Clerk of the West Amwell Township hereby authorized, respectively, to execute and attest to an agreement with Richard T. Barrett Paving, Inc., of 400 Prospect Street, Trenton, NJ 08618 pursuant to bid specifications, and in a form approved by the Township Attorney; and

BE IT FURTHER RESOLVED, that the Township Clerk publish a notice of this action in the official newspaper of the Township within 10 days from the adoption of this Resolution; and

BE IT FURTHER RESOLVED that the account to be charged is C-04-55-900-2-9884 for the amount of \$259,484.00 and that the Chief Financial Officer has issued a Certificate of Available Funds (COAF) which is incorporated into this resolution.

WEST AMWELL TOWNSHIP

James Cally, Mayor

Adopted: November 16, 2022

I hereby certify that this is a true and correct copy.

Maria Andrews, Township Clerk, RMC

CERTIFICATION BY CFO

I, Joanna Mustafa, CFO of West Amwell Township, hereby certify that funds to cover this award are available in the General Capital Fund.

Joanna Mustafa, CFO

A motion by Lyons, seconded by Bergenfeld to approve Resolution #98-2022 was approved by roll call vote.

Bergenfeld: Yes, Dale: Yes, Hoyer: yes, Lyons: Yes, Cally: Yes

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Introduction: Ordinance 08, 2022 – AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND CHAPTER 109, “LAND DEVELOPMENT,” PART 10 “CANNABIS” ARTICLE XLIII “CANNABIS RELATED BUSINESSES” TO REVISE LIMITATION REGULATIONS

Mayor Cally read Ordinance 08, 2022 by title.

**WEST AMWELL TOWNSHIP
ORDINANCE 08, 2022**

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND CHAPTER 109, “LAND DEVELOPMENT,” PART 10 “CANNABIS” ARTICLE XLIII “CANNABIS RELATED BUSINESSES” TO REVISE LIMITATION REGULATIONS

WHEREAS, the Township Committee adopted Ordinance 06, 2021 to create an ordinance to regulate Cannabis related businesses; and

WHEREAS, the Township Committee wishes to make revisions to Ordinance 06-2021 in order to further protect the health, safety, and general welfare of Township residents, as well as to preserve the character of the community; and

NOW, THEREFORE, BE IT ORDAINED, by the Committee of the Township of West Amwell, County of Hunterdon, that the Code of the Township of West Amwell be amended as follows:

Section 1. The following revisions are made to §109-264(B)(2):

(2) The number of Cannabis Businesses located within the Township shall be limited as follows: ~~Cannabis Dispensary~~; No more than two (2) Cannabis Cultivation Centers; two (2) Microbusiness Cannabis Cultivators; and two (2) Cannabis Dispensaries shall be located within the Township.
There shall be no limit on the number of Cannabis Manufacturing Facilities, or ~~Cannabis Wholesalers or Cannabis Cultivation Centers.~~
There shall be no limit on the number of Medical Cannabis Dispensaries, Alternative Treatment Centers, or Vertically Integrated Medical Cannabis Facilities.

Section 2. The following revisions are made to §109-264(C)(1)(b)(i):
Adherence to the site design standards of the Township Land Development Ordinances and Redevelopment Plans through a review by the Zoning Official, and the Township Planning Board when applicable, ~~is required.~~

Section 3. The following revisions are made to §109-264(C)(1)(b)(ii):
Issuance of zoning permit and site plan approval ~~is required.~~

Section 4. The following revisions are made to §109-264(C)(2)(a)(i):
(~~1~~) Any of the zones in which Cannabis Dispensaries are permitted

Section 5. The following revisions are made to §109-264(C)(2)(a)(ii):
(~~2~~) Village Center Redevelopment Area

Section 6. The following revisions are made to §109-264(C)(3)(b)(i):
(i) Adherence to the site design standards of the Township Land Development Ordinance through a review by the Zoning Official, and the Township Planning Board when applicable, ~~is required.~~ The look and design of such facility shall be in keeping with the agricultural nature of the region.

Section 7. The following revisions are made to §109-264(C)(3)(b)(iv):
(iv) Issuance of zoning permit and site plan approval ~~is required.~~

Section 8. The following revisions are made to §109-264(C)(3)(b)(vi):
(vi) if vertically integrated with a cultivation center, then all other criteria for Cannabis Cultivation Centers in (4) below shall also apply.

Section 9. The following revisions are made to §109-264(C)(4)(b):
Cannabis Cultivation Centers shall be permitted subject to the following criteria:
(i) Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, ~~is required.~~ The look and design of such facility shall be in keeping with the agricultural nature of the region.

(ii) In compliance with Section 37(b) of the NJ CREAMMA, cultivation centers are not permitted on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland 6 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

(iv) Cultivation centers shall not be located immediately adjacent to school property used for school purposes which is owned by or leased to any elementary or secondary school or school board}.

(v) The Applicant shall provide a water conservation plan, describing the water-conserving features of proposed cannabis operation. These features may include, but are not limited to the following: 1)

evaporative barriers on exposed soils and pots; 2) rainwater capture and reuse; 3) recirculated irrigation water (zero waste); 4) timed drip irrigation; 5) soil moisture monitors; and 6) the use of recycled water.

(vi) The Applicant shall provide a stormwater management plan that satisfies all New Jersey Department of Environmental Protection and Township stormwater control standards.

(vii) The Applicant shall provide a traffic projection and management plan.

(viii) Landscape screening must be installed to prevent public view of structures from all roadways and adjoining parcels.

(ix) Cultivation centers must design the growing facilities within greenhouses to maximize solar energy use and to minimize the use of other energy sources, and the licensee shall be required to maintain the design of the buildings onsite in accordance with the plans approved by the Township Planning Board.

~~(x)~~ Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection G below.

~~(xi)~~ No signage other than directional or discrete building identification found in shall be permitted. Signage shall remain innocuous, and part of the general directional signage typically found in industrial manufacturing facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet.

~~(xii)~~ Unusual odors, smells, fragrances, or other olfactory stimulants shall be prohibited. Odor control is required and shall prevent all odors generated from the cultivation and storage of cannabis from escaping from the buildings on the site, such that the odor cannot be detected by a reasonable person of normal sensitivity within 25 feet of the buildings. The air treatment system shall have sufficient odor absorbing filtration systems utilizing carbon filters, or similar filtration media, and ventilation and exhaust systems to eliminate cannabis odors emanating from the interior of the premises, such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity within 25 feet of the buildings. Odor mitigation filtration systems must be installed and maintained in perfect working order.

~~(xiii)~~ All interior and outdoor lighting shall be shielded through the use of best available technology to prevent light trespass into the night sky and glare onto adjoining parcels or rights-of-way. Light pollution, glare or brightness resulting from glow lamps must be 0.5 candlepower or less at the property line.

~~(xiv)~~ Noise beyond the decibel level permitted by Township noise ordinances State statutes shall be prohibited. Any generator used in cultivation shall be housed in a noise minimizing enclosure set back at least 75 feet from the property line and shall conform with all applicable State noise statutes.

~~(xv)~~ The cultivation of cannabis must be conducted indoors and shall not be permitted on exterior portions of a lot, unless under Special Permit for the Cultivation of Hemp that is in conformance with Federal Agriculture Improvement Act of 2018 (2018 Farm Bill). The cultivation of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use.

Section 10. The following revisions are made to §109-264(C)(5)(b)(i):
Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, ~~is required~~. The look and design of such facility shall be in keeping with the agricultural nature of the region.

Section 11. The following revisions are made to §109-264(C)(5)(b)(viii):
(viii) light pollution, glare or brightness resulting from glow lamps must be 0.5 candlepower or less at the property line.

Section 12. The following revisions are made to §109-264(C)(5)(b)(ix):
(ix) noise beyond the decibel level permitted by ~~Township noise ordinances~~ State noise statutes shall be prohibited.

Section 13. The following revisions are made to §109-264(C)(6)(a)(i):
Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, ~~is required~~.

Section 14. The following revisions are made to §109-264(C)(8):
(8) Microbusinesses. Microbusinesses are permitted as conditional uses within any area where Cannabis Businesses are permitted within the Township according to their use category (i.e., Dispensary, Cultivation, or Manufacturing), and subject to the same criteria to manage noise, odor, effluent, water usage, et cetera, as their relevant use category.

Section 15. All other Sections and subsections not specifically revised or renumbered in this Ordinance shall remain unchanged.

Section 16. Severability. Should any section, clause, sentence, phrase, or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 17. Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 18. Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

ATTEST:

By Order of the Township Committee

Maria Andrews, Township Clerk, RMC

James Cally, Mayor

A motion by Hoyer, seconded by Lyons to introduce Ordinance 08, 2022 upon first reading was unanimously approved by roll call vote.

Bergenfeld: Yes, Dale: Yes, Hoyer: yes, Lyons: Yes, Cally: Yes

It was noted for the record that the public hearing on Ordinance 08, 2022 was set for 12/7/22.

UNFINISHED BUSINESS

Best Practices Inventory 2022 – Submitted

It was noted for the record that the Township Committee acknowledged receipt of the 2022 Best Practices Inventory.

New Law Requiring the Monitoring of Lead Based Paint in Rental Dwellings

Attorney Pandos stated that until the Township has certified inspectors for this, the landlord or property owner must hire a lead evaluation contractor who is certified to provide a lead based paint inspection.

NEW BUSINESS/OTHER

Authorization: Stymiest Road Repairs

OEM Director Heller explained that he has been working with DPW Director Rollero on the repairs needed for Stymiest Road. He commented that the Committee must decide whether to do the repairs “in-house” or go out to BID on the project. He remarked that FEMA has committed to providing \$66,000 toward the work and stated Director Rollero would like the repairs to be a contracted job.

It was noted for the record that the Committee agreed the job should go out to BID. Mayor Cally commented that he would like to sit down with Mayor Nowick in Lambertville and a representative from Veola Water to discuss the necessary repairs.

SPECIAL PRESENTATION(S)

Reports by Department Heads

OEM Director Heller commented that he attended the County OEM meeting. He stated that JCP&L indicated the October outage was caused by a contractor and last night’s outage was due to a tree falling on wires. Director Heller expressed an overall frustration with the lack of communication from JCP&L during outages.

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Attorney Pandos noted he is researching the law regarding the required response time during an outage and JCP&L's legal obligation to "initiate a response" within 2 hours of a reported outage, noting that they don't have to actually be on the scene within 2 hours.

Lastly, Director Heller advised the Committee that there will be a "dam" (*water*) drill at the Justice Center in Lambertville on 12/8/22 from 12 PM – 4 PM.

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.

OPEN TO THE PUBLIC

A motion by Dale, seconded by Bergenfeld to open the floor to public comment was unanimously approved by voice vote.

Kiyle Osgood of 139 Rocktown-Lambertville Road asked about increasing the shared service rates. Committeeman Bergenfeld explained West Amwell keeps all of the fees associated with permits pulled in East Amwell and noted that they also pay an annual administration fee of \$5000.

Holly Abitz of 201 Rock Road West wanted to ask questions about Ordinance 08, 2022. Mayor Cally noted the time to ask questions will be during the public hearing on the ordinance at the 12/7/22 meeting next month.

Dave Beaumont of 205 Rock Road West expressed concerns over the recent power outages and suggested a flyer be sent out alerting residents to be vigilant and responsible in removing dead ash trees and all others posing safety risks. He noted educating the public on what is their responsibility vs. what is out of the right-of-ways is key.

Mr. Beaumont also asked about the status of the equalized valuation appeal. Attorney Pandos noted the appeal was filed in tax court yesterday.

Mr. Beaumont then asked about the status of the SHRSB request to investigate the feasibility of withdrawing from the regionalized district. Attorney Pandos noted there will be a closed session discussion this evening regarding the appraisals of the school buildings.

Emily Deadwyler of 107 Snyderstown Road asked for confirmation that there is no ability to make rules stricter than the State Law when it comes to noise and odor in the Township. Attorney Pandos remarked that he believes the municipality cannot be stricter than the State regulations. Mayor Cally stated that all comments and concerns regarding the cannabis ordinance need to be brought up at the 12/7/22 meeting. He also clarified that it is not the purview of the Township Committee to put conditions on businesses within the municipality, but rather a function of the Planning Board when application are before them.

Ms. Deadwyler mentioned there is an oversight in Ordinance 08, 2022 because it only deals with cultivation and doesn't include manufacturing which could produce more odor than cultivation.

Mr. Beaumont of 205 Rock Road West commented on the noise ordinance and remarked he can hear people shooting in the middle of the night.

ADMINISTRATIVE

A motion by Bergenfeld, seconded by Hoyer to approve the 11/9/22 bill list was unanimously approved by roll call vote.

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

OTHER

Resolution #99-2022: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

Resolution #99-2022

Minutes: 11/16/22

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 Cally, seconded by Bergenfeld to approve Resolution #99-2022 and enter into Closed Session was unanimously approved by voice vote.

A motion by Lyons, seconded by Cally 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 8:19 PM – 9:26 PM.

CORRESPONDENCE

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

ADJOURNMENT

Mayor Cally adjourned the meeting at 9:27 PM.

Maria Andrews, Township Clerk, RMC

Approved: 12/7/22